

Council on Children & Families

A Research Brief on Child Well-being

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Kinship Children in New York State

At times, circumstances occur when children are not able to stay in their homes with their parents (e.g., abuse and neglect, parent's substance abuse, mental illness, incarceration,) and during these difficult times relatives often step in to provide care—kinship care—for these children. Kinship care is an extremely valuable alternative to traditional foster care in that it offers children strong familial bonds that provide children a sense of positive identity, belonging and security knowing they are cared for by family members and other adults who love them and whom they love and trust. In New York, about three percent of all children 18 years and younger are in kinship care—living with relatives and their parents are not present in the household.

The [benefits of kinship care](#) compared to traditional foster care with a non-relative are evident, as indicated by studies that find kinship children:

- are better able to adjust to their new environment and are less likely to experience psychiatric disorders than those in the general foster care population (1),
- are less likely to experience behavioral problems, a common risk factor for abused and neglected children (2) and
- experience fewer school disruptions than children in non-kin foster care (3).

While beneficial for children, kin care can pose considerable [financial, legal and emotional challenges](#) for the caregivers. Through information from Kinship program¹ reports along with participant comments from individuals attending the 2011 Kinship Care Summit (4), the following challenges have been identified:

- Many financial supports are available to kin caregivers yet it is difficult accessing the supportive services necessary to provide for the needs of children.
- A lack of funding is available for providing *ongoing* legal representation for kinship caregivers. Due to the length and complications of the kinship family issues and the family court process, it is not often feasible for a kinship caregiver to continue to retain a lawyer. The kinship program may provide funds for an initial legal consultation with a local lawyer who specializes in kinship care; however, this is not enough.

¹ NYS Kinship Caregiver Program was created in 2006 to form a statewide network of community-based supportive programs that promote household stability and permanency through services for kinship caregivers and their children.

- A large number of kinship children have serious mental health, behavior and educational difficulties as a result of being raised by incapacitated parents.
- Kinship providers often struggle with the challenges of family dynamics and role re-alignment that accompanies kinship care placement.
- Kinship caregivers sometimes agree to care for children without understanding that the placement may become a long-term arrangement.
- An increasing number of relative caregivers have serious health issues; e.g. diabetes, hypertension, heart disease, etc. and need respite services for the children. Also, older relative caregivers express concern regarding what would happen to the children in their care if the caregiver became incapacitated or passed away.

3% of all children in the state live with extended family members or close family friends. (5)



When relative caregivers assume responsibility for children, the caregivers have a range of options to consider, each having unique financial or legal implications. For example, the kinship care option selected can influence the degree of autonomy caregivers and children have from the child welfare and Family Court systems as well as the financial amount caregivers receive to help support children in their care. These decisions can contribute to or ameliorate some of the challenges previously noted. Table 1 depicts different forms of kinship care and highlights key differences with each option. A more detailed description of options is documented for kinship caregivers in *Having a Voice and a Choice: New York State Handbook for Relatives Raising Children*, available at: www.ocfs.state.ny.us/main/publications/Pub5080.pdf and *Know Your Permanency Options: The Kinship Guardianship Assistance Program (KinGAP)*, available at: www.ocfs.state.ny.us/main/publications/pub5108.pdf



25% of all children in state-supervised foster care² are in kinship care (6)

² The local social service district (LSSD) has custody of children in foster care.

Table 1. Types of Kinship Care

Type of care	Relative agrees to an informal arrangement with parent	Relative agrees to an informal arrangement with CPS (Diversion)	Relative gains temporary custody (Direct Placement)	Relative gains legal custody or guardianship	Relative becomes an approved foster care parent	Relative who has been approved as a foster care parent assumes legal guardianship (KinGAP) ³
"Entry" to kinship care	Relative caregiver make arrangements with the parent to care for children in the parent's absence	During an investigation by Child Protective Services (CPS), CPS staff makes arrangements with relative to assume care for child; done as alternative to formal foster care (a.k.a diversion).	Family Court removes the child from the home due to abuse or neglect (Article 10 FCA) and places the child in the direct custody of a relative.	Relative files a petition to the court for custody or guardianship and Family Court awards custody or guardianship (Article 6 FCA) to the relative caregiver.	Family Court removes the child from the home (Article 10 FCA) and places the child in the care and custody of local department of social services (LDSS) commissioner who places the child in with an approve relative.	Relative acts in the capacity as an approved foster care parent for at least 6 months then assumes legal guardianship of children under their care as foster children.
in LDSS custody	No	No	No	No	Yes	No
Child Welfare	No child welfare supervision	No child welfare supervision; generally child welfare Child Protective Services conducts an investigation.	Child welfare supervision is required ⁴	No child welfare supervision ⁵	Child welfare supervision is required	No child welfare supervision ⁶
Family Court	No court intervention	No court intervention	Family Court reviews at permanency hearings	No ongoing Family Court involvement required	Family Court reviews at permanency hearings	Family Court approves the letters of guardianship; No other court intervention

³ Parental rights may or may not be terminated when relative caregivers assume permanent legal guardianship in KinGAP. Subsidized guardianship, as provided in KinGAP, is a cost effective alternative to children remaining in long-term foster care.

⁴ If parental rights are terminated, by parent or Family Court, the relative may file a petition to adopt the child but will not be eligible for adoption subsidy. The relative may file a petition in court to become the child's permanent guardian, but no subsidy is available for this option either.

⁵ The child is not part of the child welfare system, not in foster care, so the relative caregiver is not eligible for kinship foster care payments. If the child later becomes free for adoptions, the relative will not be eligible for adoption subsidy payments.

⁶ The child welfare system no longer has legal custody of the child and no longer supervises the child and family.

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Relatives' access Kinship services	Yes	Yes	Yes	Yes	Yes	Yes
Types of benefits available for child or caregiver	<p>Relative caregivers may apply for a nonparent caregiver grant that provides benefits to the child and/or caregiver household.</p> <p>Benefits will include Medicaid for the child. May also include food stamps, Women, Infants & Children (WIC) nutrition assistance, heating assistance (HEAP), reduced or free lunch at school, child care costs, earned income tax credits.</p>	<p>Relative caregivers may apply for a nonparent caregiver grant that provides benefits to the child and/or caregiver household.</p> <p>Benefits will include Medicaid for the child. May also include food stamps, Women, Infants & Children (WIC) nutrition assistance, heating assistance (HEAP), reduced or free lunch at school, child care costs, earned income tax credits.</p>	<p>Relative caregivers may apply for a nonparent caregiver grant that provides benefits to the child and/or caregiver household.</p> <p>Benefits will include Medicaid for the child. May also include food stamps, Women, Infants & Children (WIC) nutrition assistance, heating assistance (HEAP), reduced or free lunch at school, child care costs, earned income tax credits.</p>	<p>Relative caregivers may apply for a nonparent caregiver grant that provides benefits to the child and/or caregiver household.</p> <p>Benefits will include Medicaid for the child. May also include food stamps, Women, Infants & Children (WIC) nutrition assistance, heating assistance (HEAP), reduced or free lunch at school, child care costs, earned income tax credits.</p>	<p>Relative caregivers receive foster care payments as well as a clothing allowance for the child. Caregivers may also receive other special payments (e.g., diaper allowance, school-related expenses).</p> <p>Other benefits include Medicaid or Child Health Plus for the child.</p> <p>Children in foster care, who meet program age requirements, are categorically eligible for Early Head Start and Head Start, regardless of their foster family's income.</p>	<p>Relative caregivers receive payments comparable to the children's foster care board rate or no less than what the caregiver would receive if they adopted the child.</p> <p>Other benefits include Medicaid or Child Health Plus for the child.</p>

Through the Kinship Guardianship Assistance Program (KinGAP), relative caregivers are able to secure the same level of permanency for the children in their care as those children who are adopted. For many, the advantage of KinGAP over adoption is that parental rights do not have to be terminated and the relative caregivers are able to maintain their familial relationship and do not legally become the children’s parent (e.g., grandparent, aunt, uncle, sibling). Generally speaking, KinGAP payments are comparable to the amount received as a foster care parent. In some counties, it may be less, depending on the caregivers’ income and family size. The amount will not be less than if the caregiver adopts the child and were to receive an adoption subsidy.

Support is available for all relative caregivers through [Kinship Caregiver Programs](#) located across the state (Figure 1). The New York State Kinship Caregiver Program allows for community-based programs to deliver or link families to services that address the multiple needs of caregivers and the children in their care. Services available through these programs include: counseling, referrals, support groups, respite, parenting skills, education advocacy, housing, case management, legal information, child Medicaid information, budgeting and tax information and child-only payment information.

During 2011, **5,034** children and caregivers received services from the Kinship Caregiver Programs.

Figure 1. New York Kinship Caregiver Programs



Data source: NYS OCFS Bureau of Program and Community Development; Compendium of Bureau Programs and Services (2012).

The New York State [Kinship Navigator](http://www.nysnavigator.org), an information and referral resource, can be accessed through a toll-free number or website. The Navigator Program provides information and referral services to all New Yorkers through a toll free phone line ([877-4Kininfo](tel:877-4Kininfo) or [877-454-6463](tel:877-454-6463)) as well as a web site (www.nysnavigator.org).

10% Children who start out in kinship foster care who are adopted by their caregiver and receive a subsidy payment (7).

7.6% Children in Kinship Programs who have an incarcerated parent (4)

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