

Summary Article:

Diversion from Foster Care and Informal Kinship Families

Gerard Wallace, Esq.,

Director, New York State Kinship Navigator

Public Service Professor, University at Albany, School of Social Welfare

A common cause of informal kinship care placements, as reported by kinship navigators, social services staff, and service providers, is diversion. Diversion refers to the involvement of child welfare departments in utilizing relative caregivers or significant family friends, together referred to as “kin,” as alternatives to foster care placements.

Diversion primarily occurs either:

1. Informally, with no removals, no abuse/neglect/dependency proceedings, and no state involvement post-placement; or
2. More formally, after removals and proceedings but with little or no state involvement post-placement.

In this article, informal placements are termed *temporary* and more formal are termed *voluntary*.

In both instances, kin do not become foster parents. As a result, they will not receive foster care payments, and most children of diverted kinship households, along with their caregivers, will not receive specialized services or supports. This gap occurs despite the fact that the reasons for placement are similar to those for children entering foster care: alleged parental abuse/neglect, abandonment, incarceration, alcohol/substance abuse, mental illness, and so on.

Among the seven Family Connections Kinship Navigator grantees, four programs focused on kinship families who were in foster care, seeking foster care, or who were referred back to foster care (Michigan, Oklahoma, California's iFoster program, and Arizona). The remaining three projects (Florida, New York, and California's Families Helping Families program) were primarily involved in serving informal kinship families, including diverted kinship families.¹ Below are comments from these three programs about the portion of their kinship families who are diverted:

Florida: "Of approximately 260 informal kinship families, we estimate about one-third (87) have been diverted by Child Protective Services with no court proceedings."

New York: "We consistently hear from informal caregivers that they were asked to become caregivers for children to avoid removals or to become custodians without foster care status post-removal. Over 55% of our caregiver callers report past or present involvement with the local child welfare agency, but less than 5% are kinship foster parents" (New York State Kinship navigator, 2014).

California reports that there are two kinds of diversion: "1. Diversion to informal kinship care, where investigation of abuse or neglect occur and nothing is found that warrants removals, then families are left on their own. Grandma takes over, and is diverted to a probate guardianship. 2. The caregiver is directed to a probate guardianship after it is determined that children must go somewhere else. The child welfare case remains open. These are voluntary placements where there's an investigation and the parent voluntarily agrees to informal placement. There's a six-month review, but placement with relatives could last up to a year. Kinship caregivers could receive foster care benefits, but generally they don't."

According to the Annie E. Casey Foundation, kinship diversion policy and practice impact a significant number of children and families who come to the attention of the child welfare system.² However, diversions that are

¹ *Informal*, as used herein, refers to kinship families who are not certified or approved as foster families and therefore do not receive foster parent payment. This definition includes so-called "voluntary placements." Most definitions of informal preclude voluntary because the children remain in state custody and are considered part of the formal system, but here we are emphasizing services, not custody, and so are including voluntary within the category of informal caregivers as part of the target population of informal kinship families who need services.

“temporary”—e.g. without removals and proceedings, and always with no foster care certification or approval—are only recorded in case notes, not in any database. It is not possible to accurately estimate the total number of diverted children.

The use of diversion is further confirmed anecdotally and through informal surveys. At a 2012 meeting of the first round of Family Connections Kinship Navigator grantees, program staff asserted that child welfare agencies frequently had a hand in relatives becoming informal kinship caregivers. Similarly, at the 2011 CWLA National Kinship Summit, a poll of service providers showed almost unanimous affirmation that diversion was widespread; this opinion was echoed by participants at the 2014 CWLA National Kinship Conference in New Orleans.³

In fact, informal kinship care service providers almost invariably report that many of their children are in kinship care because of some kind of diversion.⁴

The reasons for diversion are complex, including local child welfare perceptions of the value of kinship families; whether there are established policies and practices governing engagement of kin as a resource; local management and individual worker decisions; and probably most importantly, the fiscal impact of foster care on county/parish and state resources. This discussion seeks to

² “The most recent data available found that, at a single point in time, approximately 400,000 children who came to the attention of the child welfare system were diverted from state custody to live with kin.” From Ehrle, J., Geen, R., & Main, R. (2003). Kinship foster care: Custody, hardships, and services. *Snapshots of America’s Families III*, (14). Washington, DC: The Urban Institute.

³ In 2011, hosted by the Child Welfare League of America and the National Committee of Grandparents for Children’s Rights, the Washington, DC, National Kinship Summit brought together professionals and caregivers from 23 states, who met in breakouts to discuss recommendations for improving supports for informal kinship families. There was general agreement that diversion caused a majority of kinship placements (Wallace & Lee, 2013). At the 2014 National Kinship Conference hosted by the Child Welfare League of America, attended by over 400 CWLA members and kinship professionals and caregivers, there was a similar consensus. At a super session hosted by the seven current demonstration project grantees and attended by 200 conferencees, many voiced their agreement about the prevalence of diversion.

For further discussion, see Gerard William Wallace and Eunju Lee (2013), *Diversion and Kinship Care: A Collaborative Approach Between Child Welfare Services and NYS’s Kinship Navigator*, *Journal of Family Social Work*, 16(5), 418–430.

⁴ Localities use different placement terms, for instance: “temporary,” “drive-bys,” “alternative living arrangements,” “parole,” or (more pejoratively) “drop and roll.”

identify the need for further scrutiny of diversion practices, but does not attempt to conclusively identify reasons and best practices.

Types of Diversion: Temporary and Voluntary Placements

Temporary Placements

Temporary placements typically occur when child protective services (CPS) investigates or monitors parents, then attempts to find a “temporary” placement in order to avoid a removal and/or to avoid initiating a dependency hearing (an abuse/neglect proceeding). An example: A CPS worker is concerned that the mother’s home is unsafe, but does not initiate a removal. Instead, the parent is asked if there is a relative who can care for the child(ren), a phone call is made—often by CPS or some other professional—and a relative is asked to assume care. No abuse/neglect/dependency proceeding is initiated.

Since there are no formal proceedings and no official removal, these situations are not recorded in the Adoption and Foster Care Analysis and Reporting System (AFCARS). Therefore, there is no official statistical data on temporary placements. Thus, there is no data to determine whether the children have been able to thrive in their new household or if the caregiver has successfully established a family situation supportive of stability and well-being.

Voluntary Placements

Voluntary placements occur when kin step up to care for children who have been removed and/or are subject to dependency proceedings; the caregivers do not become foster parents, or become foster parents with reduced rates and reduced or no services. Reunification efforts are usually continued. Such placements are recorded in AFCARS. According to AFCARS, for fiscal year 2008, “more than 125,000 U.S. children live in out-of-home kinship care.”⁵

⁵ The term “voluntary placements” is used differently depending upon jurisdictions. Here, it refers to the California’s Families Helping Families description in footnote number one on page 122. In New York State, it is referred to as “direct custody.”

Diverted Kinship Families are Informal Kinship Families

In terms of service needs, kinship families that are diverted via temporary or voluntary placements are similarly situated to non-diverted informal kinship families. They join other informal kinship families in confronting common challenges: the kinship triad (caregiver, parent, child), trauma, legal barriers, caregiver stress, high levels of poverty, and barriers to needed supports. Among their core needs are financial assistance, legal assistance, and supportive services.

All these informal kinship families, diverted and non-diverted, are similarly situated to kinship foster families. Mostly, the substantive causes are the same. Kin become caregivers because parents are unable or unwilling to do the job. Together all are part of a child welfare tradition that predates the current formal child welfare system.

As pointed out in articles on diversion, diverted kinship families may experience disruptive intrusions by parents, subsequent entries into foster care, other special challenges, or unjustified financial hardships. Author Robert Geen states:

[C]hildren [in] voluntary kinship care placements . . . may effectively be excluded from public agency supervision, from the specialized health and mental health and school-related services that might be available through foster care, and their parents are denied the services they may need in order to effectively reunify with their children. At the same time, voluntary kinship care placements may benefit children and caregivers by preventing the stigma and intrusion of the child welfare system and juvenile court involvement. (Geen, 2003)

Conclusion

Kinship families are diverted via temporary and voluntary placements. They may constitute a significant portion of the total number of informal kinship families, but the lack of data makes the total number difficult to estimate. However, it is clear that these families, like others in the informal system of kinship care, need more assistance. There is a compelling need to identify the scope of such placements, their appropriateness, what assessments are or are

not made, what supports are or are not provided, and what supports are needed. Kinship navigator programs that serve informal kinship families are a best-practices, core component of any service system dedicated to these families.

There should be a national investigation into diversion—especially temporary placements—to identify its scope and how best to serve diverted kinship families. Any kinship service system should start with kinship navigator programs that would serve both diverted and non-diverted informal kinship families.

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