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### Diversion and Kinship Care: A Collaborative Approach Between Child Welfare Services and NYS's Kinship Navigator

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## **Diversion and Kinship Care: A Collaborative Approach Between Child Welfare Services and NYS's Kinship Navigator**

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*This article suggests that kin are engaged as a resource by local departments of social services and diverted into informal kinship care, outside of foster care, and that these families often are not connected to services. The authors offer a procedure for insuring that kin who are diverted are connected to kinship navigators and direct services.*

**KEYWORDS** *kinship, diversion, navigator*

Since the early 1980s, federal child welfare laws have recognized kin as a valuable resource for children who are at risk of entering foster care. With enactment of the Adoption and Safe Families Act (1997), federal policy increasingly relied on kin care as a foster care placement option. Yet, until the Fostering Connections to Success and Increasing Adoptions Act (2008), there was a limited focus on kin who were not foster parents. Fostering Connections enacted the first provision expressly funding services for these kinship families, via its authorization of the Family Connection Kinship Navigator grants to keep children with kin and promote their safety and well-being (Administration for Children and Families—Children's Bureau IM-12-04).

With this provision, advocates for kinship families see an opportunity to increase attention to the circumstance of nonfoster kinship care, commonly called informal kinship care, including a focus on examining

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diversion practices where child welfare services utilize kin as a nonfoster care resource (Annie E. Casey Foundation, 2013), addressing lack of services for kinship care families (Sakai, Lin, & Flores, 2011), and advancing research to examine best practices to support kinship caregivers and kinship children (Ayón, Aisenberg, & Cimino, 2013; Denby, 2011; Kelley, Whitley, & Campos, 2011; Strong, Bean, & Feinauer, 2010; Strozier, 2012).

This article discusses common diversion practices and how a Kinship Navigator program, in collaboration with local child welfare agencies, provides information and referrals to improve access to services for informal kinship families. It recommends a larger national examination of diversion practices and their outcomes and offers examples of programmatic practices for strengthening collaborations between Kinship Navigator programs and local child welfare and temporary assistance agencies.

## LITERATURE REVIEW

Research on kinship care has grown in recent years as the child welfare system increasingly relies on kin as a resource for children who need out-of-home care. Studies report better outcomes for children in kinship foster care than for those in nonkin foster care (Altshuler, 1999; Cuddleback, 2004; Koh & Testa, 2011; Link, 1996; Winokur, Crawford, Longobardi, & Valentine, 2008). Compared to children in nonkinship foster care, children in kinship care were less likely to have behavioral issues (Rubin et al., 2008; Sakai et al., 2011), and more likely to experience fewer placement disruption (Perry, Daly, & Kotler, 2012; Webster, Barth, & Needell, 2000; Winokur et al., 2008) and more reunifications (Blakey, 2012; Winokur et al., 2008). Although these results are encouraging, some studies caution us to pay attention to differences in characteristics in children who enter kinship foster care and those who enter nonkinship foster care (see Grogan-Kaylor, 2000; Koh & Testa, 2011).

Despite recent advancements, a significant gap remains in knowledge of how kin become caregivers, in particular about kinship care placements where children are temporarily or voluntarily placed (Child Welfare Information Gateway, 2010) with the involvement of the child welfare system but without the legal custody of the state. These arrangements allow local and state child welfare agencies to quickly find homes for children without assuming legal responsibilities for them.

Many of these diversion placements are unlikely to be included in official child welfare databases (Annie E. Casey Foundation, 2013; Whitley, Kelly, Williams, & Mabry, 2007). Therefore, the actual number of children placed with child welfare agency involvement is unknown, and consequently the actual number of diverted kinship families who need appropriate interventions is also unknown. Almost 10 years ago, Cuddeback (2004) observed the

challenge of accurately identifying informal kinship families and how children come to live with relatives. That problem still persists today.

Currently, estimates from the U.S. Census Bureau's Current Population Surveys show that more than 2.7 million children live with kin (Annie E. Casey Foundation, 2012). Only 4% of the 2.7 million children are in formal kinship foster care, leaving the vast majority of kinship families with limited or no benefits/services. Little is known about family functioning among these families, except for case studies documenting hardship and lack of services (Bundy-Fazioli & Law, 2005; Gleeson et al., 2009; Harris & Skyles, 2008). Although case management services have been recommended (Blair & Taylor, 2006), only a small proportion of children in informal kin care receive such supports, and only a fraction receive the Temporary Assistance to Needy Families (TANF) child-only (Non-Parent Caregiver [NPC]) grant (Mauldon, Speiglmán, Sogar, & Stagner, 2010).

Although children in kinship foster care may fare better than their counterparts in nonkinship foster care, research indicates that children in kinship care families fare poorly compared to those in general populations. They are more likely to have physical or socioemotional problems that limit their ability to function (Billing, Ehrle, & Kortenkamp, 2002; Kelley et al., 2011; Leder, Grinstead, Jensen, & Bond, 2003; Strong et al., 2010). The health problems exhibited by children in kinship care are often reactions to the trauma of being separated from their biological parents but also may stem from abuse or neglect experiences. The special needs of children in kinship families are compounded by the needs of their caregivers, many of whom are elderly, exhibit symptoms of poor mental health and live in poverty (Billing et al., 2002; Gibbons & Jones, 2003; Okagbue-Reaves, 2005; Park, 2005).

Findings from a local program in New York State further support the studies. The average age of caregivers was 55, about 25% were unemployed, and an additional 22% were retired (McKlinton et al., 2007). Whether unemployed or retired, it is commonly recognized that elder caregivers are often on fixed incomes, making it difficult to take on the additional financial costs of kinship care. Such realities exacerbate documented kinship needs (schooling, parental authority, stability, security, housing, etc.) and heighten the need for a unified approach to provision of kinship services (Ehrle & Geen, 2002; Ringeisen, Casanueva, Smith, & Dolan, 2011; Whitely et al., 2007).

## DIVERSION FROM FOSTER CARE

### Informal Kinship Care or Kinship Foster Care?

Given the special challenges faced by kinship families, connecting kin to services is critical to their well-being. How departments of social services engage kin, and more particularly how they utilize kin as a placement option outside of foster care, can significantly affect a kinship family's access to

services. Department engagement depends upon local policies and practices and can range from a strong commitment by the local social services department to utilizing kin as foster parents to official or unofficial encouragement of kin to become informal caregivers outside of foster care. The result is uneven utilization of kin as foster parents and uneven access to services. For example, though 25% of out-of-home placements (5,873 of 23,177) were with kinship foster homes in New York State in 2010, there were only 2% (109 of 6310) in Alabama (American Association of Retired Persons [AARP], 2013). Similar variability can happen intrastate. In New York State, most of the relative foster care homes (4,468 out of 5,191) were in New York City in 2012 due to differential local policies (Mauldon et al., 2010, pp. 20–21) and a long historical tradition of kinship care among African American families (Warde, 2008).

If out-of-home care is necessary for children, local child welfare workers must first engage kin in making choices. This practice is now required by the Fostering Connections Act (Gibson & Rinkel, 2012). The agency has the flexibility to determine what constitutes “due diligence” in providing notice and information, the definition of “all other adult relatives,” and when exceptions are appropriate. There are no specific regulations that dictate the form in which this notice must be sent to relatives or whether it must be in writing. States have created various notification methods (see National Resource Center for Permanency and Family Connections, 2013).

Though at first glance, this process appears straightforward, the circumstances surrounding the “choice” can differ greatly, interstate and intrastate. But because there are no large-scale studies regarding how departments communicate with kin, what information kin receive, whether they are actually informed of services, whether they have meaningful opportunities to make their decisions, and what are the reasons that kin choose not to become foster parents remains unexamined.

### Child Welfare Practices of Diversion

When kin are approached by child welfare personnel to become a placement resource, they may engage before removal and/or before initiation of an abuse/neglect/dependency proceeding or after removal and/or after initiation of an abuse/neglect/dependency proceeding. Placements before removal are sometimes referred to as “temporary arrangements,” also as “safety plans” or “alternative living” arrangements. There may not be continuous case management services, no ongoing abuse/neglect/dependency proceeding, no foster care payment, and often no child welfare services nor referrals to services. Once neglect proceedings begin, the options are foster care, voluntary placements, and private custody or guardianship, possibly with some services and/or referrals. Within these options, there are various pathways on how a caregiver does not formally enter the child welfare system, and how they can become eligible for a TANF child-only grant (NPC)

(Mauldon et al., 2010). However, for this “option” services may also be diminished or non-existent.

TEMPORARY PLACEMENTS (NO REMOVALS, NEGLECT  
PROCEEDINGS NOT INITIATED)

Temporary placements typically happen when child protective services (CPS) investigates a parent, has some but not serious concern for child safety (e.g., dirty house), and then attempts to find a “temporary” placement while a parent comes up with a solution. The parent is asked whether there is a relative who can care for the child(ren), a call is made, often by CPS or some professional familiar with the children’s circumstances, and a request is made to the relative to take the child(ren) into their care. No removal is initiated. The resultant caregiving arrangement may be brief, or it may evolve and last for many years.

Although no official statistical data on temporary placements exists, anecdotal evidence from over 25 states participating in the National Kinship Summit, hosted by the Child Welfare League of America and the National Committee of Grandparents for Children’s Rights, indicates that the practice may be common. Additionally, an informal poll of the first round of Fostering Connections kinship navigator project grantees, taken at the Washington, D.C., convening of grantees in June 2012, indicated that there was widespread agreement that many of the children in their programs were placed via temporary placements. In a 2010 sampling of 3,351 children drawn from the New York State Kinship Navigator’s database, 55% (1,843) had past or current involvement of CPS. Of the 1,843, 4% (76) were placed with kin who were foster parents and 19% (343) were placed in the custody of kin pursuant to abuse/neglect/dependency proceeding (i.e., voluntary placements). The remaining 77% (1,424) were placed without such proceedings (New York State Kinship Navigator, [www.nysnavigator.org](http://www.nysnavigator.org), 2012).

As many states engage in various forms of differential response or other alternative approaches to child protective investigation, reliance on kinship care is expected to rise. Differential response is to first assess the needs of the child and family for cases that do not require a determination for maltreatment and focus on providing needed services. Now 27 states adopted differential response as a parallel system of CPS (Child Welfare Information Gateway, 2008). Here too, how often differential response may eventually result in placements with kin is not yet known.

VOLUNTARY PLACEMENTS (NEGLECT PROCEEDINGS  
INITIATED AND CONTINUED)

Voluntary placements occur when kin become caregivers for children who are already in state care, pursuant to an abuse/neglect/dependency proceeding, but kin do not become foster parents.

According to the Adoption Foster Care and Reporting System (AFCARS) for fiscal year 2008, “more than 125,000 U.S. children live in out-of-home kinship care.” A survey profiled a sampling of 8,961 children in voluntary placements or foster care, showing that children in voluntary placements received significantly less oversight, services, and financial assistance. The concern has been raised before:

A related concern centers on when it might be appropriate for child welfare agencies to divert children from the foster care system by using voluntary kinship care placements . . . . These children 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 child welfare system and juvenile court involvement. (Geen, 2003 p. 135)

The use of this placement option underscores the lack of uniformity in access to foster care. Like “temporary” placements, the frequent lack of supervision and the potential failure to connect these families to services may also contribute to recidivism, continued unsupervised intrusions by parents, and financial hardships. Just like all informal kinship arrangements, voluntary placements may result in private custody or guardianships court proceedings (Geen, 2003).

#### PRIVATE CUSTODY AND GUARDIANSHIP PROCEEDINGS (NEGLECT COURT PROCEEDINGS ENDED)

Another diversion option, arranged pursuant to the abuse/neglect/dependency proceedings permanency plan is private custody or guardianship. Kin then seek custody or guardianship in a private “third-party” proceeding, where they either have the consent of the parents or must prove unfitness, abandonment, or some other extraordinary circumstance that diminishes the protections afforded parents. For these kin, legal representation is practically nonexistent. They too may not be connected to services.

#### How Kin Learn About Their Options and How They Are Sometimes “Dissuaded”

Kin must be given information about the full range of custodial options when children are the subject of an abuse/neglect/dependency proceeding. But how kin learn their options differs widely, ranging from written information and/or extensive education to minimal information and/or sometimes misinformation. Kinship service providers routinely report that some local

social services departments “dissuade” kin from becoming foster parents. For example, kinship services providers are told stories about local social services department workers informing kin of the pitfalls of foster care, “We cannot place with you until you are certified, you don’t want the scrutiny; the training isn’t readily available.” Such situations are addressed in the 2011 National Kinship Summit report, which recommends that such practices need to be identified and regulated (CWLA, 2012). One caregiver remarked, “We won’t wait to take care of our babies, while they are placed with strangers, so we have to take them and not become foster parents” (NYS Kinship Navigator client).

### NEW YORK STATE CHILD WELFARE AND TANF COLLABORATION PROJECT

In October 2012, in the second round of Fostering Connection kinship navigator grants, the NYS Kinship Navigator received one of seven national awards for a demonstration project. The 3-year project, implemented in five upstate New York counties, aims to address the well-being of informal kinship children and caregivers and their unmet needs, especially children and their kin caregivers who were engaged by local social services departments. The core elements of the project are (1) change local social services department practice on information and referral given to kin caregivers, (2) improve linkage to services for caregivers and children, (3) enhance capacity of community resources including legal services, (4) enhance capacity of kinship caregivers for advocacy, (5) build a sustainable coalition at local and state levels, and (6) conduct rigorous process and outcome evaluations for advancement of the field.

Interventions include the creation of pro bono legal services projects, a “kinship corps” of trained caregiver advocates, and a close collaboration with target county departments of social services. Successful implementation should result in a combination of short and long term changes in outcomes related to the stability of kinship families, the well-being of children placed in kinship care families, as well as changes to how local child welfare agencies interact with kinship families. Expected short-term outcomes include increased call volume to the Kinship Navigator program, an increase in the number of kinship care families applying for temporary assistance child-only (NPC) grants, improved knowledge of legal and health services available to kinship care families, and improved communication among social service agencies that serve kinship care families. Long-term goals include further improvements to the short-term goals, but also decreased prevalence of problem behaviors among children in kinship care families, fewer reports made to child welfare services, increased use of legal and health services by kinship care families, decreased family stress, and increased collaboration with state public assistance and child welfare agencies.

The project collaborates with five county departments of social services in upstate New York to implement a seamless referral process, where frontline temporary assistance and child welfare workers refer kinship caregivers to the NYS Kinship Navigator. In each county, temporary assistance (TANF) workers and child welfare workers obtain the permission of caregivers to contact the Navigator and then fax or email the permission forms to the Navigator. The TANF agency staff engage kin when they apply for assistance. Child welfare engages when they facilitate a diversion placement (temporary or voluntary) or convert to a private custody or guardianship arrangement or a kinship guardianship, or otherwise contact kin who become a placement resource. Once the Navigator receives the referral form (which contains caregiver's "permission to contact"), the Navigator reach out to caregivers via telephone and perform an intake and assessment.

The objective is a collaborative approach that identifies local department of social services diversion practices, reduces the number of families who are not connected to services, and assists in the success of kinship placements. This project includes a strong evaluation component, where a quasi experimental evaluation design conducted by Center for Human Services Research, School of Social Welfare at University at Albany, will examine the outcomes for kinship families who do receive supportive services.

The project's premise is that diversion is an established child welfare practice, and to maximize the success of diversion, kinship services must be available to support diverted kinship families. In the target counties, the supports involve two steps: (1) the NYS Kinship Navigator program that provides information (including guides on applying for the TANF child-only (NPC) grant, referrals, consultations, and limited advocacy, and (2) a local kinship service program that provides direct services including personalized assistance in applying for the TANF child-only (NPC) grant, support groups, counseling, respite, education, and legal services. In other counties where there are no local programs, the NYS Kinship Navigator provides its services and attempts to network with existing resources, including the legal community, to strengthen their supports for kinship families. In either case, the system starts with the Navigator and its connections in the local community, resulting in connecting diverted and other kinship families to a temporary assistance child-only (NPC) grant for financial assistance, to appropriate general services, and when available to specialized kinship services.

In summary, though diversion needs to be examined and regulated, it is clearly part of the current child welfare response, and for it to succeed, there must be appropriate engagement with kin and a referral system that includes a strong collaboration with kinship services. The approach described in this article should assist in informing how best to improve outcomes for informal kinship families, and together with a strong evaluation, present guidance on strategies to engage kin as a resource.

## DISCUSSION AND RECOMMENDATIONS

### Policies Supporting Diverted Kin Are Cost Effective

Given the emphasis on kin as the first option for out-of-home care for children, it is likely that state and local policies will seek to continue practices that “keep children out of foster care.” In addition to the potential for better outcomes, the policy is further justified by the cost savings associated with reduced maintenance and administrative costs.

The potential fiscal savings are significant. For example, in New York, a state with generous temporary assistance child-only (NPC) grants, a comparison of costs between out-of-home foster care and informal kinship care shows significant short term savings. In 2010, the average cost of a basic foster care grant for a child placed with a foster parent plus administrative costs was \$21,535 (Wallace, 2011). The cost of informal kinship care (including Navigator, local kinship services, and a temporary assistance child-only (NPC) grant was \$6,490.

### Need for Research and Federal Guidance

Based upon the lack of data and studies, there is a need for a closer examination of the practices and outcomes of diversion. Data are needed on the number and types of informal kinship care families, how they are arranged, how kin are informed of services, the allegations regarding the child’s placement, the length of stay in kinship care, barriers to stability, and the supports needed to help kinship families thrive.

Similarly, though there is a clear need for supportive services for all informal kinship families, research (Annie E. Casey Foundation, 2012, Mauldon et al., 2010) indicates that a very small proportion of kinship families access services such as TANF child-only (NPC) grants. An examination of diversion practices should add emphasis to the need for uniform policies regarding engagement of kin by child welfare and assistance with access to this grant.

### Need for Financial Support for Informal Kinship Families

Lack of access to financial support (usually temporary assistance child-only (NPC) grants or other financial assistance) for informal kinship care continues to be a major obstacle to adequate support for kinship children. One study has shown that a modest increase in the amount of monthly income equivalent to the average temporary assistance child-only (NPC) grant is associated with a 7% greater likelihood of kinship youth graduating from high school (Nelson, Gibson, & Bauer, 2010). And, high school graduation is associated with greater likelihood of future employment and higher lifetime

earnings (Nelson et al., 2010). In addition, adequate levels of financial and material resources are associated with lower levels of caregiver stress, which is associated with healthier family and child functioning (Gleeson et al., 2008). Yet, according to the Annie E. Casey Foundation report (2012), nationally only 12% of eligible families are receiving this grant.

### Funding for Kinship Navigator Services

Kinship Navigator programs funded by state and federal dollars fill gaps in current practice aimed at keeping children in kinship families. A primary mission is an information and referral service for all kinship families. One core priority is to assist informal kinship caregivers in obtaining temporary assistance child-only (NPC) grants. A recent report of a Kinship Navigator program in Florida demonstrates that Navigator services resulted in improvement in meeting needs of kinship children (Littlewood, 2011). Furthermore, one year after program completion, 99% to 100% of children did not experience subsequent abuse or neglect and did not reenter the child welfare system.

### Recommendations

In March 2011, the Child Welfare League of America and the National Committee of Grandparents for Children's Rights sponsored a national summit on informal kinship care. The summit asked participants to answer three questions: how are kin engaged by child welfare agencies, what supports for kinship families should be available from those agencies and other government agencies, and what are best practices in kinship services.

The report (CWLA, 2012), makes recommendations in four areas: (1) Kinship Navigators collaboration with local social services; (2) research on how kin become caregivers and how they succeed, and what are their barriers to success, (3) Enactment of federal laws (TANF, SNAP, Social Security, Immigration, and Aging) that support and stabilize kinship families; and (4) strengthening of cross-system collaborations (criminal justice, education, child care, tax credits, and housing). These recommendations aligned with the goals of the NYS Kinship Navigator Demonstration Project and merit the attention of federal and state child welfare policy makers.

Diversion is an increasingly important part of child welfare practice. Yet, as shown, there is a need for an examination of the practice to insure that it is used appropriately. Most importantly, informal kinship families should always be referred to services and have specialized services and systems of care that support them. With this system of supports, informal kinship care will be an invaluable partner with child welfare agencies and local social services departments.

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