

Kinship Care: A Review of Statewide Diversion Practices

Child Welfare Agency Engagement with Kin

The kinship community has had ongoing discussions with The Office of Children and Family Services (OCFS) regarding the disparate county practices of the utilization of kin as a resource for at risk children. OCFS is working on changing local practices through development of trainings and regular meetings with supervisors and has recently held meetings with Erie and Monroe County DSS Commissioners regarding these issues. However, the practice proves to have had a long history: See [NYS Bar Task Force on Family Court 2013](#) recommending more uniform application of laws and practices to address the disproportionality.

2015 OCFS Statistics on Relative Foster Care Admissions

- There were 1,025 children placed in relative foster care in NYC, 351 in Rest of State.
- See [OCFS 2015 data](#) on relative foster placements, “direct” custody, and KinGAP, showing widespread under-utilization of relative foster care in many upstate counties

Placement Types:

1. Kinship Children are Not in Foster Care but Have Involvement with Child Protective Services

In an evaluation of child welfare records conducted by SUNY Albany during the Federal KN Demonstration Project, of a sampling of 449 children who were living with relatives in informal kinship arrangements, 86% had past or present involvement with Child Protective Services. None were in relative foster care.

2. Kinship Children Placed in Private Kinship Care via Informal Arrangements (No Article Ten)

There is no data available regarding number of such placements, but OCFS and local counties acknowledge its use. Often used as part of a “safety plan,” called an “alternative living arrangement,” or “parole.”

3. Kinship Children Placed in Private Kinship Care via “Direct” Custody (Article Ten)

This practice involves child welfare placing a child in the care of a relative without certifying them as a foster parent. In 2015 there were 149 direct custody placements in NYC, 2,023 in Rest of state

4. Kinship Children Placed in Private Kinship Care via Article Ten Conversion to Article Six

There is no data available from OCFS or OCA, but OCFS and local counties acknowledge its use. See below sample fact pattern:

Mother admits to neglecting her 3 children, and various permanency hearings were held over the course of 18 months. Upon the initial charges, one of the children (less than a year old at the time) was placed under Article 10 with paternal aunt. At this time, the County neglected to offer foster care placement with aunt. When ultimately it was clear that return to the parents was not an option, the case was resolved with “permanent placement under Article 6 with a fit and willing relative.” Because the parents wouldn’t agree to guardianship or adoption, the County told aunt that it would be her burden to terminate the parents’ rights, thus forcing her to agree to Article 6. Six months after the Final Order of Disposition, the mother filed a modification petition under Article 6 to have custody returned to her leaving the aunt with burden of proof. Subsequently there was no help from the County, even stating in court that they weren’t aware of the prior neglect case.