


<b>Policy Subject:</b>	Kinship Placement
<b>Effective Date:</b>	March 1, 2021
<b>Approved By:</b>	Michelle L. Farr, LCSW-C, LICSW  Executive Director Social Services Administration
<b>Policy Number:</b>	SSA-CW 21-11
<b>Last Revision Date (s):</b>	Not Applicable
<b>Originating Office:</b>	Kimberly Parks-Bourn, LCSW-C Manager for Practice Innovations Social Services Administration Department of Human Services
<b>Supersedes:</b>	Not Applicable
<b>Programs Affected:</b>	Placement & Permanency Services Child Protective Services/Family Preservation Services

## **Legal Information & Purpose**

The purpose of this policy directive is to provide guidance to the Local Departments of Social Services (LDSS) for authorizing the placement of children and youth in kinship care with kinship parents (relatives) and kinship caregivers (“fictive kin”) for the purposes of initial and subsequent placement as an alternative to placing children/youth with foster parents. This guidance ensures the priority and preference of the placement of children and youth within their own family setting. The Maryland Department of Human Services/Social Services Administration (DHS/SSA) is committed to ensuring children and youth are living in a safe, supportive family where they can grow and thrive. DHS/SSA recognizes the impact of trauma when a child is removed from the child’s home, and is committed to demonstrating practices that prioritize keeping children and youth in the need of out-of-home care with family, whenever possible and appropriate.

This policy supports the commitment to assisting children and youth to remain within their community thus benefiting from permanency and permanent life connections within a family. This policy serves as a supplement to the policy on placement protocol, by re-emphasizing the importance of family and community placement for children and youth in the LDSS care.

Maryland gives priority to the placement of children and youth with family over foster care. See Family Law Art. §§ 5-525(f)(2)(ii), 5-534(c); Courts and Judicial Proceedings Art. § 3-815(c)(5), 3-823(e)(1)(i)(2); COMAR 07.02.11.11, 07.02.25.10. Before 2019, a child could be placed in kinship care only with a kinship parent, that is, an individual related to the child within five degrees of consanguinity or affinity. In 2019, the Governor signed into law Senate Bill 24/House Bill 1212, which expands the kinship care program by authorizing an LDSS, if no kinship parent is located at the time of initial placement, to place the child with a kinship caregiver as an alternative to foster care. The LDSS also has the authority to place a child/youth with a kinship caregiver if a kinship caregiver is located after the child is placed in a foster care setting, if it is in the best interests of the child. The legislation defines “kinship caregiver” and authorizes a local department to approve a kinship caregiver under certain circumstances.

This policy aligns with the enactment of the federal Family First Prevention Services Act (FFPSA) that was signed into law on February 9, 2018. FFPSA provides further justification for Maryland to enhance its kinship care program, and a foundational practice for increasing prevention services and reducing the need for foster care. FFPSA further supports Maryland’s ongoing strategies since the implementation of Place Matters to shift child welfare practice in Maryland from a focus on foster care to increasing family-based placements for children and youth.

## **Policy**

By enacting this policy, DHS/SSA seeks to improve Maryland’s efforts and commitment to preventing children and youth from entering and languishing in foster care, increase appropriate kinship care placements, and achieve permanency outcomes for children and youth. DHS/SSA seeks to align with the strategic vision and build on agency-wide strategies to improve safety, permanency outcomes, and well-being for Maryland’s children and youth.

## **Definitions**

**Kinship Care:** “Kinship care” means continuous 24-hour care and supportive services provided for a child placed by a child placement agency in the home of a kinship parent (a relative of the child) or kinship caregiver (a more distant relative or “fictive kin” of the child) as those terms are defined in Family Law Article § 5-534. See Family Law Art. § 5-501(e). Kinship care refers specifically to temporary or long-term care other than adoption provided by a kinship parent or kinship caregiver. The LDSS maintains legal custody of the child it places with a kinship resource.

**Informal Kinship Care not covered by this policy:** “Informal kinship care” means a living arrangement made by a parent or legal guardian in which a relative or fictive kin provides care to a child who is not in the care, custody, or guardianship of an LDSS. In many cases, legal custody of the child has not been established. However, non-public custody or guardianship may have been facilitated through a circuit court. There are no financial subsidies available for informal kinship care arrangements. This policy does not apply to informal kinship care.

**Kinship Parent:** “Kinship parent” means an individual who is related by blood or marriage within five degrees of consanguinity or affinity under the civil law rule to a child who is in the care, custody, or guardianship of an LDSS and with whom the child may be placed for temporary or long-term care other than adoption. See Family Law Art. § 5-534 (a)(3). A kinship parent must be 18 years old or older. See Family Law Art. § 5-534(d)(1). Kinship parents may include, but are not limited to, maternal and paternal grandparents, great grandparents, siblings, aunts and uncles, first cousins, and first cousins once removed. See the chart for degrees of consanguinity to help identify the relationship.

**Kinship Caregiver:** “Kinship caregiver” means an individual who is related “to a child who is in the care, custody, or guardianship of an LDSS” the child by blood or marriage beyond five degrees of consanguinity or affinity under the civil law rule or is a close family friend of the child or the child’s family and with whom the child may be placed for temporary or long-term care other than adoption. See Family Law Art. § 5-534(a)(2), (e)(1). Kinship caregivers may include, but are not limited to, relatives beyond five degrees of consanguinity or affinity, godparents, neighbors, teachers, domestic partners, biological parents or relatives of a child’s sibling, church members/spiritual teachers, or tribe affiliation/members. See the chart for degrees of consanguinity to help identify the relationship.

An LDSS may approve an individual as a kinship caregiver only if the following criteria are met:

- the individual is 21 years old or older,
- the individual is related to the child by blood or marriage beyond five degrees of consanguinity or affinity under the civil law rule (see chart) or is a close family friend to the child or the child’s family,
- the individual has a strong familial or other significant bond to the child or the child’s family,
- the individual has maintained regular contact with the child or the child’s family sufficient to demonstrate strong familiarity with the child’s activities and daily needs, and
- placement with the individual is in the child’s best interest.

## **Procedural Guidance**

### **Child Protective Services/Family Preservation Services**

The exploration of kinship resources begins with initial contact with the family and child/youth and remains ongoing throughout the child's involvement with the agency. The LDSS shall assess the needs of the child and family by engaging and partnering with families. When placement of the child is considered, the LDSS, the family, and the child/youth should partner to determine the best possible home that can meet the physical, behavioral, and emotional needs of the child/youth. An assessment of the current safety and risk factors and needs of the child/youth shall be used to assess the appropriateness of all potential kinship resources.

When it is determined that a child/youth cannot remain safely in the care of his/her parent(s) and/or legal guardian, the LDSS shall seek to place the child in the least restrictive, family-like environment. When a placement decision is made after determining a child/youth is unable to remain safely in the home, guidance on the placement protocol and hierarchy found in the placement protocol policy, SSA 10-11, shall be applied.

In selecting a kinship resource that is in the best interests of a child/youth in need of out-of-home placement, the LDSS will take the following actions in the order provided:

1. Give first priority to a kinship parent.
2. Exhaust all reasonable efforts to locate a kinship parent (relative) for initial placement of the child or youth.
3. If a suitable kinship parent is located, place the child/youth with the kinship parent.
4. If there is no suitable or available kinship parent, place the child/youth with a kinship caregiver if the individual meets the following criteria:
  - a. the placement is in the best interests of the child,
  - b. the individual is 21 years old or older,
  - c. the individual is related to the child by blood or marriage beyond five degrees of consanguinity or affinity under the civil law rule (see chart) or is a close family friend of the child or the child's family,
  - d. the individual has a strong familial or other significant bond to the child or the child's family,
  - e. the individual has maintained regular contact with the child or the child's family sufficient to demonstrate strong familiarity with the child's activities and daily needs, and
  - f. the individual completes and submits to the LDSS an Affidavit for Potential Kinship Caregiver that includes the specific facts that demonstrate the individual meets the above criteria.
    - i. The completed affidavit shall be uploaded into the statewide electronic child welfare case management system. The affidavit must be scanned and uploaded in the **CJAMS Documents Tab**.
    - ii. When possible, the LDSS should obtain the signature of the parents/legal guardian and the child/youth (when clinically and developmentally appropriate) on the affidavit.

**Out-of-Home (Placement and Permanency)**

DHS/SSA supports permanency for children and youth who are in the care and custody of the LDSS. The identifying, locating, and engaging of kinship resources shall be an early intervention and ongoing strategy to facilitate permanency for all children and youth during agency involvement, teaming, and all case planning activities. Kinship parents and kinship caregivers shall be reassessed and evaluated as potential kinship resources when permanency planning for all children and youth, including special populations that may include children with limited known relative resources upon entering out-of-home care; children with other challenging barriers to achieving permanency; and children who have a history of placement disruptions or adoption dissolutions. The LDSS shall utilize Family Finding efforts to identify potential kinship resources as outlined in the current policy directive, SSA-CW#15-28 (Family Finding).

If a potential kinship resource is located after a child's entry into an out-of-home placement, and placement with the kinship resource is in the child's best interest, the LDSS shall place the child with the kinship resource, giving priority to a kinship parent over a kinship caregiver.

**Interstate Compact on the Placement of Children (ICPC)**

The kinship caregiver provision applies to Maryland only. Unless another State has a similar law when placing a child in Maryland or when Maryland places a child out of State, relative home studies shall **only** be approved for families that meet the definition of a kinship parent.

If a state with a similar law which includes distant relatives and fictive kin as kinship resources is placing a child in Maryland or Maryland is placing a child with a kinship caregiver in another State, the LDSS shall develop a plan to outline how medical care and financial supports will be provided. Financial and medical care benefits cannot be ensured across state lines.

**General Guidance**

1. LDSS shall conduct a diligent and exhaustive search for kinship placement resources for all children/youth. An exhaustive search of potential kinship resources shall include:
  - Interviews with parents/legal guardians, children/youth (when clinically and developmentally appropriate), relatives, and other individuals connected to the child and/or the child's family;
  - Searches conducted in the Child, Juvenile and Adult Management System (CJAMS), Client Information System (CIS), Criminal Justice Information System (CJIS), MD Judiciary Case Search, LDSS case record, the internet, and court file (if applicable) for prior family history and information.
  - All case activity and search efforts documented in CJAMS.
  - All documents/forms used to notify and establish permanency efforts with kin must be captured in Contact Notes or uploaded in the **CJAMS Documents Tab**.
2. Kinship parents and kinship caregivers are subject to the same state and federal criminal background checks and child protective services clearance procedures outlined in COMAR 07.02.25.10(E). An LDSS may not approve or continue to approve for kinship care any home in which an individual has an indicated child abuse or neglect finding. An exception may be made only upon approval in writing by the LDSS director. An exception cannot be made and

the kinship resource cannot be approved if the resource or any adult in the prospective resource's household has a felony conviction for child abuse or neglect, spousal abuse, a crime against children, child pornography, or a crime of violence including rape, sexual assault, or homicide but not including other physical assault or battery; or, in the 5 years before the date of the request for a criminal background check, has a felony conviction involving physical assault, battery, or a drug-related offense.

3. It is the expectation that teaming shall be utilized throughout any child welfare interventions. A family team decision meeting will be held when considering the removal of a child/youth from their family.
4. The caseworker shall advise the kinship resource of the availability of support and services that include:
  - The option to become a resource parent and the resource home study process
  - Guardianship Assistance Program
  - Child Care: Please refer to SSA-CW 21-06, or the latest policy on child care services for foster children.
  - Maryland Supplemental Nutrition Assistance Program (SNAP): Eligibility will be based on the household income.
  - Temporary Assistance for Needy Families/Temporary Cash Assistance (TANF/TCA): Kinship caregivers related beyond the five degrees of consanguinity or affinity may be eligible for TANF/TCA; however, kinship caregivers not related by blood, marriage, or adoption do not qualify for the TANF/TCA benefit. The Family Investment Administration (FIA) determines eligibility for the program based on the following definitions:
    - "Caretaker relative" means a parent or other individual related by blood, marriage, or adoption living and caring for a minor child (COMAR 07.03.03.02(b)(10))
    - "Custodial relative" means an adult or minor biological or adoptive mother or father, stepmother or stepfather, or other caretaker relative who lives with a related minor child or pregnant woman (COMAR 07.03.03.02(b)(13))
    - A family may be eligible for assistance under this subtitle *only* if the family includes: (i) a minor child who resides with a custodial parent or other adult caretaker who is a relative of the child; or (ii) a pregnant individual.
5. The LDSS shall provide services to meet the identified needs of children/youth and kinship resources to prevent disruptions and support placement stability.
6. If placement with a prospective kinship parent or kinship caregiver is determined not to be in the best interests of the child/youth, the LDSS shall notify the prospective kinship parent or kinship caregiver in writing and/or verbally, and assess how the individual can otherwise provide supports and maintain long lasting connections with the child/youth, if appropriate.

**Alignment with Practice Model and Desired Outcomes**

This policy aligns with the Integrated Practice Model as it provides service through the values of collaboration, advocacy, respect, and empowerment. It provides for a family-centered, strengths-based, individualized, trauma-responsive, community focused, culturally and linguistically responsive resource for children when kinship parent resources are not available by expanding the pool of possible kinship placements through the use of kinship caregivers.

**Documentation**

All policies regarding documentation and timeliness of entering contact notes into the statewide electronic child welfare case management system should be followed, and include the following information:

- *Affidavit of Potential Kinship Caregiver* completed by each prospective kinship caregiver
- Documentation of exhaustive efforts to identify, locate, inform, and evaluate potential kinship resources initially and ongoing throughout the child's involvement with the agency. If an LDSS determines that placement of a child/youth with a kinship parent or kinship caregiver is not in the child's best interests, the LDSS shall document the reasons supporting that determination.

**Forms**

*Affidavit of Potential Kinship Caregiver* (DHS/SSA/3011/October2020)

- [Affidavit \(English Version\)](#)
- [Affidavit \(Spanish Version\)](#)

**Related Policies and Information**

SSA-10-11 Policy regarding placement of children in DHR's care

SSA-CW#11-07 Additional Background Checks for Potential Foster Parents

SSA-CW#15-28 Family Finding

SSA-CW#13-16 Resource Home Study Process

SSA-CW#15-23 Relative Notification of Child Entering Out-of-Home Care

SSA-CW#15-25 Guardianship Assistance Program

SSA-CW#16-05 Providing Services to Native American Children and Families

SSA-CW#20-12 Child Care Services for Foster Children

Children's Bureau, Child Welfare Policy Manual [Child Welfare Policy Manual](#)

**Attachments**

Affidavit of Potential Kinship Caregiver

Consanguinity Chart

**Affidavit of Potential Kinship Caregiver**

**Instructions: The prospective kinship caregiver shall complete this affidavit and provide it to the Local Department of Social Services to verify the kinship relationship.**

I, the undersigned kinship caregiver applicant(s), state that I am at least twenty-one (21) years of age and that I have a relationship, bond, and connection to the following child or children.

*I. Identifying Information:*

My name is: \_\_\_\_\_

My date of birth is: \_\_\_\_\_

My address is: \_\_\_\_\_

*II. Child or Children:*

The child or children are:

_____	_____
<i>Child</i>	<i>Date of Birth</i>
_____	_____
<i>Child</i>	<i>Date of Birth</i>
_____	_____
<i>Child</i>	<i>Date of Birth</i>
_____	_____
<i>Child</i>	<i>Date of Birth</i>

*III. Relationship:*

I have the following relationship with the child/children or the family:

*(Please check all that apply)*

\_\_\_\_\_ I am related by blood or marriage but my relationship is beyond that of second cousin;

\_\_\_\_\_ I am not related by blood or marriage but am a close family friend to the child/children;

\_\_\_\_\_ I am not related by blood or marriage but am a close family friend to the child/children's family;

*IV. Bond: *(Please check all that apply)**

\_\_\_\_\_ I have a strong familial or other significant bond to the child/children;

\_\_\_\_\_ I have a strong familial or other significant bond to the child/children's family;

*V. Contact: *(Please check all that apply)**

\_\_\_\_\_ I have maintained regular contact with the child/children sufficient to demonstrate strong familiarity with the child/children's activities and daily needs;



\_\_\_\_\_ I have maintained regular contact with the child/children's family sufficient to demonstrate strong familiarity with the child/children's activities and daily needs;

VI. Facts demonstrating relationship, bond and contact:

My relationship, bond and contact to the child/children or the family is based upon the following facts: *(Describe your relationship, bond and contact in detail)*

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

*Please check here and add additional pages if you need more space to describe your relationship, bond and contact to the child/children and/or family.*

VII. Agreement to Accept Placement of Child or Children by the Department of Social Services.

I understand that the child or children listed above are in the custody of the Department of Social Services. I am completing this Affidavit so that I may be considered as a placement resource for the child or children. I agree to accept placement of the child or children in my home and to follow all of the requirements of the Department concerning the care of children in its custody including the prohibition on all physical discipline of the child or children.

**I solemnly affirm under penalties of perjury that the contents of the foregoing are true to the best of my knowledge, information, and belief.**

\_\_\_\_\_  
*Applicant Signature* *Date*

\_\_\_\_\_  
*Applicant Signature* *Date*

By signing below, I agree that the person should be a kinship caregiver for the child(ren) listed above.

\_\_\_\_\_  
*\*Parent Signature* *Date*

\_\_\_\_\_  
*\*Parent Signature* *Date*

\_\_\_\_\_  
*\*Child/Youth Signature* *Date*

*\*These signatures are not required.*

**Declaración de Posible Persona Acogedor(a) de Parientes**

**Instrucciones: La persona que ofrece acoger parientes debe completar esta declaración y presentarla en la oficina local del Departamento de Servicios Sociales para verificar la relación de parentesco.**

Yo, persona que ofrece acoger parientes abajo firmante, declaro que tengo por lo menos veintiún (21) años de edad y que tengo una relación, vínculo y conexión con el siguiente niño o niños.

*I. Información de identidad:*

Mi nombre es: \_\_\_\_\_

Mi fecha de nacimiento es: \_\_\_\_\_

Mi dirección es: \_\_\_\_\_

*II. Niño o niños:*

El niño o los niños son:

Niño	Fecha de nacimiento
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Niño	Fecha de nacimiento
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Niño	Fecha de nacimiento
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Niño	Fecha de nacimiento
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*III. Relación:*

Yo tengo la siguiente relación con el niño/los niños o la familia:

*(Por favor marque todas las opciones que apliquen)*

\_\_\_\_\_ Yo tengo una relación de consanguinidad o de matrimonio pero mi relación es más lejana que la de un primo segundo;

\_\_\_\_\_ No tengo una relación de consanguinidad ni de matrimonio pero soy un(a) buen(a) amigo(a) del niño/los niños;

\_\_\_\_\_ No tengo una relación de consanguinidad ni de matrimonio pero soy un(a) buen(a) amigo(a) de la familia del niño/los niños;

*IV. Vínculo: (Por favor marque todas las opciones que apliquen)*

\_\_\_\_\_ Tengo un vínculo familiar fuerte u otro vínculo importante con el niño/los niños;

\_\_\_\_\_ Tengo un vínculo familiar fuerte u otro vínculo importante con la familia del niño/los niños;

V. Contacto: (Por favor marque todas las opciones que apliquen)

\_\_\_\_\_ He mantenido un contacto regular con el niño/los niños; suficiente para demostrar gran familiaridad con las actividades y necesidades del niño/los niños;

\_\_\_\_\_ He mantenido un contacto regular con la familia del niño/los niños; suficiente para demostrar gran familiaridad con las actividades y necesidades del niño/los niños;

VI. Hechos que demuestran la relación, el vínculo y el contacto:

Mi relación, vínculo y contacto con el niño/los niños o la familia se basa en los siguientes hechos: (Describa su relación, vínculo y contacto en detalle)

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Por favor marque esta casilla y use páginas adicionales si necesita más espacio para describir su relación, vínculo y contacto con el niño/los niños o la familia.

VII. Acuerdo de Colocación de un Niño o Niños por el Departamento de Servicios Sociales.

Entiendo que el niño/los niños indicados antes están bajo la custodia del Departamento de Servicios Sociales. Yo presento esta Declaración para que se me considere como un recurso para la colocación del niño o niños. Acepto la colocación del niño o niños en mi hogar y cumplir con todos los requerimientos del Departamento relativos al cuidado de menores en custodia, incluyendo la prohibición de toda forma física de disciplina del niño o niños.

**Afirmo solemnemente, bajo pena de perjurio que, según mi leal saber, creer y entender, la información anterior es cierta.**

\_\_\_\_\_  
Firma de la persona acogedora

\_\_\_\_\_  
Fecha

\_\_\_\_\_  
Firma de la persona acogedora

\_\_\_\_\_  
Fecha

Al firmar abajo, estoy de acuerdo con que esta persona acoja al niño/los niños indicados antes.

\_\_\_\_\_  
\*Firma de uno de los padres

\_\_\_\_\_  
Fecha

\* *Firma de uno de los padres*

*Fecha*

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\* *Firma del niño/joven*

*Fecha*

\**Estas firmas no son requeridas.*

**TABLE OF CONSANGUINITY AND AFFINITY**

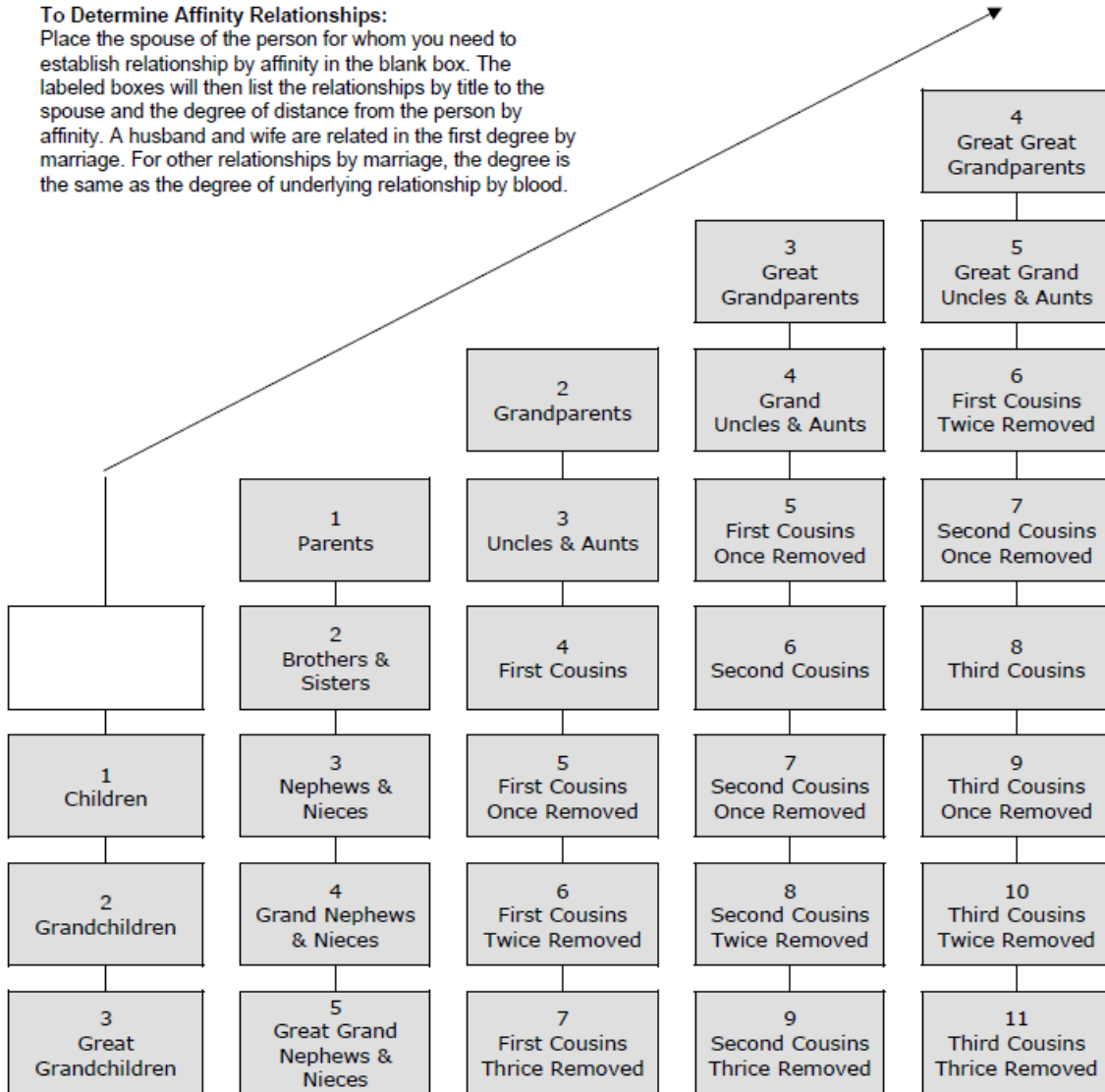
*Showing Degrees of Relationship by Blood and Marriage*

**To Determine Consanguinity Relationships:**

Place the person for whom you need to establish a relationship in the blank box. The labeled boxes will then list the relationship by title to the person and the degree of distance from the person.

**To Determine Affinity Relationships:**

Place the spouse of the person for whom you need to establish relationship by affinity in the blank box. The labeled boxes will then list the relationships by title to the spouse and the degree of distance from the person by affinity. A husband and wife are related in the first degree by marriage. For other relationships by marriage, the degree is the same as the degree of underlying relationship by blood.



# TABLA DE CONSANGUINIDAD Y AFINIDAD

Muestra los grados de relación por consanguinidad y matrimonio

## Para determinar relaciones de consanguinidad:

Escriba en la casilla en blanco el nombre de la persona para quien necesita establecer una relación filial. En las otras casillas se encuentra la relación por el título y el grado de distancia de la persona.

## Para determinar relaciones de afinidad:

Escriba en la casilla en blanco el nombre del cónyuge de la persona para quien necesita establecer una relación de afinidad. En las otras casillas se encuentra la relación con el cónyuge y el grado de distancia por afinidad. Un esposo y una esposa están relacionados en primer grado por matrimonio. Para otras relaciones por matrimonio, el grado de la relación es el mismo que el de consanguinidad.

