



VIRGINIA DEPARTMENT OF  
SOCIAL SERVICES

# Kinship Care

Exploring options for relatives  
and close family friends of  
children in foster care.



# What is kinship care?

**Kinship care means that a child lives with a relative or other close family friend.**

It's a way for Virginia's children to stay connected to family when they are unable to live with their parents. When children are in foster care due to illness, incarceration, housing instability, abuse or neglect, relatives and other important people in their lives (such as neighbors, godparents, family friends, etc.) sometimes become their primary caregivers (also called "kinship care providers"). Kinship care can reduce trauma, promote stability, and maintain family and cultural connections.

## What happens when children are removed from their home?

When a [local department of social services](#) determines that a child needs to be removed from the home, they will alert the Juvenile and Domestic Relations District Court. A judge must then decide if, while out of the home, the child will be in the custody of a relative or a local department of social services and live in an approved foster care placement.



## What options do relatives have?

**If a child is removed from the home, there are four options for kinship care providers in Virginia:**

1. The court could transfer custody of the child to a kinship care provider.
2. The local department of social services, who has custody of the child, could approve the kinship care provider as a foster parent.
3. The kinship care provider, who is an approved foster parent, may be able to adopt the child if the court terminates the rights of the child's parents and approves the goal of adoption.
4. The kinship care provider, who is an approved foster parent, may become permanent legal custodian and receive continuing financial support through the Kinship Guardianship Assistance Program (KinGAP).





# Option 1

## Custody of the child is transferred to a kinship care provider.

As the child's legal custodian, the kinship care provider can make decisions for the child such as school enrollment and medical procedure approvals. Kinship care providers may seek support from local and state agencies on behalf of the child.

- » Kinship care providers may file for child support through the Division of Child Support Enforcement.
- » Kinship care providers may apply for Child-Only Temporary Assistance for Needy Families (TANF) through the [local department of social services](#). The amount of TANF assistance for a child is based on where the kinship care provider resides in the state. Funding may be available for relatives or other close family friends who begin taking care of a child as an alternative to foster care or who take custody of a child in foster care.
- » The child may be eligible for Medicaid or other affordable health insurance. Kinship care providers may apply at their [local department of social services](#) or through [Cover Virginia](#).
- » The local department of social services may make referrals for additional community-based services deemed necessary for the child.

For all support and services, the kinship care provider is responsible for following through with necessary paperwork and obtaining other resources as needed.





## Option 2

### **Kinship care provider becomes an approved foster parent for a child.**

In Virginia, children who are in foster care must be placed in settings which meet certain approval standards. If the kinship provider is able to meet these standards, the child lives with a kinship care provider who is an approved foster parent, while remaining in the custody of the local department of social services. Some non-safety-related approval standards can be waived for kinship foster parents. In many cases, the local department can place a child immediately in your home.

- » The kinship care provider receives a monthly payment from the local department of social services based on the child's age and individual needs.
- » The local department of social services helps obtain specialized supports and services, such as Medicaid, assistance with room and board expenses, and therapeutic services. Health care professionals assist in ensuring that the child's medical, dental, and mental health care needs are met.
- » Children in the custody of the local department of social services may qualify for additional educational and therapeutic support.
- » Because the child is in the custody of the local department, the local department will make all decisions about the child's contact with the child's parents. Additionally, the department may file to collect child support on behalf of the child.

- » If return home and adoption are not in the best interest of the child, then kinship care providers who are approved foster parents may be able to pursue KinGAP (see option 4).

If a relative or fictive kin is not approved as a foster parent by the local department, they will receive written notification of the reason for denial and may exercise their right to appeal the decision of the local department to the Office of Appeals and Fair Hearings within 30 days of the postmarked date of the notice of denial.





## Option 3

### **Kinship care provider becomes the adoptive parent for a child.**

When children are not able to return home, the judge may order termination of parental rights. Working with the local department of social services, a kinship care provider who has been the child's approved foster parent may then consider adopting the child. Adoption is a permanent arrangement, entitling a child to all of the benefits and rights of a biological child within the adoptive family.

- » After finalization of the adoption, the kinship care provider has full authority as the adoptive parent to make decisions for the child. The child's birth parents cannot petition the court for the purpose of custody or visitation with the child and will no longer be obligated to pay child support.
- » The kinship care provider may be eligible to receive financial adoption assistance to support the child's individual needs as negotiated with the local department of social services.
- » The kinship care provider can access services and supports that may be needed by the child or family, such as counseling and crisis intervention, through the local department of social services or other community-based resources.





## Option 4

### **Kinship care provider becomes the permanent legal custodian of a child and receives continuing financial support.**

When adoption and return home are not options, the Kinship Guardian Assistance Program (KinGAP) provides another permanency option which allows children to leave foster care. KinGAP provides financial support to help kinship care providers meet children's needs. KinGAP must be approved prior to the transfer of custody.

After custody is transferred to the kinship care provider and the youth is no longer in foster care, kinship care providers may continue to receive monthly payments to help support the youth.

- » In some cases, when a potential kinship provider has not already been approved as a foster parent, state-funded kinship subsidy assistance (approved prior to custody transfer) may be an option. This is dependent on the length of the foster care stay and other eligibility criteria.

As the permanent legal guardian, the kinship care provider becomes responsible for making decisions about school, medical care, contact with other family members, and therapeutic services for the child. Services and payments may change when custody is transferred and the youth leaves foster care, so it's important for kinship care providers to discuss the KinGAP option with their [local department of social services](#).

### **Who is eligible for KinGap?**

- » Child must be related by blood, marriage, or adoption to the kinship care provider or be considered fictive kin (have a close relationship with the child).
- » The kinship care provider must become an approved foster parent.
- » Child must currently be in foster care and have been living with the kinship care provider, who is an approved foster parent, for at least 6 months.
- » Adoption and return home are not in the best interest of the child.



# Considerations

## Is kinship care right for me?

To determine how to be involved as a kinship care provider, you should first understand the strengths and needs of the child and assess your own ability to meet the child's needs. Consider the following:

- » What is my relationship with the child's parents/guardians? How might kinship care affect this relationship or my relationship with the child's extended family?
- » How will this impact my own children and spouse or partner? Will I have my family's support?
- » Do I understand the circumstances surrounding this child's removal from the home? How do I feel about those circumstances?
- » Will I be able to set limits with the child's parents?
- » Will I be able to support this child to return home if/when the time comes?
- » Will I be able to offer this child a permanent home if necessary?
- » Will I need assistance to meet the medical, dental, emotional, and financial needs of this child?





# What else should I know?

- » A biological parent who has not harmed the child will have preferential consideration for having the child placed with him or her.
- » Placement of a child with a kinship care provider during a protective services investigation (usually the first 1–30 days) does not guarantee that the child will remain with them. The local department of social services and the judge consider many factors in determining which living arrangements are in the child's best interests.
- » Relatives who come forward to be a resource to the child will be considered as a preferred placement provider.
- » The Juvenile and Domestic Relations Court judge will be informed about potential kinship care providers.
- » Most children return to their parents' care within 12 months if the circumstances which caused the child to be removed have improved.
- » A permanent living arrangement will be made for a child whose parent(s) are unable or unwilling to make necessary changes.
- » A kinship care provider may be asked to consider providing a permanent home to the child through adoption or KinGAP.

## How can I become an approved foster parent?

- » **Apply** to become a foster parent at your local department of social services.
- » **Work** with a Family Services Specialist to decide if becoming a foster parent is right for you. A home study, including a safety inspection, will be completed for relatives being considered as potential foster parents.
- » **Consent** to criminal background and child abuse/neglect record checks, which are required for all adult residents.
- » **Complete** the local department of social services' required training for foster parents.

## Want to become a kinship foster parent?

Contact the [local department of social services](#) who has custody of the child and explain your relationship with the child.

The kinship foster home approval process includes background checks, a home visit, training, physical exams, and a mutual family assessment (also called a home study) to be completed.

In many cases, local departments have the ability to place a child immediately in your home.





# Contact Us

If you are interested in becoming a kinship care provider for a child in foster care, contact your **local department of social services**.

Additional kinship care information and resources can be found on the following sites:

- » [www.211virginia.org](http://www.211virginia.org)  
Virginia service directory. Talk to a customer service specialist—dial 211
- » [www.dss.virginia.gov](http://www.dss.virginia.gov)  
Virginia Department of Social Services
- » [www.dss.virginia.gov/family/dcse](http://www.dss.virginia.gov/family/dcse)  
Division of Child Support Enforcement, Virginia Department of Social Services
- » [www.grandfamilies.org](http://www.grandfamilies.org)  
National legal resource for relative caregivers
- » [www.coverva.org](http://www.coverva.org)  
Cover Virginia: Connecting Virginians to affordable health insurance
- » [www.dmas.virginia.gov](http://www.dmas.virginia.gov)  
Virginia Department of Medical Assistance Services
- » [www.childwelfare.gov](http://www.childwelfare.gov)  
Child Welfare Information Gateway

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