

The Keeping Families Together Act & Fostering Webinar Q&A

Resources

General Information on the Keeping Families Together Act

- Read the Keeping Families Together Act
<https://lawfilesexternal.wa.gov/biennium/2021-22/Pdf/Bills/Session%20Laws/House/1227-S2.SL.pdf?q=20230621125256>
- Read more information about the Keeping Families Together Act on the Washington Courts Website
<https://www.wacita.org/hb-1227-keeping-families-together-act/>

Data and Reports on the DCYF Website

- DCYF Agency Performance Dashboard
<https://www.dcyf.wa.gov/practice/oiaa/agency-performance>
- Child Welfare Child Fatality and Serious Injury Reports
<https://www.dcyf.wa.gov/practice/oiaa/reports/child-fatality/child-welfare>

Kinship Research in Washington State

- 2021 Healthy Youth Survey - Topic Specific Factsheets
 - **Demographic Fact Sheet**
 - **Education Fact Sheet**
 - **Mental Health Fact Sheet**
 - **Substance Use Fact Sheet**
- Research Brief: Child Outcomes in Kinship Care in Washington State
<https://www.dcyf.wa.gov/sites/default/files/pdf/reports/KinshipCareResearchBrief2022.pdf>



Washington State Department of
CHILDREN, YOUTH & FAMILIES

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Partnership, Prevention and Services Division | Approved for distribution by Holly Luna,
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DCYF Policy

- 4527. Kinship Care: Searching for, Placing with, and Supporting Relatives and Suitable Other Persons

<https://www.dcyf.wa.gov/4500-specific-services/4527-kinship-care-searching-placing-and-supporting-relatives-and-suitable>

Learn about the **Safety Framework**

<https://dcyf.wa.gov/sites/default/files/pdf/ChildSafetyFramework-presentation.pdf>

Learn more about the permanent plans by reviewing the **Permanency Matrix**

https://www.dcyf.wa.gov/publications-library?combine_1=&combine=permanency&field_program_topic_value=All&field_languages_available_value=All

Read more about Kinship Care (including statistics) on the **Child Welfare Information Gateway**

<https://www.childwelfare.gov/topics/outofhome/kinship/about/>

Share Feedback and Concerns

Share feedback with your region's DCYF staff

<https://www.dcyf.wa.gov/about/community-engagement/fp-1624>

Find your Washington State legislators and share your feedback

<https://app.leg.wa.gov/districtfinder/>

Constituent Relations provides a fair and courteous process for resolving complaints relating to child protection and child welfare cases, foster home and child care licensing, child care programs, and juvenile rehabilitation services. 800-723-4831 or email constrelations@dcyf.wa.gov

The **Office of the Family and Children's Ombuds** is another state office that is separate from DCYF. They investigate complaints about DCYF actions or inaction that involve any child at risk of abuse, neglect, or other harm; a child or parent involved with child protection or child welfare services; or the safety or welfare of children in state care. 800-571-7321, <https://ofco.wa.gov/>

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Q&A

Initial Licenses

Q Do adults who receive the kinship initial license or the 3-year kinship [license] get the monthly foster care reimbursement?

A Yes. Caregivers with an initial kinship license receive the basic monthly foster care maintenance payment, and caregivers with a 3-year kinship license receive a monthly foster care maintenance payment which includes the level rate if applicable. This publication describes the monthly foster care payments--Monthly Foster Care Maintenance Payments Fact Sheet (https://www.dcyf.wa.gov/publications-library?combine_1=LIC_0045&combine=&field_program_topic_2_value=All&field_languages_available_value=All).

Q Can CPAs issue initial licenses?

A No. DCYF issues all initial licenses; however, DCYF is working with child placing agency (CPA) partners to explore a better way to ensure kinship caregivers can choose to move from an initial license to a full kinship license through a CPA if they choose.

Q Can you convert a standard foster license to a kinship license?

A At time of renewal, DCYF will convert standard foster licenses to kinship licenses, if appropriate. If you believe your license should be converted prior to renewal, contact your licenser to discuss.

Q How long does it usually take for a kinship license to be issued?

A DCYF's Licensing Division has 120 days to approve a foster care or kinship license, and 90 days to approve a kinship license provisionally approved as an initial license.

Q Why do kinship caregivers need a license?

A DCYF wants all kinship caregivers to get licensed so they can receive the maximum financial support available. While kinship caregivers who aren't licensed are eligible for child-only, non-needy TANF, the subsidy is less than a basic monthly foster care maintenance payment and significantly less when a caregiver is parenting multiple children or siblings. The most sensible, financially sustainable way to provide financial support to kinship caregivers is by supporting them to get licensed and receive a monthly foster care maintenance payment. Kinship caregivers can choose not to get licensed and to only complete a home study assessment.

Kinship licenses are what DCYF calls “the license to care for a specific child” referenced in **WAC 110-148-1326**. A relative or suitable person (i.e., family friend) who does not have an ongoing relationship with a child can still apply for a kinship license, rather than a general foster care license. The purpose of the kinship license is the license is tailored to the specific child rather than a license to care for any child in foster care.

Placing with Relatives and Suitable Adults

- Q** Is a background clearance beyond a Washington State Patrol check required prior to kinship placement?
- A** Yes, at a minimum a National Crime Information Center (NCIC) background clearance is required prior to a kinship placement and initial license. Ongoing placement and kinship or foster licensing require a full fingerprint-based background check.
- Q** Can relatives be out of state?
- A** Young people experiencing foster care can be placed with relatives who live in another state through an Interstate Compact for the Placement of Children (ICPC) arrangement. Relatives living outside of Washington are not eligible for initial licenses through Washington State as DCYF does not license caregivers living in any other state.
- Q** Can you speak to the rights or chances that children will be placed with godparents if removed from their home?
- A** Godparents do not have the same legal recognition as relatives in child welfare cases, but they are more than likely to be considered suitable adults or unrelated kin. In Washington, we prioritize placing children and youth with relatives OR suitable adults whenever possible. Godparents would be considered before placing with a foster family that the child or youth doesn’t know.
- Q** If kinship placement can be made with a home that cannot be licensed, do foster parents still need to go through a licensing process?
- A** Yes, foster parents must still complete the licensing process to open their homes to children they do not know.
- Q** Does a placement have to be identified prior to a judge ordering the child come into care?
- A** No, some children do not have relatives or suitable persons available to care for them. This is why foster parents are SO important.
- Q** What if the caregiver (foster parent or kinship) is concerned about the child returning home? Will this impact their ability to provide ongoing care and placement for the child?
- A** Foster parents and kinship caregivers are required to follow the case plan for children and youth in their care. Caregivers are encouraged to share their perspective, opinions, and knowledge of the children which should not impact whether a child can stay in their care, so long as they are supporting the child’s case and permanent plan (**WAC 110-148-1365**). Foster parents and kinship caregivers can share their concerns during a Shared

Planning Meeting, monthly home visit, and in the **Caregivers Report to the Court (15-313)**.

Q Are there programs or resources that can help us with a transition of a child we have had for a while to a relative? We really would like to stay in the kids' lives if they get moved.

A Helping the child to develop a relationship with the relatives and offering support and respite increases the likelihood of an ongoing relationship after the transition occurs. Our partners at the **Alliance CaRES** offer a few different **topic support groups** including one on grief and loss, self-care, and boundaries as a form of self-care. They can also provide a listening ear through one of their peer mentors.

Relative Search

Q If a child has ties with a tribe, will the Keeping Families Together Act (HB 1227) require the Tribe to find a long-term placement for the child within the tribal community?

A When there is reason to know a child is or may be an Indian child, DCYF must follow the **federal** and **WA State ICWA placement preferences** criteria. DCYF must seek input about placement preferences from parents, Indian custodians and the child's Tribe.

Q Who is the one looking for relatives? Is there a division of DCYF that only deals with searching? Or is this just the job of the social workers?

A When a child or youth is removed from their home and enters state care, the DCYF is required to notify all adult relatives within 30 days. The statewide Relative Search Unit (RSU) is tasked with identifying potential relative support for all children and youth whom DCYF has legal custody.

Q What is DCYF doing to improve their staffing so there are fewer situations where the initial work of finding relatives hasn't been done, and then years down the road, they have to move to literal strangers, away from the only family they know?

A Policy **4527** requires DCYF to begin searching for relatives immediately when recommending children or youth to be placed in out-of-home care. The RSU completes the official search and notification of relatives when a child is:

- Placed in out-of-home care, or
- Disrupts from placement, or
- Re-enters out-of-home care, or
- 12 months have passed since the previous relative search and the child is not currently placed in kinship care.

If paternity was not established before a child is placed in out of home care, staff must inform the **RSU** within 5 calendar days of learning that paternity was established.

Also, DCYF is working to create positions that will provide more relative support and engagement positions.

Adoption, Guardianship, and Permanency Related

Q Can you briefly remind us of the difference between adoption and guardianship and their supports?

A Yes. Some of the key differences between adoption and guardianship are:

- Guardianship does not require a termination of parental rights.
- Guardianship can be ended if a parent goes to court and proves that there have been significant changes in their life, the child's, or the caregiver's.
- Adoption is a lifelong, permanent legal relationship, and guardianship ends on a child's 18th birthday. In some cases, guardianship can be continued past age 18 through the Title 11 guardianship for adults.
- DCYF's **Permanency Planning Matrix** provides an overview of the differences between reunification, adoption, and guardianship. This comparison chart created by Generations United, the Dave Thomas Foundation for Adoption, and the King County Bar is another helpful tool to learn more about the differences between adoption and guardianship.

Q Why would DCYF recommend guardianship over adoption?

A Guardianship and adoption are permanent plans, and one is not better than the other. Instead, each situation must be approached on a case-by-case basis, and, ultimately, the Department must weigh the best interest of the child in making a placement decision. The child's needs must be considered including but not limited to:

- The wishes of parents, the child or youth, and relatives.
- The child or youth's relationship with their parent(s), siblings and caregivers.
- Which subsidy is in the best interest of the child and the subsidies impact on other programs (i.e. social security, TANF, SNAP food benefits).
- Tribal custom and consultation.
- Cultural and community consideration.

Caregiving families (foster and kin) should consult an attorney with legal questions.

To learn more best interest considerations, read the Child Welfare Information Gateway's **Determining the Best Interests of the Child** resource.

Q Why is the state pushing guardianship over adoption?

A Over the last few years, there have been several kinship-focused pieces of legislation such as: **SB 5151** (2021), **HB 1747** (2022), **Keeping Families Together Act HB 1227** (2021 but effective in 2023), and **HB 5124** (2023).

DCYF is required to follow state law. On June 9, 2022, legislation (**HB 1747**) went into effect which requires DCYF to discuss guardianship with the child's or youth's parents

and caregivers as a permanent plan, as an alternative to termination of parental rights (TPR) and adoption. This legislation also says the court must consider DCYF's efforts to support and remove barriers to a guardianship. The Department must discuss guardianship as a permanent option for the child with the child's parents and caregiver as an alternative to termination of parental rights and adoption.

Q Does The Keeping Families Together Act (HB 1227) change anything for adoption or guardianship or does it just affect the process of removing children from the home?

A The Keeping Families Together Act (HB 1227) pertains to shelter care and does not change adoptions or guardianships.

Q Is there a timeline for not using permanency to trump stability?

A There are no timelines regarding permanency versus stability, and the law is very clear; DCYF must continue to search for relatives until permanency is achieved which has been our policy and practice for years.

The obligation to continue relative search may be required even if a child or youth is placed with a suitable other. Federal law obligates DCYF to exercise "due diligence to identify and provide notice to relatives," and does not include an exception for the time a child or youth has spent with their foster family or suitable others (unrelated kin) and refers exclusively to relatives. 42 USC 671(29).

DCYF Policy 4527 provides that relative search be discontinued "only when a permanent plan for the child has been completed." The policy also states that the assigned caseworker must "conduct an ongoing search for relatives when a child is not placed with a relative."

Q It's already very hard to adopt today. Can we assume that it will be even harder to adopt after July 1?

A This is a hard question to answer. The entire child welfare community will need to watch and track how increased awareness and use of guardianship, initial kinship licenses, and updated removal standards impact permanency outcomes (including adoption).

Q Does the Guardianship Assistance Program (GAP) subsidy include health insurance for the child?

A If GAP eligible, medical and dental coverage is provided as specified in the GAP agreement. If the Guardian continues with Medicaid as the child/youth's primary coverage, access to Coordinated Care continues to be available. Guardians, regardless of GAP eligibility, may put the child on their own insurance if their personal insurance plan allows. Medicaid coverage would then become secondary.

- If ineligible for GAP, medical and dental coverage may be available through a non-needy TANF grant. Also see <https://www.dshs.wa.gov/esa/community-services-offices/non-needy-relative-loco-parentis-and-legal-guardian-grant>

Considerations for Infants

Q How will DCYF assess if a newborn baby who was born drug exposed or affected is in need of removal?

A DCYF will continue to use a standardized assessment tool to fully assess safety which is specifically designed to assess the unique safety of a child in relation to their caregiver and environment. If a child is identified as unsafe with the inability to safety plan, they will recommend removal.

There may be times where there are significant concerns and DCYF may file a petition to obtain court structure and oversight but not ask for removal. This is determined on a case by case basis at the local office depending on the unique circumstances of the child, caregiver, and environment.

Q How does DCYF assess first time parent's when they have a baby born drug exposed and/or affected?

A When DCYF receives a screened in intake for a Child Protective Services intervention, they are required to complete a global assessment on the family which includes interviewing all individuals who live in the home, complete a full home walk through, which includes assessing the child's sleeping and living environments and the parent or caregiver's ability to meet basic needs. Additional verification and behavioral observation are also part of the process to complete a safety assessment in order to fully understand the child's safety in relation to their caregiver and environment. If you're interested in learning more about how DCYF assesses safety, see the resource section of this document.

Q What should you do if you believe that a parent is unable to care for their infant or meet their infant's needs?

A If you believe that a caregiver is unable to meet the baby's basic needs, there are concerns about the baby's living environment, or if you have specific and concrete information for a child's safety being impacted, you should notify the DCYF caseworker and call central intake because foster parents are mandated reporters. Review the **"Reporting Responsibilities for Licensed Kinship Caregivers and Foster Parents"** resource and DCYF's **webpages about mandatory reporting of child abuse and neglect**.

Q How does DCYF assess a child's safety when they are currently in an out-of-home placement?

A DCYF continues to prioritize safety when children are placed in out-of-home care. Caregivers and the home environment are assessed by caseworkers at placement and during monthly health and safety visits and by the Licensing Division during the home study. Both child welfare caseworkers and the Licensing Division use standardized processes and tools to guide safety decisions.

If there are safety concerns for a current or proposed out-of-home placement with a relative or suitable person, child welfare caseworkers complete a Safe Child consultation before making a decision not to place or recommending permanent removal from the home. Safe Child consultations use a teaming approach and the safety framework to guide the

assessment of safety. These consultations can include Licensing Division partners. If there is an allegation of abuse or neglect while a child or youth is placed with a licensed caregiver (or a caregiver who is in the process of getting licensed), the Licensing Division's CPS (LD/CPS) staff investigate, provide recommendations, and note concerns that are shared with the child welfare caseworker.

Q What role can a caregiver, natural support and/or contracted provider play in supporting parent's enhancement of protective capacities?

A When there is a need for a child to be removed from the home, there are several different ways to help support the parent in building their protective capacities and ability to safely care for their child; some of these include constant and ongoing family time, continued support for skill development through relevant contracted in-home providers like Promoting First Relationships (PFR) and Project SafeCare. Additional opportunities for DCYF to assess and support parents are by supporting and allowing parents to attend to the child's daily needs/ongoing needs as much as possible, like scheduling and going to medical and dental appointments, IEP and other school related meetings, sporting or recreational events that the child attends. DCYF is tasked with collecting information and observations regarding all of these interactions in order to fully assess a child's safety in out of home care.

Tracking Impacts of the Keeping Families Together Act

Q Will you track how these changes affect foster parent retention and recruitment?

A We will not track how the legislation impacts foster parent retention and recruitment, but we continue to monitor a variety of data sources to monitor foster parent retention and recruitment. Over time, DCYF has learned that foster parent retention and recruitment are impacted by a variety of factors that are all occurring at once. In other words, it's hard to say than any single piece of legislation caused a caregiver to begin or stop fostering.

Q Where can we find more data around the impacts of children outcomes when in out of home placement?

A **Removal & Placement Decisions Workgroup HUB – Family and Youth Justice Programs (wacita.org)**
<https://www.dcyf.wa.gov/sites/default/files/pdf/reports/FatalityNear-Fatality2021.pdf>
<https://www.dcyf.wa.gov/sites/default/files/pdf/reports/KinshipCareResearchBrief2022.pdf>

Data and Research on Kinship Placements and the Harm of Removal

Q Why relatives?

A Nationally there have been longitudinal studies ([MIT Studies Explained - Harm of Removal Workgroup \(wacita.org\)](#)) that show youth placed with kinship caregivers do better. These studies show that relative placements:

- Mitigate trauma
- Achieve higher levels of permanency
- Improve child's well-being and placement stability
- Keep children connected to their cultural identity and community connections.

Within our own state, Washington State students answer questions on the Healthy Youth Survey (HYS), a comprehensive questionnaire that includes questions that allow researchers compare children and youth in kinship care and foster care. These topic-based factsheets use data from the HYS to discuss the differences that children and youth experience when placed with foster parents and kin.

- **Demographic Fact Sheet**
- **Education Fact Sheet**
- **Mental Health Fact Sheet**
- **Substance Use Fact Sheet**

Kinship Placement Priority

Q Hasn't the idea of placing with kinship always been the priority? How is the process going to be different?

A Yes, DCYF had a kinship placement priority prior to the Keeping Families Together Act; however, we did not have a means to provide initial licenses that came with a monthly foster care maintenance payment. This bill provides funding for initial licenses. Also, the bill states that DCYF can no longer use the following reasons not to place with caregivers as long as the caregiver will support the case plan:

- Uncertainty about adoption.
- Disbelief that the parent or legal custodian presents a danger to the child.
- Conditions of the relative or suitable other's home are not sufficient to satisfy the requirements of a licensed foster home.

Foster Parents and Suitable Adult Considerations

Q At what point are foster parents considered kin?

A DCYF uses kin to describe relatives and suitable other (sometimes referred to as unrelated family). Relatives are defined in **RCW 74.15.020(2)(a)**, and suitable others are described in **RCW 13.34.130(1)(b)(ii)**. Foster parents must meet one of these definitions to be considered kin.

Q If we have siblings or relatives to a youth coming into care living in our home (adopted or fostering) are we considered a form of kin?

A It is likely you are considered kin! Review **RCW 74.15.020(2)(a)** to learn more.

Removal Standards

Q What happens to children and/or youth who were removed prior to July 1, 2023? Will there be any remedy under the new law for children in shelter care status?

A The Keeping Families Together Act (HB 1227) went into effect on July 1, 2023. It is not retroactive, so it does not apply to cases that were open before July 1. It is possible that a parent's attorney could file a motion on behalf of their client citing there has been a change in circumstances due to the new removal standards. If this happens, it will be up to the individual court to make decisions on how to proceed in these circumstances, and the judge and/or commissioner may deny or approve the motion.

Q How is imminent physical harm defined?

A Imminent physical harm is a removal standard in child welfare and it is not defined in statute. DCYF utilizes a comprehensive safety framework to help identify if a child is safe and if they are not, if there is an ability to safety plan to prevent the need for removal. Within this framework, if a child is identified as unsafe with the inability to safety plan DCYF would then seek removal to ensure child safety.

Q How will DV be assessed for all children in the home regardless of if they are an identified victim?

A DCYF will assess each individual child in relation to their caregiver and environment using the safety framework.

Q How is imminent physical harm assessed for children at all ages and developmental levels?

A DCYF utilizes the safety threshold criteria which gives a comprehensive look at all of the factors that when combined place a child of any age or developmental level in danger.

- What are the severe consequences?
- Why is it immediate?
- What is this specific child's vulnerability in relation to the caregiver and environment?
- Why is the caregiver and/or environment out of control?
- What specific facts and observations have you gathered that identifies this is not just risk, but actively happening?

When a child is identified as UNSAFE, then DCYF will assess the ability to safety plan. If the child is unsafe with the inability to safety plan, then DCYF would ask for removal.

Q Are there considerations outside of "physical" harm to include other types of harm that may occur to initiate removal?

A The following are the current statutory removal standards for removing a child in shelter care status:

- The child has no parent, guardian, or legal custodian to provide supervision and care for such child.
- Imminent physical harm due to child abuse or neglect, including that which results from sexual abuse, sexual exploitation, or a pattern of severe neglect.

- The parent, guardian, or custodian to whom the child could be released has been charged with violating RCW 9A.40.060 or RCW 9A.40.070.

DCYF will continue to utilize the safety framework when assessing the need for removal of a child.

Q If the bar is raised to imminent physical harm to remove a child, how does this apply to cases of neglect especially for young children (toddler/pre-k)?

A DCYF recognizes young children are often more vulnerable than older children. DCYF will use the safety framework to assess the safety of each individual child.

Q How does DCYF assess parental drug use and its impacts on child safety, and how does DCYF determine if drugs are only being used when children are not present?

A Substance use alone is not a danger to a child. DCYF's comprehensive child safety framework assesses the individual child's safety in relation to their caregiver and environment. Here is an example given the question:

1. First, DCYF identifies the concern or **safety threat**.
2. Second, DCYF uses "**threshold criteria**" to assess the casual relationship between the parent's behavior and the child's safety and living environment by assessing five categories:
 - What are the severe consequences?
 - Why is it immediate?
 - What is this specific child's vulnerability in relation to the caregiver and environment?
 - Why is the caregiver and/or environment out of control?
 - What specific facts and observations have you gathered that identifies this is not just risk, but actively happening?
3. Third, if a child is identified as unsafe using the threshold criteria mentioned above, then DCYF completes a **safety plan analysis** with four domains to determine if we can safety plan with the parent (see safety framework for more details on how DCYF assesses ability to safety plan).
4. Finally, if a child is identified as unsafe with the inability to safety plan, then DCYF would recommend removal to keep the child safe.

Q Has this bill re-defined what it means to be safe?

A No, the Keeping Families Together Act (HB 1227) raised the removal standard for a non-Indian child. DCYF will continue to comprehensively assess child safety in relation to a child's caregiver and environment using the safety framework. DCYF uses a variety of additional supports around assessing safety to give caseworker comprehensive guidance when assessing a child's safety.

Q Will the new removal standard result in fewer screened in intakes?

A No, the Keeping Families Together Act (HB 1227) did not change intake screening standards. Intake workers will continue to use the same screening criteria they used previously.

Q Are the new removal standards only applicable during the shelter care timeline or throughout the life of a case?

A They only apply during the initial shelter care hearing.

Q Is the safety framework in a public document?

A Yes.

- Safety threats and safety threshold criteria
https://www.dcyf.wa.gov/sites/default/files/pubs/CWP_0016.pdf
- Safety framework presentation
[**https://dcyf.wa.gov/sites/default/files/pdf/ChildSafetyFramework-presentation.pdf**](https://dcyf.wa.gov/sites/default/files/pdf/ChildSafetyFramework-presentation.pdf)