



Fostering Connections: New Notification Requirements May Help Fathers and Paternal Relatives Become Involved With Their Children

Elizabeth Jordan
American University Distinguished Fellow
American Bar Association Center on Children and the Law

The Fostering Connections to Success and Increasing Adoptions Act (Public Law 110-351), also called “Fostering Connections,” was signed into law on Oct. 7, 2008, to help children in foster care across the country maintain family connections and achieve permanency. The Fostering Connections Act promotes permanent families with relatives of children in care by:

- Providing notice to relatives when children first enter care;
- Providing federal funding to states that opt to create permanent guardianship programs for relatives;
- Allowing waivers for non-safety-related foster home licensing standards for relatives; and
- Providing funds for other family-focused programs to connect children to relatives and relatives to services through discretionary grants.

Although Fostering Connections addresses many other issues — adoption, sibling placement and visitation, education, health and federal support for children in foster care beyond the age of 18, among others — this article explains the ways in which Fostering Connections

will help preserve familial relationships, especially those involving non-resident fathers and paternal kin. There are unique barriers for non-resident fathers and paternal relatives seeking involvement in the lives of their children in the child welfare system, which are made easier by Fostering Connections’ requirements and state options. Actions or activities that will help the father and paternal relatives become involved with their child are now available at critical steps of the child welfare process. These steps — investigation of a complaint and possible removal, foster placement and permanency goal determination are addressed below.

Removal from home: Under Fostering Connections, within 30 days of a child’s removal from his or her home, states must identify and give notice of the child’s removal to all relatives, both maternal and paternal. This notice provides relatives with an opportunity to participate in the child’s life while in foster care and explains the ways in which a relative can apply to become a foster parent for the child. The notice must also explain the various ways to maintain connections with the child and the services that are available to assist relative caregivers. Because states have flexibility in deciding if there will be ramifications for

IN THIS ISSUE: The “Fostering Connections” legislation — Its value for children, non-resident fathers and extended families

Fostering Connections: New Notification Requirements May Help Fathers and Paternal Relatives Become Involved With Their Children

(continued from page 1)

those who fail to respond in a timely manner to the notice, it is important for individuals involved in child welfare cases to learn the local laws so that the opportunity to become involved is not inadvertently waived.

For fathers who are unable to take custody of their children, placement with paternal relatives allows children to maintain strong connections to their fathers in a familiar and loving environment.

Paternal relatives can also provide help and give support to fathers in the process.

Relatives who cannot care for the child in their home can still help maintain family connections by regular contact and visitation with the child. For paternal relatives interested in taking part in the process, but in need of further guidance, there are state programs that connect relatives of children in foster care to

services and supports. These are usually referred to as kinship navigator programs,¹ and interested relatives should contact their local child welfare agencies to learn about the availability of such programs in their areas.

Placement in a foster home: Once in the agency's custody, a majority of states require that children be placed in licensed foster homes. Fostering Connections allows agencies to waive non-safety-related standards for relatives seeking foster home licensing. For residents of the states who choose to adopt such waivers, there is more flexibility in licensing, and therefore more opportunity for relatives to become caregivers. Each state has its own unique regulations and policies regarding which requirements can be waived, as well as its own process that relatives must go through to secure such waivers. Interested relatives should be advised what their individual states require.

Permanent living arrangements: Fostering Connections strives to strengthen the permanency options for children who courts have determined cannot return home. Under Fostering Connections, those seeking to adopt children in

foster care will face fewer barriers to receiving adoption assistance payments. Fostering Connections also increases state incentives to move children from foster care to adoptive families.

Adoption may not be the best option for all relative caregivers or all children. Subsidized guardianship programs allow grandparents and other relatives to

become permanent guardians of children outside the foster care system but with continued financial support. Under Fostering Connections, states may elect whether or not to create such federally funded programs. Currently, 37 states and the District of Columbia have some form of a subsidized guardianship program. With the federal support provided in Fostering Connections, more states may soon follow.



Father involvement in transition planning: Although not specific to fathers or other relatives, Fostering Connections' provisions regarding transition planning may also provide an important opportunity to involve fathers. For example, a non-resident father can be a role model, support system or source of information as a youth learns how to live an independent adult life outside of the foster care system. To learn more about Fostering Connections' requirements regarding transition planning, visit <http://www.grandfamilies.org/images/pdfs/fosteringSummary.pdf>.

The requirements and options in the Fostering Connections Act are being implemented differently in each state. Visit www.grandfamilies.org for up-to-date information on which bills are being introduced and which statutes are being enacted in your state. Armed with this knowledge, non-resident fathers, relatives and advocates (e.g., attorneys, guardians ad litem) can learn about these new laws and programs in their states, and can appeal to local legislators to expand the programs and supports necessary to keep families strong and healthy.

¹ Kinship navigator programs are designed to "assist grandparents and other relative caregivers in learning about, finding and using programs and services to meet the needs of the children they are raising and their own needs and promote effective partnerships among public and private agencies to ensure kinship caregiver families are served." (§427(a)(1); P.L. 110-351 §102(a))



Howard Davidson
Director
American Bar Association Center on Children and the Law

Will a new federal law help child welfare systems across the country routinely and quickly identify and locate, and then meaningfully engage, non-resident fathers? In this issue of *QIC News* we examine, through several articles, the hoped-for impact of the 2008 Fostering Connections to Success and Increasing Adoptions Act. This law has been called the most significant new federal child welfare law in a decade. Knowledge of its provisions is spreading throughout the states, impacting further law, policy and practice changes.

As Kelly Crane points out in her article, over a dozen states (at the time of the article) had already passed new laws in 2009 related to the Fostering Connections Act's most important provision, which concerns fathers and paternal kin. The prompt notification provision is key to determining whether fathers and their relatives will have a chance to "step up to the plate" in providing care and support to children who have just been placed in foster care. As one father, Earnest Holly, notes in his article, he was originally never looked at as a potential caregiver, but when he learned his child was in foster care, he helped his uncle become the child's kinship caretaker. That step led to Mr. Holly later gaining full custody of his child.

Karin Malm's research on non-resident father involvement tells us that when dads provide financial and non-financial support to their children in foster care, those children are much more likely to be successfully reunified with family. The question that still needs to be definitively answered is: Why? Through the ongoing work of the QIC and its project sites, we are learning what really happens when non-resident

dads come forward to aid their children who had been abused or neglected.

Ellen Kinney and Molly Jenkins discuss family finding and the family group decision making process, which supports the engagement of fathers and paternal relatives and gives them the opportunity to affect case outcomes. Their article notes that new federal Family Connection Discretionary Grants have been awarded in about 15 states (see http://www.acf.hhs.gov/programs/cb/programs_fund/discretionary/2009.htm). We should, from these grants, be learning a lot about effective programs that locate and engage fathers.

The Fostering Connections Act has many provisions that, although fathers aren't mentioned explicitly, could impact dads and their blood relatives, as Elizabeth Jordan points out in her article. These include the potential easing of licensing requirements for paternal (as well as maternal) kin assuming custody, and the ability of paternal (and maternal) kin to obtain permanent subsidized guardianship of a child who can't be reunified with a parent. An impact of particular importance is the re-engagement of dads during the "transition planning" activities required by the act for older youths who may be emancipating out of the foster care system.

Finally, for those working with non-resident fathers, Richard Cozzola discusses the practical use of genograms as a tool to help fathers chart networks of those who might support them in helping their children. Collectively, these articles should be helpful to practitioners and policymakers alike as we work to truly "foster connections" for children removed from their homes due to child maltreatment.