



Current Through
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Placement of Children With Relatives

In order for States to receive Federal payments for foster care and adoption assistance, Federal law requires that they “consider giving preference to an adult relative over a nonrelated caregiver when determining placement for a child, provided that the relative caregiver meets all relevant State child protection standards.”¹ (Placement refers to the placing of a child in the home of an individual other than a parent or guardian or in a facility other than a youth services center.) Approximately 36 States and Puerto Rico give preference or priority to

¹ 42 U.S.C. 671(a)(19).

Electronic copies of this publication may be downloaded at www.childwelfare.gov/systemwide/laws_policies/statutes/placement.cfm

To find statute information for a particular State, go to www.childwelfare.gov/systemwide/laws_policies/state/index.cfm

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Preference to Relatives

relative placements in their statutes.² Approximately six States, Guam, the Northern Mariana Islands, and the Virgin Islands do not address the issue of the placement of children for foster care with relatives in their statutes.³ The remaining States use statutory language such as “may consider” placement with relatives.

Each State defines “relative” differently, including relatives through blood, marriage, or adoption ranging from the first to the fifth degree. Generally, preference is given to the child’s grandparents, followed by aunts, uncles, adult siblings, and cousins. For Indian children, six States allow members of the child’s Tribe to be considered “extended family members” for placement purposes.⁴

The main requirements for placement are that the relative be “fit and willing,” able to ensure the child’s safety, and able to meet the child’s needs. Approximately 23 States and the District of Columbia require relatives to undergo a criminal background check that may include all adult members of the household.⁵

Financial Support

Approximately 14 States and the District of Columbia have established “kinship care” or “relative caregiver” programs by statute to provide relatives with benefits to help offset the cost of caring for a placed child.⁶ Nine States address foster care payments for kin caregivers in statute.⁷ In these States, if a relative meets the qualifications for being a foster parent, he

² The word *approximately* is used to stress the fact that States frequently amend their laws; this information is current only through January 2008. Alabama, Alaska, Arizona, Arkansas, California, Colorado, Delaware, Florida, Georgia, Illinois, Indiana, Kansas, Kentucky, Louisiana, Maine, Maryland, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Jersey, New York, North Carolina, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Utah, Virginia, and Washington address preference for relative placements in their statutes.

³ Hawaii, Idaho, South Dakota, Vermont, West Virginia, and Wyoming.

⁴ Minnesota, Nebraska, New Mexico, Oregon, Utah, and Washington.

⁵ Alabama, Alaska, Arizona, Arkansas, California, Colorado, Connecticut, Illinois, Indiana, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Minnesota, Mississippi, North Dakota, South Carolina, Tennessee, Texas, Utah, Washington, and Wisconsin.

⁶ Alabama, Arizona, Arkansas, Connecticut, Delaware, Florida, Kentucky, Louisiana, Mississippi, Nevada, Oklahoma, Tennessee, Texas, and Wisconsin.

⁷ Alabama, Arizona, Arkansas, Connecticut, Illinois, Louisiana, Pennsylvania, South Carolina, and Tennessee.

Adoption by Relatives

or she may receive payments at the full foster care rate and any other benefits available to foster parents, whether in money or services.

Approximately seven States also give preference to relatives when making adoptive placements.⁸ However, in Tennessee, if the child has been placed in foster care with a nonrelative and has been living with the same foster parent for 12 months or longer when he or she becomes available for adoption, the nonrelative foster parent is given first preference to adopt.

In approximately 29 States, when a parent makes a direct placement of the child with a relative, the laws provide for a streamlined adoption process, such as not requiring a preplacement assessment or home study unless specifically ordered by the court.⁹ In 11 States, the child must have resided with the relative for a period of time or have established a significant relationship with the relative in some other way.¹⁰ Approximately 21 States require a criminal records check of the adoptive parents and other adult household members.¹¹

This publication is a product of the State Statutes Series prepared by Child Welfare Information Gateway. While every attempt has been made to be complete, additional information on these topics may be in other sections of a State's code as well as in agency regulations, case law, and informal practices and procedures.

⁸ Arkansas, California, Illinois, Minnesota, Nebraska (for Indian children), Ohio, and Wisconsin.

⁹ Alabama, Alaska, Arizona, Arkansas, California, Delaware, Kansas, Kentucky, Louisiana, Maine, Maryland, Michigan, Mississippi, Montana, Nevada, New Hampshire, New Jersey, New Mexico, North Carolina, North Dakota, Oklahoma, Rhode Island, South Carolina, Tennessee, Texas, Utah, Vermont, Virginia, and Wisconsin.

¹⁰ Alabama, Alaska, California, Colorado, Delaware, Florida, Louisiana, New Hampshire, New Mexico, North Dakota, and Virginia.

¹¹ Arkansas, California, Colorado, Illinois, Iowa, Kentucky, Louisiana, Maine, Massachusetts, Minnesota, Nebraska, New Hampshire, New Jersey, New Mexico, North Carolina, North Dakota, Ohio, Rhode Island, Texas, Utah, and Vermont.