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Placement of Children With Relatives

When a child is removed from the home and placed in out-of-home care, relatives are the preferred resource because this placement type maintains the child's connections with his or her family. In fact, in order for states to receive federal payments for foster care and adoption assistance, federal law under title IV-E of the Social Security Act requires that they "consider giving preference to an adult relative over a nonrelated caregiver when determining a placement for a child, provided that the relative caregiver meets all relevant state child protection standards."¹ Title IV-E further requires all states² operating a title IV-E program to exercise due diligence to identify and provide notice to all grandparents, all parents of a sibling of the child, where such parent has legal custody of the sibling, and other adult relatives of the child (including any other adult relatives suggested by the parents) that (1) the child has been or is being removed from the custody of his or her parents, (2) the options the relative has to participate in the care and placement of the child, and (3) the requirements to become a foster parent to the child.³

¹ 42 U.S.C. § 671(a)(19) (LexisNexis 2017). 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.

² The term "state" as used in this document includes the District of Columbia, Puerto Rico, the U.S. Virgin Islands, Guam, and American Samoa (42 U.S.C. § 410(h) (LexisNexis 2017)). All, with the exception of Guam and American Samoa are approved to operate the title IV-E Foster Care and Adoption Assistance Program and are subject to the requirements of title IV-E of the Social Security Act. This document does not include references to any tribal code.

³ 42 U.S.C. § 671(a)(29) (LexisNexis 2017), as amended by the Fostering Connections to Success and Increasing Adoptions Act of 2008.



Title IV-E of the Social Security Act provides to states federal reimbursement for a part of the cost of providing foster care, adoption assistance, and kinship guardianship assistance on behalf of each child who meets federal eligibility criteria (as described in 42 U.S.C. §§ 672 and 673).⁴ These reimbursements are available to public agencies in all 50 states, the District of Columbia, and Puerto Rico as well as to any Indian tribe, tribal organization, or tribal consortium operating an approved program to provide foster care maintenance payments, adoption assistance, and, at the agency's option, a guardianship assistance program.⁵

Giving Preference to Relatives for Out-of-Home Placements

For this publication, statutes have been collected across all states, the District of Columbia, American Samoa, Guam, the Northern Mariana Islands, Puerto Rico, and the U.S. Virgin Islands that describe the specific requirements for giving preference to a suitable relative when a child is in need of out-of-home care, and an analysis of the information collected informs the discussion that follows.⁶ This analysis indicates that each state defines "relative" somewhat differently, including relatives by blood, marriage, or adoption ranging from the first to the fifth degree. While all title IV-E programs must consider giving preference to relative placements, approximately 48 states, the District of Columbia, Guam, and Puerto Rico include this language in their statutes.⁷ Of the agencies that address these requirements via statutes or regulations, preference for placement is given to the child's grandparents, although 12 states require that agencies must first determine whether a noncustodial parent is a

suitable placement resource for the child.⁸ Other relatives that may be considered for placement of the child include great-grandparents, aunts, uncles, adult siblings, cousins, or the parent of the child's sibling. For Indian children, 11 states have statutes specifically allowing members of an Indian child's tribe to be considered "extended family members" for placement purposes.⁹

In 28 states, the District of Columbia, and Guam, when a suitable relative cannot be found, the agency may consider placing the child with "fictive kin."¹⁰ The term "fictive kin" refers to a person who is not related to the child by blood, marriage, or adoption but who is known to the family, has a substantial and positive relationship with the child, and is willing and able to provide a suitable home for the child. Examples of fictive kin caregivers can include the adoptive parent of the child's sibling, a nonrelated godparent, a close family friend, a neighbor, a clergy member, or other adult who has a close and caring relationship with the child.

While all title IV-E programs must exercise due diligence to identify and provide notice to relatives, 26 states and Guam utilize statutes and regulations to require social services agencies to exercise due diligence in identifying and locating a child's relative when out-of-home placement is needed.¹¹ The steps that need to be taken include:

- Requiring the child's parent to provide a list of the names, addresses, and telephone numbers of every grandparent and other adult relatives of the child

⁴ See *Child Welfare: An Overview of Federal Programs and Their Current Funding* (2017), from the Congressional Research Service at <https://fas.org/sgp/crs/misc/R43458.pdf> (1,200 KB).

⁵ See Title IV-E Foster Care (2012), from the Children's Bureau at <https://www.acf.hhs.gov/cb/resource/title-ive-foster-care>.

⁶ This analysis is limited to statutes and regulation. States also can implement the title IV-E requirements through policy or procedure.

⁷ The word "approximately" is used to stress the fact that States frequently amend their laws. This information is current only through January 2018. The statutes in New Hampshire, West Virginia, American Samoa, and the Virgin Islands do not express a preference for relative placements in their statutes.

⁸ Arizona, Arkansas, Colorado, Florida, Montana, New York, North Carolina, Ohio, Pennsylvania, Utah, Vermont, and Wyoming.

⁹ Alaska, Minnesota, Missouri, Nebraska, New Mexico, North Carolina, Oklahoma, Oregon, Pennsylvania, Utah, and Washington. Under the federal Indian Child Welfare Act (ICWA), the term "extended family member" is defined by the law or custom of the Indian child's tribe or, in the absence of such law or custom, is a person who is at least age 18 and who is the Indian child's grandparent, aunt or uncle, brother or sister, brother-in-law or sister-in-law, niece or nephew, first or second cousin, or stepparent. (See 25 U.S.C. § 1903(2) (LexisNexis 2017)). ICWA also addresses placement preferences for children meeting the definition of an Indian child.

¹⁰ Alaska, Arkansas, Connecticut, Florida, Georgia, Hawaii, Idaho, Illinois, Indiana, Kansas, Kentucky, Louisiana, Massachusetts, Minnesota, Missouri, Nevada, New Jersey, New York, North Carolina, North Dakota, Ohio, Oregon, Pennsylvania, Rhode Island, South Carolina, Texas, Utah, and Vermont.

¹¹ Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Hawaii, Idaho, Illinois, Indiana, Iowa, Massachusetts, Michigan, Minnesota, Missouri, Nevada, New Jersey, New Mexico, New York, North Carolina, Oklahoma, Pennsylvania, Rhode Island, South Carolina, and Vermont.

- Exercising due diligence to identify all grandparents and other adult relatives of the child, including any adult relatives suggested by the parents, subject to exceptions due to family or domestic violence
- Contacting the relatives within 30 days to inform them of the child's removal from home and to explain the options that the relative has to participate in the care and placement of the child
- Informing the relative of any options that may be lost by not responding to the notice
- Assessing the relative's willingness and suitability to provide care for the child

Approving Relative Placements

When the state social services department is granted custody of a child, the department assumes responsibility for making a safe and appropriate placement for the child. Statutes and regulations in 20 states and the District of Columbia require that the relative providing out-of-home care must be licensed or certified as a foster family home,¹² although eight of these states allow temporary or provisional approval while the relative works to complete the requirements for full approval or licensure.¹³ In seven states, licensure is not required by statute or regulation, but relative care providers may elect to be certified.¹⁴ In four states, statutes and regulations do not require kin care providers to be licensed.¹⁵

In all of the 20 states and the District of Columbia that use statutes and regulations to address requirements for relative placements, before a child can be placed in the home of a relative, the child-placing agency must do an assessment to determine that the relative is "fit and willing" to provide a suitable placement for the child, able to ensure the child's safety, and able to meet the child's needs. While all title IV-E programs must require all prospective foster and adoptive parents to undergo

¹² Alabama, Alaska, Arkansas, Connecticut, Hawaii, Louisiana, Maryland, Massachusetts, Minnesota, Missouri, Montana, Nebraska, New Jersey, New York, North Dakota, Rhode Island, South Carolina, Tennessee, Virginia, and Wisconsin.

¹³ Arkansas, Connecticut, Maryland, Massachusetts, Minnesota, Montana, North Dakota, and Rhode Island.

¹⁴ Arizona, Illinois, Indiana, Michigan, Nebraska, Virginia, and Washington.

¹⁵ Florida, Kansas, Kentucky, and New Mexico.

criminal background checks, laws in 31 states, the District of Columbia, Guam, the Northern Mariana Islands, and Puerto Rico require relatives to undergo a criminal background check that includes all adult members of the household.¹⁶ Child abuse and neglect central registry checks also are required.¹⁷

Placement of Siblings

The Fostering Connections to Success and Increasing Adoptions Act of 2008 (P.L. 110-351) amended title IV-E plan provisions to require that title IV-E agencies make reasonable efforts to place siblings removed from their home in the same foster care, adoption, or guardianship placement or, if that is not possible, facilitate visits or ongoing contacts for siblings that cannot be placed together, unless it is contrary to the safety or well-being of any of the siblings to do so.¹⁸

Statutes or regulations in approximately 37 states, the District of Columbia, and Guam require child-placing agencies to make reasonable efforts to place siblings in the same home when they are in need of out-of-home care except when there are documented reasons why a joint placement would not be in the best interests of any of the siblings.¹⁹ Reasonable efforts include giving placement preference to persons that are willing and able to provide appropriate care for all of the children in the home. In addition, the agency may grant variances to one or more licensing standards regulating foster family homes, including exceptions to the number of

¹⁶ Alabama, Alaska, Arizona, Arkansas, California, Colorado, Connecticut, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Minnesota, Mississippi, Montana, New Jersey, North Dakota, Ohio, Rhode Island, South Carolina, Tennessee, Texas, Utah, Washington, Vermont, Wisconsin, and Wyoming.

¹⁷ Title IV-E requires these checks regardless of whether foster care maintenance payments are to be made on behalf of the child; see 42 U.S.C. § 671(a)(20) (LexisNexis 2017). For more information on the requirements for background checks for foster and adoptive parents, including criminal records and child abuse and neglect central registries, see Information Gateway's *Background Checks for Prospective Foster, Adoptive, and Kinship Caregivers* at <https://www.childwelfare.gov/topics/systemwide/laws-policies/statutes/background/>.

¹⁸ 42 U.S.C. § 671(a)(31) (LexisNexis 2017).

¹⁹ Alaska, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Georgia, Hawaii, Idaho, Illinois, Iowa, Kentucky, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, Nevada, New Hampshire, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, Texas, Utah, Virginia, Washington, West Virginia, and Wisconsin.

children that may be placed in the home, as long as the home otherwise complies with fire and building safety regulations. In 35 states and Puerto Rico, statutes or regulations require that siblings who cannot be placed together be given opportunities for visits and/or other contact or communication.²⁰

Adoption by Relatives

Approximately 11 states²¹ require in statute or regulation that state agencies give preference to relatives when making adoptive placements for children in their custody.²² However, in three states, if the child has been placed in foster care with a nonrelative and has been living with the same foster parent for significant period of time when he or she becomes available for adoption, the nonrelative foster parent may be given first preference to adopt.²³

In the statutes or regulations of approximately 35 states, when a parent places the child directly 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.²⁴ 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.²⁵ All states require checks of criminal history records and child abuse central registries for the adopting relatives and other adult household members.²⁶

²⁰ Arizona, California, Connecticut, Florida, Georgia, Hawaii, Idaho, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New Mexico, New York, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Texas, Utah, Virginia, Washington, and Wisconsin.

²¹ Arkansas, California, Illinois, Minnesota, Nebraska, New York, Ohio, Oregon, Rhode Island, Washington, and Wisconsin.

²² Other states may require this is in agency policy or procedure.

²³ Missouri, New York, and Tennessee.

²⁴ Alabama, Alaska, Arizona, Arkansas, California, Colorado, Florida, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Michigan, Mississippi, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, North Carolina, North Dakota, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Utah, Vermont, and Virginia.

²⁵ Alabama, Alaska, California, Colorado, Delaware, Florida, Louisiana, New Hampshire, New Mexico, North Dakota, and Virginia.

²⁶ Title IV-E requires these checks regardless of whether adoption assistance payments are to be made on behalf of the child; see 42 U.S.C. § 671(a)(20) (LexisNexis 2017). For more information on the requirements for background checks for foster and adoptive parents, see Information Gateway's *Background Checks for Prospective Foster, Adoptive, and Kinship Caregivers* at <https://www.childwelfare.gov/topics/systemwide/laws-policies/statutes/background/>.

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 agency regulations, case law, and informal practices and procedures.

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Alabama

Current Through January 2018

Relative Placement for Foster Care and Guardianship

Citation: Ala. Code § 38-12-2; Admin. Code r. 660-5-28-.05

When a child has been removed from his or her home and is in the care, custody, or guardianship of the Department of Human Resources, the department shall attempt to place the child with a relative for kinship foster care. If the relative is approved by the department to provide foster care services, in accordance with rules and regulations adopted by the department regarding foster care services, and a placement with the relative is made, the relative may receive payment for the full foster care rate only as provided by federal law for the care of the child and any other benefits that might be available to foster parents, whether in money or in services.

A relative shall be an individual who is legally related to the child by blood, marriage, or adoption within the fourth degree of kinship, including only a brother, sister, uncle, aunt, first cousin, grandparent, great-grandparent, great-great-grandparent, great-aunt, great-uncle, niece, nephew, grandniece, grandnephew, or a stepparent. For the purposes of kinship foster care, the blood relationship will continue to be recognized in defining a relative after termination of parental rights.

In regulation: When substitute care becomes necessary, children should be placed in the least restrictive setting possible. This means the most familylike setting that can provide the environment and services needed to serve the child's best interests and special needs. In substitute care, relative placement should always be given first consideration, after which foster family care, group home care, and institutional care are to be considered in that order.

Requirements for Placement With Relatives

Citation: Ala. Code §§ 38-12-2; 38-12-3; 38-12-4

The kinship foster parent shall be age 21 or older unless the department provides otherwise by rule to carry out the provisions of this chapter.

The department may waive standards for kinship foster care as provided by department rule and as permitted by other state and federal law.

A person may become a kinship foster parent only upon the completion of an investigation to ascertain if there is a state or federal record of criminal history for the prospective kinship foster parent or any other adult residing in the prospective foster parent's home.

The department shall determine whether the person is able to care effectively for the foster child by the following methods:

- Reviewing personal and professional references
- Observing the kinship foster parent with household members during a home visit
- Interviewing the kinship foster parent

Requirements for Placement of Siblings

Citation: Ala. Code § 12-15-315(e)

If the permanency plan for a child is with a kinship guardian, the individualized service plan must contain the reasons for any separation of siblings during placement.

Relatives Who May Adopt

Citation: Ala. Code § 26-10A-28

Relatives include grandparents, great-grandparents, great-uncles or great-aunts, siblings, half-siblings, aunts or uncles of the first degree, and their respective spouses.

Requirements for Adoption by Relatives

Citation: Ala. Code § 26-10A-28

The adopted person must have resided for 1 year with the relative. The court may waive this provision.

The relative is exempt from the preplacement investigation required by § 26-10A-19 (that includes a criminal background check), unless one is requested by the court. No report of fees or charges under § 26-10A-23 is required unless ordered by the court.

Alaska

Current Through January 2018

Relative Placement for Foster Care and Guardianship

Citation: Alaska Stat. §§ 47.14.100; 47.10.990

When a child is removed from a parent's home, the Department of Health and Social Services, in the absence of clear and convincing evidence of good cause to the contrary, shall place the child as follows:

- In the least restrictive setting that most closely approximates a family and that meets the child's special needs, if any
- Within reasonable proximity to the child's home, taking into account any special needs of the child and the preferences of the child or parent
- With, in the following order of preference:
 - » An adult family member, as defined below
 - » A family friend who meets the foster care licensing requirements established by the department
 - » A licensed foster home that is not an adult family member or family friend
 - » An institution for children that has a program suitable to meet the child's needs

The term 'family friend,' as used in this section, includes, in the case of an Indian child, a member of the Indian child's tribe, a member of the tribe in which the child's biological parent is a member, and another Indian family member.

In this chapter, the term 'adult family member' means a person who is age 18 or older and who is:

- Related to the child as the child's grandparent, aunt, uncle, or sibling
- The child's sibling's legal guardian or parent
- In the case of an Indian child, an extended family member as defined in 25 U.S.C. § 1903

Requirements for Placement With Relatives

Citation: Alaska Stat. § 47.14.100

For the purpose of determining whether the home of a relative meets the requirements for placement of a child, the department shall conduct a criminal background check from state and national criminal justice information. The department may conduct a fingerprint background check on any member of the relative's household who is age 16 or older when the relative requests placement of the child.

Evidence of good cause not to place a child with an adult family member or family friend includes grounds for denial of a foster care license under § 47.35.019 or 47.35.021. Poverty or inadequate or crowded housing do not constitute good cause.

Requirements for Placement of Siblings

Citation: Alaska Stat. § 47.14.100(r)

The department shall make reasonable efforts to place siblings in the same placement if the siblings are residing in the same home when taken into the custody of the department. If siblings are not placed together after reasonable efforts have been made, the case supervisor for the division with responsibility over the custody of children shall document in the file the efforts that were made and the reason that separating the siblings for placement purposes is in the best interest of the children. In this subsection, 'sibling' means two or more persons who are related by blood, adoption, or marriage as a child of one or both parents.

Relatives Who May Adopt

Citation: Alaska Stat. § 47.10.990

The child may be adopted by an adult family member. An 'adult family member' is a person who is age 18 or older and who is:

- Related to the child as the child's grandparent, aunt, uncle, or sibling
- The child's sibling's legal guardian or parent
- In the case of an Indian child, an extended family member as defined in 25 U.S.C. § 1903

The term 'family member' means a person of any age who is:

- Related to the child as the child's grandparent, aunt, uncle, or sibling
- The child's sibling's legal guardian or parent
- In the case of an Indian child, an extended family member as defined in 25 U.S.C. § 1903

Requirements for Adoption by Relatives**Citation: Alaska Stat. §§ 25.23.127; 25.23.100**

Taking into consideration a child's stated preference under § 25.23.125(a) and consent given under § 25.23.040(a)(5), and unless the court finds that a petition to adopt the child by an adult family member is contrary to the best interests of the child, the court shall grant a petition to adopt a child by an adult family member who has had physical custody of the child for at least 12 consecutive months before the parental rights to the child have been terminated.

Unless directed by the court, an investigation and report are not required in cases in which the person to be adopted is within the fourth degree of lineal or collateral consanguinity to the petitioner.

American Samoa*Current Through January 2018***Relative Placement for Foster Care and Guardianship****Citation: Ann. Code § 45.0403**

Upon termination of parental rights, the court may consider, but shall not be bound by, a request that guardianship be placed with a grandparent, aunt, uncle, brother, or sister of the child.

Requirements for Placement With Relatives

This issue is not addressed in the statutes reviewed.

Requirements for Placement of Siblings

This issue is not addressed in the statutes reviewed.

Relatives Who May Adopt**Citation: Ann. Code § 45.0412**

If no guardian has been appointed for the child and the child is otherwise available for adoption, the person who has had the child living in his or her home for 1 year or more may petition the court to appoint a guardian to consent to the adoption.

Requirements for Adoption by Relatives

This issue is not addressed in the statutes reviewed.

Arizona*Current Through January 2018***Relative Placement for Foster Care and Guardianship****Citation: Rev. Stat. §§ 8-501; 8-514.02; 8-514.03**

The Department of Child Safety may place a child with a parent, a relative, or a person who has a significant relationship with a child. The term 'relative' means a grandparent, great-grandparent, brother or sister of whole-blood or half-blood, aunt, uncle, or first cousin.

The department shall establish kinship foster care services for a child who has been removed from the child's home and is in the custody of the department. The program shall promote the placement of the child with the child's relative for kinship foster care.

Requirements for Placement With Relatives**Citation: Rev. Stat. § 8-514.03**

A kinship foster care parent applicant who is not a licensed foster care parent shall be at least age 18. The applicant and each member of the applicant's household who is at least age 18 shall submit a full set of fingerprints to the department for the purpose of obtaining a state and federal criminal records check pursuant to § 41-1750 and Public Law 92-544. The Department of Public Safety may exchange this fingerprint data with the Federal Bureau of Investigation.

The Department of Child Safety shall determine if the applicant is able to meet the child's health and safety needs by conducting one or more home visits and interviewing the applicant. The department may interview other household members, review the applicant's personal and professional references, and conduct Child Protective Services central registry checks.

A kinship foster care parent may be eligible to receive the following financial services for the child:

- Full foster care benefits, including payment if the kinship foster care parent becomes a licensed foster care home
- Temporary Assistance for Needy Families cash assistance payments for child-only case and supplemental financial support

The department shall provide nonfinancial services for a kinship foster care parent through existing means or referral. Nonfinancial services may include:

- Family assessment and case management
- Child daycare
- Housing search and relocation
- Parenting skills training
- Supportive intervention and guidance counseling
- Transportation and emergency services
- Parent aid and respite services
- Additional services that the department determines are necessary to meet the needs of the child and family

Requirements for Placement of Siblings

Citation: Rev. Stat. § 8-513(D)

If a child has been removed from the child's home and placed in out-of-home placement, guardianship, or adoptive placement, the department shall make reasonable efforts to place that child with the child's siblings or, if that is not possible, to maintain frequent visits or other ongoing contact between the child and the child's siblings, unless a court determines that either the placement or the visits or contact would be contrary to the child's or a sibling's safety or well-being.

Relatives Who May Adopt

Citation: Rev. Stat. §§ 8-105; 8-108

A relative who may adopt the child includes an uncle, aunt, adult sibling, grandparent, or great-grandparent of the child by whole-blood or half-blood or by marriage.

Requirements for Adoption by Relatives

Citation: Rev. Stat. §§ 8-105; 8-108

Before any prospective adoptive parent may petition to adopt a child, the person shall be certified by the court as acceptable to adopt children. A certificate shall be issued only after an investigation conducted by an officer of the court, by an agency, or by the division. This section does not apply if the prospective adoptive parent is the spouse of the birth or legal parent of the child to be adopted or is an uncle, aunt, adult sibling, grandparent, or great-grandparent of the child by whole-blood or half-blood or by marriage or adoption.

A person who is not currently certified as acceptable to adopt but who has custody of a child who the person intends to adopt shall petition the court for an order permitting that person to keep custody of the child pending certification. If the court permits the person to continue to have custody of the child, the court shall order the investigation to continue for preadoption certification and report as required by § 8-105.

A custody petition or hearing is not required if the person who intends to adopt the child is:

- The spouse of a birth or legal parent of the child
- An uncle, aunt, adult sibling, grandparent, or great-grandparent of the child by whole-blood or half-blood or by marriage

Arkansas

Current Through January 2018

Relative Placement for Foster Care and Guardianship

Citation: Ann. Code §§ 9-27-355; 9-27-303(65)

When the court determines that a child shall be removed from his or her home, the Department of Human Services shall conduct an immediate assessment to locate:

- A noncustodial parent of the child
- Recommended relatives of the child, including each grandparent and all parents of the child's sibling if the parent has custody of the sibling
- Fictive kin

If no safety issue was identified in a child maltreatment central registry check or criminal background check regarding all the persons identified in the section above, the department shall provide, in writing, to those persons the following notice:

- A statement saying that the child has been or is being removed from his or her parent
- An explanation concerning how to participate and be considered for care, placement, and visitation with the child
- Information needed for a child welfare safety check and home study, if the person is interested in placement
- Information about provisional relative foster care, fictive kin, and other supportive benefits available through the department
- A statement saying that failure to respond timely may result in the loss of opportunities to be involved in the care, placement, and visitation with the child
- The name, number, email, and physical address of the caseworker and supervisor assigned to the case

A relative or fictive kin identified by the department shall be given preferential consideration for placement if the relative or fictive kin meets all relevant protective standards and it is in the best interests of the child to be placed with the relative or fictive kin.

A 'fictive kin' is a person selected by the department who:

- Is not related to a child by blood or marriage
- Has a strong, positive, and emotional tie or role in the child's life or the child's parent's life if the child is an infant

Requirements for Placement With Relatives

Citation: Ann. Code §§ 9-27-355; 9-28-402(16)

The court may transfer custody to any relative recommended by the department, the parent, or any party upon review of a home study, including criminal background and child maltreatment reports, and a finding that custody is in the best interests of the child. Placement of a child in the home of a relative or fictive kin shall not relieve the department of its responsibility to actively implement the goal of the case.

For placement with a relative or fictive kin:

- The child and the child's siblings or stepsiblings may be placed in the home of a relative or fictive kin on a provisional basis for up to 6 months pending the relative or fictive kin's home being opened as a regular foster home.
- If the relative or fictive kin opts to have his or her home opened as a provisional foster home, the relative or fictive kin shall not be paid a board payment until his or her home is opened as a regular foster home.
- If the relative or fictive kin's home is not fully licensed as a foster home after 6 months of the placement of the children in the home, either of the following will occur:
 - » The department shall remove the child and any of the siblings or stepsiblings from the relative or fictive kin's home and close the provisional foster home.
 - » The court shall transfer custody of the child from the department to the relative or fictive kin.

The term 'provisional foster home' means a foster home opened for no more than 6 months for a relative or fictive kin by the department after it:

- Determines that placement with the proposed fictive kin or relative is in the best interests of the child
- Conducts a health and safety check, including a central registry check and a criminal background check or a check with local law enforcement, of the relative's home
- Performs a visual inspection of the home to verify that the relative's home will meet the standards for opening a regular foster home

Requirements for Placement of Siblings

Citation: Ann. Code §§ 9-28-108; 9-28-402

When it is in the best interests of each of the children, the department shall attempt to place:

- A sibling group together while they are in foster care and adoptive placement
- An infant of a minor mother together with the minor mother in foster care

As used in this section:

- 'Fictive kin' means a person selected by the Division of Children and Family Services who:
 - » Is not related to a child by blood or marriage
 - » Has a strong, positive, and emotional tie or role in the child's life or the child's parent's life if the child is an infant
- 'Relative' means a person within the fifth degree of kinship by virtue of blood or adoption.

For placement with a relative or fictive kin, the child and his or her siblings or stepsiblings may be placed in the home of a relative or fictive kin of the child on a provisional basis no more than 6 months pending the home of the relative or fictive kin being opened as a regular foster home. If the relative or fictive kin chooses to have his or her home opened as a provisional foster home, the relative or fictive kin shall not be paid a board payment until:

- The relative or fictive kin meets all of the foster home requirements.
- The home of the relative or fictive kin is opened as a regular foster home.

The department may place a child in a provisional foster home after it:

- Determines that placement with the proposed fictive kin or relative is in the best interests of the child
- Conducts a health and safety check, including a central registry check and a criminal background check or a check with local law enforcement, of the relative's home

Relatives Who May Adopt

Citation: Ann. Code §§ 9-9-102; 9-28-402

In all custodial placements for adoption made by the department, preferential consideration shall be given to an adult relative over a nonrelated caregiver.

The term 'relative' means a person within the fifth degree of kinship by virtue of blood or adoption.

Requirements for Adoption by Relatives

Citation: Ann. Code §§ 9-9-102; 9-9-212

Preference to the relative caregiver will be given when the relative meets all relevant child protection standards, and it is in the child's best interests to be placed with the relative caregiver.

A home study shall be conducted by any child welfare agency licensed under the Child Welfare Agency Licensing Act, § 9-28-401, et seq., or any licensed certified social worker. The home study shall contain an evaluation of the prospective adoption with a recommendation as to the granting of the petition for adoption and shall include:

- A state-of-residence criminal background check, if available, and national fingerprint-based criminal background check on the adoptive parents and all household members age 18 1/2 and older, excluding children in foster care
- A child maltreatment central registry check for all household members age 14 and older, excluding children in foster care, if such a registry is available in their state of residence

The court may waive the requirement for a home study when a stepparent is the petitioner or the petitioner and the minor are related to each other in the second degree.

Unless directed by the court, a detailed, written health history and genetic and social histories of the child are not required if:

- The petitioner is a stepparent.
- The petitioner and the child to be adopted are related to each other within the second degree of kinship.

California

Current Through January 2018

Relative Placement for Foster Care and Guardianship

Citation: Welf. & Inst. Code §§ 361.3; 309(e)

When a child is removed from the physical custody of his or her parents, preferential consideration shall be given to a request by a relative of the child for placement of the child, regardless of the relative's immigration status.

For purposes of this section:

- 'Preferential consideration' means that the relative seeking placement shall be the first placement to be considered and investigated.
- 'Relative' means an adult who is related to the child by blood, adoption, or affinity within the fifth degree of kinship, including stepparents, stepsiblings, and all relatives whose status is preceded by the words 'great,' 'great-great,' or 'grand,' or the spouse of any of these persons, even if the marriage was terminated by death or dissolution.

If the child is removed from home, the social worker shall conduct an investigation within 30 days in order to identify and locate all grandparents, parents of a sibling of the child, adult siblings, and other adult relatives of the child, including any other adult relatives suggested by the parents. The social worker shall provide to all adult relatives who are located, except when that relative's history of family or domestic violence makes notification inappropriate, the following information:

- That the child has been removed from his or her home
- An explanation of the various options to participate in the care and placement of the child and support for the child's family, including any options that may be lost by failing to respond

The social worker shall use due diligence in investigating the names and locations of the relatives, including, but not limited to, asking the child in an age-appropriate manner about relatives important to the child, consistent with the child's best interests.

Requirements for Placement With Relatives

Citation: Welf. & Inst. Code §§ 361.3; 309(d); 361.4

In determining whether placement with a relative is appropriate, the court shall consider the following factors:

- The best interests of the child, including special physical, psychological, educational, medical, or emotional needs
- The wishes of the parent, relative, and child, if appropriate
- Placement of siblings and half-siblings in the same home, if that placement is found to be in the best interests of each of the children
- The good moral character of the relative and any other adult living in the home, including whether any individual residing in the home has a prior history of violent criminal acts or has been responsible for acts of child abuse or neglect
- The nature and duration of the relationship between the child and the relative and the relative's desire to care for and provide legal permanency for the child if reunification is unsuccessful
- The ability of the relative to provide a safe, secure, and stable environment for the child; provide appropriate care; and protect the child from his or her parents

For a relative to be considered appropriate to receive placement of a child on an emergency basis, the relative's home shall first be assessed for its suitability. The assessment shall include:

- An in-home inspection to assess the safety of the home and the ability of the relative to care for the child's needs
- A state-level criminal records check of all persons over age 18 living in the home of the relative
- A check of allegations of prior child abuse or neglect concerning the relative and other adults in the home

If the criminal records check indicates that the person has no criminal record, the child may be placed in the home on an emergency basis. If the criminal records check indicates that the person has been convicted of an offense described in § 1522 of the Health and Safety Code, the child shall not be placed in the home, unless a criminal records exemption has been granted.

Requirements for Placement of Siblings

Citation: Welf. & Inst. Code §§ 306.5; 358.1

When a social worker takes a minor into custody pursuant to § 306, the social worker shall, to the extent that it is practical and appropriate, place the minor together with any siblings or half-siblings who also are in custody. If the siblings or half-siblings are not placed together, the worker must include in the report prepared for the court a statement of his or her continuing efforts to place the siblings together or why those efforts are not appropriate.

A social study shall include a discussion of whether the child has siblings under the court's jurisdiction and, if any siblings exist, all of the following:

- The nature of the relationship between the child and his or her siblings
- The appropriateness of developing or maintaining those relationships
- If the siblings are not placed together, why they are not placed together and what efforts are being made to place the siblings together or why those efforts are not appropriate
- If the siblings are not placed together, all of the following:
 - » The frequency and nature of the visits between the siblings
 - » If there are visits, whether the visits are supervised or unsupervised
 - » If visits are supervised, the reasons why the visits are supervised, and what needs to be done in order for the visits to be unsupervised
 - » A description of the location and length of the visits
 - » Any plan to increase visits between the siblings
- The impact of the sibling relationships on the child's placement and planning for legal permanence

The report shall include a discussion regarding the nature of the child's sibling relationships, including, but not limited to, whether the siblings were raised together in the same home, have shared significant common experiences, or have existing close and strong bonds; whether the child expresses a desire to visit or live with his or her sibling, as applicable; and whether ongoing contact is in the child's best emotional interests.

Relatives Who May Adopt

Citation: Fam. Code § 8714.5

It is the intent of the legislature to expedite legal permanency for children who cannot return to their parents and to remove barriers to adoption by relatives of children who are already in the dependency system or who are at risk of entering the dependency system.

A relative desiring to adopt a child may, for that purpose, file a petition in the county in which the petitioner resides. For purposes of this section, 'relative' means an adult who is related to the child or the child's half-sibling by blood or affinity, including all relatives whose status is preceded by the words 'step,' 'great,' 'great-great,' or 'grand,' or the spouse of any of these persons, even if the marriage was terminated by death or dissolution.

Requirements for Adoption by Relatives

Citation: Fam. Code §§ 8730; 8732

The Department of Social Services or adoption agency may provide an abbreviated home study assessment for any of the following:

- An approved relative caregiver or nonrelated extended family member with whom the child has had an ongoing and significant relationship
- A court-appointed relative guardian of the child who has been investigated and approved pursuant to the guardianship investigation process and has had physical custody of the child for at least 1 year

The home study shall include, at minimum, all of the following:

- A criminal records check
- A determination that the applicant has sufficient financial stability to support the child and ensure that an adoption assistance program payment or other government assistance to which the child is entitled is used exclusively to meet the child's needs
- A determination that the applicant has not abused or neglected the child while the child has been in his or her care
- A determination that the applicant is not likely to abuse or neglect the child in the future
- A determination that the applicant can address issues that may affect the child's well-being, including, but not limited to, the child's physical health, mental health, and educational needs
- An interview with the applicant, an interview with each individual residing in the home, and an interview with the child to be adopted
- A review by the department or agency of all previous guardianship investigation reports, home study assessments, and preplacement evaluations of each applicant

A report of a medical examination of the foster parent or the relative caregiver shall be included in the assessment of each applicant unless the department or agency determines that, based on other available information, this report is unnecessary. The assessment shall require certification that the applicant and each adult residing in the applicant's home have received a test for communicable tuberculosis.

Colorado

Current Through January 2018

Relative Placement for Foster Care and Guardianship

Citation: Rev. Stat. §§ 19-3-403; 19-3-508(b)(I); 19-3-605

When custody of a child is placed with the county Department of Social Services, the child's parent is required to provide a list of the names, addresses, and telephone numbers of, and any comments concerning the appropriateness of the child's potential placement with, every grandparent, aunt, uncle, brother, sister, half-sibling, and first cousin of the child. Each parent may suggest an adult relative or relatives whom he or she believes to be the most appropriate caregiver for the child. If appropriate, the child or children shall be consulted regarding suggested relative caregivers.

Within 30 days following the removal of the child, the department is required to contact all grandparents and other adult relatives and to inform them about placement possibilities for the child.

The court may consider and give preference to giving temporary custody to a child's relative who is appropriate, capable, willing, and available for care if it is in the best interests of the child and if the court finds that there is no suitable birth or adoptive parent available, with due diligence having been exercised in attempting to locate any such birth or adoptive parent.

If the court finds that placement out of the home is necessary and is in the best interests of the child and the community, the court shall place the child with a relative, including the child's grandparent if such placement is in the child's best interests.

Following an order of termination of parental rights, the court shall consider, but shall not be bound by, a request that guardianship and legal custody of the child be placed with a relative of the child. When ordering guardianship and legal custody of the child, the court may give preference to a grandparent, aunt, uncle, brother, sister, half-sibling, or first cousin of the child when such relative has made a timely request and the court determines that such placement is in the best interests of the child.

Requirements for Placement With Relatives

Citation: Rev. Stat. §§ 19-3-406; 19-3-407

Any time a relative is identified as a potential emergency placement for the child, the local law enforcement agency shall conduct an initial, name-based, criminal history record check of the relative prior to the county department placing the child in the emergency placement.

A county department shall request that a local law enforcement agency conduct the following background checks of kin or any adult who resides at the home prior to placing a child in noncertified kinship care, unless such placement is an emergency placement pursuant to § 19-3-406:

- A fingerprint-based criminal history record check through the Colorado Bureau of Investigation and the Federal Bureau of Investigation
- A check of state Judicial Department records to determine the status or disposition of any pending criminal charges
- A check of the department's automated database of child abuse or neglect records
- A check of state and national sex offender registries

A county department shall not place a child in noncertified kinship care if the kin or any adult who resides with the kin at the home:

- Has been convicted of any of the following crimes:
 - » Child abuse
 - » A crime of violence
 - » Unlawful sexual behavior
 - » A felony act of domestic violence
 - » A felony involving physical assault, battery, or a drug-related offense within preceding 5 years
 - » A pattern of misdemeanor convictions within the preceding 10 years
- Is a registered sex offender
- Has been identified as having a finding of child abuse or neglect

Requirements for Placement of Siblings

Citation: Rev. Stat. §§ 19-3-508(b)(II); 19-3-605(2)

Notwithstanding the provisions of § 19-3-605(1) to the contrary, when the child is part of a sibling group and the sibling group is being placed out of the home, if the county department locates an appropriate, capable, willing, and available joint placement for all of the children in the sibling group, the court shall presume that placement of the entire sibling group in the joint placement is in the best interests of the children. Such presumption may be rebutted by a preponderance of the evidence that placement of the entire sibling group in the joint placement is not in the best interests of a child or of the children.

Relatives Who May Adopt

Citation: Rev. Stat. § 19-1-103(71.5)

A kinship adoption refers to the adoption of a child by a grandparent, brother, sister, half-sibling, aunt, uncle, or first cousin, and the spouses of such relatives.

Requirements for Adoption by Relatives

Citation: Rev. Stat. §§ 19-1-103; 19-5-208; 19-5-209

The relative is eligible to adopt the child if he or she has had physical custody of the child for a period of 1 year or more, and the child is not the subject of a pending dependency and neglect proceeding.

The adoption petition shall contain a statement informing the court whether the relative was ever convicted of a felony or misdemeanor in one of the following areas:

- Child abuse or neglect
- Spousal abuse
- Any crime against a child
- Domestic violence; violation of a protection order; or any crime involving violence, rape, sexual assault, or homicide
- Any felony physical assault or battery

The relative must undergo a criminal background check.

In the petition, the relative shall state that he or she has consulted with the appropriate departments to determine eligibility for Temporary Assistance for Needy Families, Medicaid, and subsidized adoption.

A home study is not required to be filed with an adoption petition in the case of a kinship adoption.

Connecticut

Current Through January 2018

Relative Placement for Foster Care and Guardianship

Citation: Ann. Stat. § 17a-101m

Immediately upon the removal of a child from the custody of the child's parent or guardian pursuant to § 17a-101g(e) or § 46b-129, the Department of Children and Families shall exercise due diligence to identify all grandparents and other adult relatives of the child, including any adult relatives suggested by the parents, subject to exceptions due to family or domestic violence. No later than 30 days after the removal, the department shall provide such grandparents and other relatives with notice that:

- Informs them that the child has been or is being removed from the custody of the child's parent or guardian
- Explains the options that the relative has under federal, state, and local law to participate in the care and placement of the child, including any options that may be lost by failing to respond to the notice
- Describes the requirements:
 - » To obtain a foster care license pursuant to § 17a-114
 - » To access additional services and supports that are available for children placed in such a home
- Describes the subsidized guardianship program under § 17a-126, including:
 - » Eligibility requirements
 - » The process for applying to the program
 - » Financial assistance available under the program

Requirements for Placement With Relatives

Citation: Ann. Stat. § 17a-114

The term 'fictive kin caregiver' means a person who is age 21 or older and who is unrelated to a child by birth, adoption, or marriage but who has an emotionally significant relationship with the child amounting to a familial relationship.

The commissioner may place a child with a relative or fictive kin caregiver who has not been issued a license or approval, when such placement is in the best interests of the child, provided that:

- A satisfactory home visit is conducted.
- A basic assessment of the family is completed.
- The relative or fictive kin caregiver attests that he or she and any adult living within the household has not been convicted of a crime or arrested for a felony against a person; for injury or risk of injury to or impairing the morals of a child; or for the possession, use, or sale of a controlled substance.

Any such relative or fictive kin caregiver who accepts placement of a child shall be subject to licensure by the commissioner, pursuant to regulations adopted by the commissioner in accordance with the provisions of chapter 54 to implement the provisions of this section or approval by a licensed child-placing agency. The commissioner may grant a waiver from the regulations, including any standard regarding separate bedrooms or room-sharing arrangements, for a child placed with a relative or fictive kin caregiver, on a case-by-case basis, if the placement is otherwise in the best interests of the child, provided no procedure or standard that is safety-related may be waived. The commissioner shall document, in writing, the reason for granting any waiver from the regulations.

Requirements for Placement of Siblings**Citation: Ann. Stat. § 46b-129(j)(4), (q)**

When placing siblings, the department shall, if possible, place such children together.

Upon motion of any sibling of any child committed to the department pursuant to this section, such sibling shall have the right to be heard concerning visits with, and placement of, any such child. In approving any plan for visiting or modifying any placement, the court shall be guided by the best interests of all siblings affected by such determination.

Relatives Who May Adopt**Citation: Ann. Stat. § 17a-114**

Any person licensed by the department may be a prospective adoptive parent.

Requirements for Adoption by Relatives

This issue is not addressed in the statutes reviewed.

Delaware

Current Through January 2018

Relative Placement for Foster Care and Guardianship**Citation: Ann. Code Tit. 10, § 901; Admin. Code 9-200-201, § 4; Family Court Rules, Rule 211**

The term 'relative' means any person within the immediate family and any grandparent, uncle, aunt, first cousin, great-grandparent, grandaunt or granduncle, half-brother or half-sister.

In regulation: The term 'family' means a biological or adoptive father, mother, brother, and sister, but may be interpreted to include any person, whether related to a child by blood or not, who resides in a child's home, takes part in a child's family life, or has responsibility for or legal custody of a child.

In court rules: The court shall determine at a hearing whether the Department of Services for Children, Youth and Their Families (DSCYF) used due diligence within 30 days of the removal of the child from the home to identify and to provide notice to all grandparents and adult relatives of the child (including any other adult relatives suggested by a parent), subject to exceptions due to family or domestic violence.

Requirements for Placement With Relatives**Citation: Ann. Code Tit. 31, § 351**

Before any person or entity shall receive or retain in custody any dependent child residing in the state, such person or entity must first obtain a written assessment of the proposed placement, conducted by DSCYF or its licensed agency.

An assessment of the proposed placement of a dependent child shall not be required by DSCYF or its licensed agency if all of the following conditions are met:

- The child is placed in a home of an adult individual who fails to meet the definition of 'relative' in § 901 of title 10, but the adult individual is by marriage, blood, or adoption the child's great-grandparent, stepgrandparent, great uncle, great aunt, half-brother, half-sister, stepbrother, stepsister, stepparent, stepuncle, or stepaunt to the extent not already included in the definition of 'relative,' or first cousin once removed.
- DSCYF has not currently filed, and does not intend to file, for custody of the child on the basis of dependency or neglect.
- There have been no prior or present allegations of abuse or neglect regarding the adult individual with whom the child is placed.
- DSCYF is not currently a party to a custody or visitation dispute regarding the child.
- DSCYF does not hold or seek custody of the child.
- The child meets the definition of 'dependent child' solely because the child has been placed on a permanent basis in the home of an adult individual as described above and has been placed with that individual without an assessment by DSCYF or its licensed agency.

This section shall not limit the family court's jurisdiction to hear a petition for guardianship of a child pursuant to chapter 23 of title 13, including granting of emergency relief, nor shall this section limit the family court's determination of appropriate placement for a child in DSCYF custody pursuant to § 2521(1) of title 13.

Requirements for Placement of Siblings**Citation: Admin. Code 9-200-201, § 26**

A child-placing agency shall have a written placement policy describing how the agency addresses the needs of siblings to remain together.

Relatives Who May Adopt**Citation: Ann. Code Tit. 13, § 904**

No petition for adoption shall be presented unless, prior to the filing of the petition, the child sought to be adopted has been placed for adoption by the department, a licensed agency, or an authorized agency, and the placement has been supervised by the department or a licensed agency. No such placement or supervision shall be necessary in the case of:

- A child sought to be adopted by a stepparent
- A child sought to be adopted by a blood relative, except for placements under the Interstate Compact for the Placement of Children
- A child sought to be adopted by a guardian or permanent guardian, as long as guardianship or permanent guardianship has been granted for at least 6 months prior to filing the adoption petition

Requirements for Adoption by Relatives**Citation: Ann. Code Tit. 13, §§ 912; 913**

An adoptive placement shall not be made until a preplacement evaluation that complies with the Delaware Requirements for Child Placing Agencies has been completed by the department or licensed agency.

The social study shall include information regarding the background of the child, the adoptive parents and their home, the physical and mental condition of the child, and the suitability of the placement.

In the case of a child to be adopted by a stepparent, guardian, or a blood relative, the petition for adoption shall be filed only after the child has resided in the home of the petitioner for at least 1 year; except that, on recommendation of the department or licensed agency, a petition may be filed after 6 months of continuous residence of the child in the petitioner's home. In the case of adoption by a stepparent, guardian, or blood relative, it is not necessary that the child be legally free prior to the filing of the petition.

District of Columbia*Current Through January 2018***Relative Placement for Foster Care and Guardianship****Citation: Ann. Code § 16-2320; Code of Municipal Regs. § 29-1642.1**

If a child is found to be neglected, the Family Division of the Superior Court may transfer legal custody of the child to a relative or other individual who is found by the court to be qualified to receive and care for the child. No child shall be ordered placed outside his or her home unless the court finds the child cannot be protected in the home, and there is an available placement likely to be less damaging to the child than the child's own home.

In regulation: The first priority of the foster care system shall be to maintain a child in his or her home or that of a relative.

Requirements for Placement With Relatives**Citation: Code of Municipal Regs. § 29-6027**

The Child and Family Services Agency may issue a temporary license to operate a foster home only if:

- The applicant is kin to each foster child who would be placed in her or his home.
- The applicant submits an application for a license to operate a foster home.
- The applicant has:
 - » Received a satisfactory criminal records check
 - » Complied with requirements concerning a child protection register check
 - » Received a satisfactory safety assessment of his or her home
 - » Demonstrated the willingness and ability to provide a safe and secure environment for the child

- All individuals age 18 or older residing in the prospective foster home have:
 - » Received a satisfactory criminal records check
 - » Complied with requirements concerning a child protection register check
- There exist exigent circumstances as set forth below.
- A certificate has been obtained indicating no risk from lead-based paint for a home in which a foster child under age 6 may be placed.

Exigent circumstances exist if a child:

- Must be removed from her or his home immediately because of suspected or supported child abuse or neglect
- Must be removed from her or his current placement immediately
- Has been removed from her or his home because of child abuse and neglect

An applicant is kin to a foster child if the applicant is at least age 21 and either of the following:

- The applicant is a relative of the foster child by blood, marriage, or adoption
- The applicant is identified by a relative of the child to have close personal or emotional ties with the foster child or the foster child's family, which predate the foster child's placement with the individual

A temporary license permits a foster home to operate prior to issuance of an annual license and while the foster parent attempts to satisfy the requirements for a license. A temporary licensee shall actively and promptly take all steps required for full licensure.

Requirements for Placement of Siblings

Citation: Code of Municipal Regs. § 29-1642.8

The child-placing agency shall place siblings together whenever possible and when it is in the siblings' best interests to do so.

Relatives Who May Adopt

This issue is not addressed in the statutes reviewed.

Requirements for Adoption by Relatives

This issue is not addressed in the statutes reviewed.

Florida

Current Through January 2018

Relative Placement for Foster Care and Guardianship

Citation: Ann. Stat. §§ 39.401; 39.5085; Admin. Code § 65C-28.004

If the Department of Children and Families has taken a child into custody due to a finding that the child has been abused, neglected, or abandoned, the department shall review the facts supporting the removal with an attorney representing the department to determine whether there is probable cause for the filing of a shelter petition.

If the facts are sufficient and the child has not been returned to the custody of the parent or legal custodian, the department shall file the petition and schedule a hearing to be held within 24 hours after the removal of the child. While awaiting the shelter hearing, the department may release the child to a parent, legal custodian, responsible adult relative, or the adoptive parent of the child's sibling who shall be given priority consideration over a licensed placement, or a responsible adult approved by the department if this is in the best interests of the child.

When a child is taken into custody, the department shall request that the child's parent, caregiver, or legal custodian disclose the names, relationships, and addresses of all parents and prospective parents and all next of kin of the child, so far as are known.

The Relative Caregiver Program provides financial assistance to relatives who are within the fifth degree, by blood or marriage, to the parent or stepparent of a child and who are caring for the child fulltime as a result of a court's determination of child abuse, neglect, or abandonment.

In regulation: When a child is unable to be placed with a relative at the time of initial placement, the department shall seek to identify persons with an established relationship with the child for consideration before placing the child in a licensed out-of-home care placement. When a child enters care and has a sibling that has been previously adopted or is in an adoptive placement, the adoptive parents of the sibling shall be contacted and, if interested, considered for placement.

Requirements for Placement With Relatives**Citation: Ann. Stat. §§ 39.401; 39.5085; 39.6231**

Placement of a child that is not in a licensed shelter must be preceded by a criminal history records check. In addition, the department may authorize placement of a housekeeper/homemaker in the home of a child alleged to be dependent until the parent or legal custodian assumes care of the child.

The court may place the child with a fit and willing relative as a permanency option if:

- The child has been in the placement for at least the preceding 6 months.
- The relative has made a commitment to provide for the child until the child reaches the age of majority and to prepare the child for adulthood and independence.
- The relative is suitable and able to provide a safe and permanent home for the child.
- The relative agrees to give notice of any change in his or her residence or the residence of the child by filing a written document with the clerk of court.

Relative caregivers must be capable, as determined by a home study, of providing a physically safe environment and a stable, supportive home for the children under their care. They must assure that the children's well-being is met, including, but not limited to, the provision of immunizations, education, and mental health services as needed.

Relatives who qualify for and participate in the Relative Caregiver Program are not required to meet foster care licensing requirements.

In its written order placing the child with a fit and willing relative, the court shall:

- List the circumstances or reasons why reunification is not possible
- State the reasons why permanent placement with a fit and willing relative is being established instead of adoption
- Specify the frequency and nature of visits or contact between the child and his or her parents, grandparents, and siblings
- Require that the relative not return the child to the physical care and custody of the person from whom the child was removed without the approval of the court

Requirements for Placement of Siblings**Citation: Admin. Code § 65C-30.006(4)(c)**

The case manager has specific tasks in regard to a child's case plan. The caseworker shall ensure that a schedule for visits between a child in an out-of-home placement and his or her separated siblings, parents, relatives, and other people of significance in the child's life is addressed in the case plan.

Relatives Who May Adopt**Citation: Ann. Stat. § 63.0425**

The child's grandparent has the right to petition to adopt the child.

Requirements for Adoption by Relatives**Citation: Ann. Stat. §§ 63.0425; 63.112**

The child must have lived with the grandparent for at least 6 months within the 24-month period immediately preceding the filing of a petition for termination of parental rights.

Unless ordered by the court, no report or recommendation is required when the child to be adopted is a relative of one of the adoptive parents.

Georgia*Current Through January 2018***Relative Placement for Foster Care and Guardianship****Citation: Ann. Code §§ 15-11-2; 15-11-211; 15-11-135**

The term 'relative' means a person related to a child by blood, marriage, or adoption, including the spouse of any of those persons, even if the marriage was terminated by death or dissolution.

The Division of Family and Children Services (DFCS) shall initiate a diligent search at the outset of a case and throughout the duration of a case, when appropriate. A diligent search shall include at a minimum:

- Interviews with the child's parent during the course of an investigation, while child protective services are provided, and while such child is in care
- Interviews with the child
- Interviews with identified relatives
- Interviews with any other person who is likely to have information about the identity or location of the person being sought
- Comprehensive searches of databases, including, but not limited to, employment, residence, utilities, vehicle registration, child support enforcement, law enforcement, and corrections records
- Any other reasonable means that are likely to identify relatives or other persons who have demonstrated an ongoing commitment to the child

After the completion of the diligent search, DFCS shall have a continuing duty to search for relatives or other persons who have demonstrated an ongoing commitment to a child and with whom it may be appropriate to place the alleged dependent child until such relatives or persons are found or until such child is placed for adoption, unless the court excuses DFCS from conducting a diligent search.

In any case in which a child is taken into protective custody, DFCS shall give preference for placement to an adult who is a relative or fictive kin over a nonrelated caregiver, provided that such relative or fictive kin has met all requirements for a DFCS relative or fictive kin placement and the placement is in the best interests of the child.

Requirements for Placement With Relatives

Citation: Ann. Code § 15-11-211

All adult relatives of the alleged dependent child identified in a diligent search, subject to exceptions due to family or domestic violence, shall be provided with notice:

- Specifying that an alleged dependent child has been or is being removed from his or her parental custody
- Explaining the options a relative has to participate in the care and placement of the alleged dependent child and any options that may be lost by failing to respond to the notice
- Describing the process for becoming an approved foster family home and the additional services and supports available for children placed in approved foster homes
- Describing any financial assistance for which a relative may be eligible

Requirements for Placement of Siblings

Citation: Ann. Code §§ 15-11-2; 15-11-135(e)

The term 'fictive kin' means a person who is known to a child as a relative, but is not, in fact, related by blood or marriage to the child and with whom the child has resided or had significant contact. The term 'sibling' means a person with whom a child shares a biological father or one or both parents in common by blood, adoption, or marriage, even if the marriage was terminated by death or dissolution.

In any case in which a child is taken into protective custody, the child shall be placed together with his or her siblings who are also in protective custody or DFCS shall include a statement in its report and case plan of continuing efforts to place the siblings together or document why such joint placement would be contrary to the safety or well-being of any of the siblings. If siblings are not placed together, DFCS shall provide for frequent visitation or other ongoing interaction between siblings, unless DFCS documents that such frequent visitation or other ongoing interaction would be contrary to the safety or well-being of any of the siblings.

Relatives Who May Adopt

Citation: Ann. Code § 19-8-7

A child may be adopted by a relative who is related by blood or marriage to the child as a grandparent, great-grandparent, aunt, uncle, great-aunt, great-uncle, or sibling, and any spouse of such relatives.

Requirements for Adoption by Relatives

Citation: Ann. Code § 19-8-7

Each living parent and guardian of the child to be adopted must voluntarily and in writing surrender to that relative and his or her spouse all of his or her rights to the child for the purpose of enabling that relative and his or her spouse to adopt the child.

In the case of a child age 14 or older, the written consent of the child to his or her adoption must be given and acknowledged in the presence of the court.

Guam

Current Through January 2018

Relative Placement for Foster Care and Guardianship

Citation: Ann. Code Tit.19, §§ 13101; 13317; 13324

The term 'family' means each legal parent, the grandparents, each parent's spouse, each sibling, or person related by consanguinity up to the second degree or by marriage; each person residing in the same dwelling unit; and any other person or legal entity that is a child's legal or physical custodian or guardian, or who is otherwise responsible for the child's care.

At any time during the pendency of a child protective proceeding, the court may order that the child's family members who are parties provide Child Protective Services or another appropriate authorized agency with the names and addresses of other family and friends who may be potential supervisors of parent-child visits or foster parents for the child and that they arrange for such persons to appear in court upon the date of the next hearing.

At the permanency plan hearing, the court shall determine whether parental rights should be terminated and the child placed for adoption. The court shall presume that it is in the best interests of the child to be adopted, unless the child is in the permanent custody of family or persons who have become as family and who for good cause are unwilling or unable to adopt the child but are committed to and are capable of being the child's permanent custodians.

Requirements for Placement With Relatives

This issue is not addressed in the statutes reviewed.

Requirements for Placement of Siblings

Citation: Ann. Code Tit. 19, § 13316(c)(2)

If siblings or psychologically bonded children are removed from their family home, the court shall order that every reasonable effort be made to place them together, unless it is not in the best interests of the children.

Relatives Who May Adopt

Citation: Ann. Code Tit. 19, §§ 4206; 4202

A child may be adopted by a person who is related to the child within the second degree, either by blood or affinity, including stepparents, sisters, brothers, grandparents, aunts, or uncles.

Requirements for Adoption by Relatives

Citation: Ann. Code Tit. 19, § 4206

Written consent is required by each parent of the child or, if there is no parent, by the guardian of the child. A child over age 12 must consent to the adoption.

Hawaii

Current Through January 2018

Relative Placement for Foster Care and Guardianship

Citation: Rev. Stat. §§ 587A-4; 587A-9

The term 'hanai relative' means an adult, other than a blood relative, whom the court or department has found by credible evidence to perform or to have performed a substantial role in the upbringing or material support of a child, as attested to by the written or oral designation of the child or of another person, including other relatives of the child.

The term 'relative' means a person related to a child by blood or adoption, or a hanai relative who, as determined by the court or the department, is willing and able to safely provide support to the child and the child's family.

The term 'resource family' means a person or family licensed by the Department of Human Services or another authorized agency to provide foster care services for children and can be used interchangeably with 'foster parent' and 'foster family.'

When a child must be placed outside of his or her home, placement preference shall be given to an approved relative.

Requirements for Placement With Relatives**Citation: Rev. Stat. §§ 587A-9; 587A-10; 587A-11**

When the department receives protective custody of a child from the police, the department shall:

- Place the child in emergency foster care, unless the child is admitted to a hospital or similar institution, while the department conducts an appropriate investigation, with placement preference being given to an approved relative
- Make reasonable efforts with authorized agencies to identify and notify all relatives within 30 days of assuming temporary foster custody of the child

The department shall provide the child's relative with an application to be the child's resource family within 15 days of the relative's request to provide foster placement for the child. The department and authorized agencies shall make reasonable efforts to identify and notify all relatives of the child within 30 days after assuming foster custody of the child.

In conducting an investigation of harm to a child, the department may assume temporary foster custody of the child and file a petition with the court within 3 days, excluding Saturdays, Sundays, and holidays, after the date on which the department assumes temporary foster custody of the child, with placement preference being given to an approved relative.

Requirements for Placement of Siblings**Citation: Rev. Stat. §§ 587A-26; 587A-31**

At a foster custody hearing, the court shall determine whether every reasonable effort has been or is being made to place siblings or psychologically bonded children together, unless such placement is not in the children's best interests.

At each permanency hearing, the court shall make written findings as to whether the department has made reasonable efforts, in accordance with the safety and well-being of the child, to:

- Place siblings who have been removed from the family home with the same resource family, adoptive placement, or legal guardians
- Provide for frequent visits or other on-going interactions with siblings who are not living in the same household

Relatives Who May Adopt

This issue is not addressed in the statutes reviewed.

Requirements for Adoption by Relatives

This issue is not addressed in the statutes reviewed.

Idaho

Current Through January 2018

Relative Placement for Foster Care and Guardianship**Citation: Idaho Code § 16-1602; 16-1629; Admin. Code § 16.06.01.401**

At any time the Department of Health and Welfare is considering placing a child in out-of-home care, the department shall make a reasonable effort to place the child in the least restrictive environment to the child and in so doing shall consider, consistent with the best interests and special needs of the child, placement priority of the child in the following order:

- A fit and willing relative
- A fit and willing nonrelative who has a significant relationship with the child
- Foster parents and other persons licensed in accordance with title 39, chapter 12 with a significant relationship with the child
- Foster parents and other persons licensed in accordance with title 39, chapter 12

The term 'relative' means a child's grandparent, great-grandparent, aunt, great-aunt, uncle, great-uncle, brother-in-law, sister-in-law, first cousin, sibling, and half-sibling.

In regulation: The department will make meaningful reasonable attempts, both verbally and in writing, to inform individuals identified below of the potential imminent placement and the requirements for consideration as a placement resource. Ideally, placement priority will be given in the following order:

- Immediate family
- Extended family members
- Nonfamily members with a significant established relationship with the child
- Other licensed foster parents

Requirements for Placement With Relatives**Citation: Admin. Code § 16.06.01.401**

The department will place children in a safe and trusted environment consistent with the best interests and special needs of the children as required by P.L. 96-272 (Adoption Assistance and Child Welfare Act of 1980), § 475(5).

Upon immediate contact with persons in categories listed above, and after preliminary screening, departmental staff will make reasonable attempts to inform immediate family members of the way to become a placement resource within 72 hours of the decision to place.

In all cases, alternate care placement will include consideration of:

- A family assessment of potential caregivers
- The ability of potential caregivers to address and be sensitive to the unique and individual needs of the child and their ability to comply with and support the plan for the child and the child's family
- The involvement of the family in planning and selecting the placement

The department will use a family unity meeting concept in making reasonable efforts to gather immediate and extended family members and other significant supporters to identify family strengths relevant to creating a safe environment for the child.

Requirements for Placement of Siblings**Citation: Idaho Code §§ 16-1615; 16-1619; 16-1622**

If a sibling group has been removed from their home, the court shall inquire at the shelter care or adjudicatory hearing about the department's efforts to place the siblings together, or if the department has not placed or will not be placing the siblings together, about a plan to ensure frequent visitation or ongoing interaction among the siblings, unless visitation or ongoing interaction would be contrary to the safety or well-being of one or more of the siblings.

At a hearing for review of the child's case and permanency plan, the court shall review sibling placement. The department shall document and the court shall inquire whether siblings were placed together, or if siblings were not placed together, the efforts made to place siblings together, the reasons why siblings were not placed together, and a plan for ensuring frequent visitation or ongoing interaction between the siblings, unless visitation or ongoing interaction would be contrary to the safety or well-being of one or more of the siblings.

Relatives Who May Adopt

This issue is not addressed in the statutes and regulations reviewed.

Requirements for Adoption by Relatives**Citation: Idaho Code § 16-1506**

In those instances where the prospective adoptive parent is the grandparent of the child to be adopted, a social investigation shall be completed with regard to the prospective adoptive parent only upon order of the court.

Illinois

Current Through January 2018

Relative Placement for Foster Care and Guardianship**Citation: Comp. Stat. Ch. 20, § 505/7**

When the Department of Child and Family Services first assumes custody of a child, the department shall make reasonable efforts to identify, locate, and provide notice to all grandparents and other adult relatives of the child who are ready, willing, and able to care for the child. The department must document its efforts to identify, locate, and provide notice to such potential relative placements and maintain the documentation in the child's case file.

The term 'relative' includes any person age 21 or older, other than the parent, who is:

- Related to the child by blood or adoption, including a grandparent, sibling, great-grandparent, uncle, aunt, nephew, niece, first cousin, second cousin, godparent, great-uncle, or great-aunt
- The spouse of such a relative
- The child's stepfather, stepmother, or adult stepbrother or stepsister
- A fictive kin

'Relative' also includes a person related in any of the above ways to a sibling of a child, even though the person is not related to the child, when the child and its sibling are placed together with that person.

For purposes of this subsection, the term 'fictive kin' means any individual, unrelated by birth or marriage, who:

- Is shown to have close significant and personal or emotional ties with the child or the child's family prior to the child's placement with the individual
- Is the current foster parent of a child in the custody or guardianship of the department, if the child has been placed in the home for at least 1 year and has established a significant and familylike relationship with the foster parent, and the foster parent has been identified by the department as the child's permanent connection

Requirements for Placement With Relatives

Citation: Comp. Stat. Ch. 20, § 505/7

The relative must be able to adequately provide for the child's safety and welfare based on the factors set forth in the department's rules governing relative placements. The placement must be consistent with the child's best interests.

The department may not place a child with a relative if the results of a check of the Law Enforcement Agencies Data System (LEADS) identifies a prior criminal conviction of the relative or any adult member of the relative's household for a criminal offense, including:

- Murder, manslaughter, or reckless homicide
- Homicide of an unborn child
- Drug-induced homicide or infliction of bodily harm
- A sex offense
- Kidnapping or child abduction
- Heinous battery or aggravated battery with a firearm
- Tampering with food, drugs, or cosmetics
- Home or vehicular invasion
- Criminal transmission of HIV
- Criminal abuse or neglect of an elderly or disabled person
- Child abandonment or endangerment
- Ritualized abuse of a child

A relative with whom a child is placed may, but is not required to, apply for licensure as a foster family home. As of July 1, 1995, foster care payments shall be made only to licensed foster family homes.

A fictive kin with whom a child is placed shall apply for licensure as a foster family home within 6 months of the child's placement with the fictive kin. The department shall not remove a child from the home of a fictive kin on the basis that the fictive kin fails to apply for licensure within 6 months of the child's placement with the fictive kin or fails to meet the standard for licensure. All other requirements established under the rules and procedures of the department concerning the placement of a child with a relative shall apply. By June 1, 2015, the department shall promulgate rules establishing criteria and standards for placement, identification, and licensure of fictive kin.

Requirements for Placement of Siblings

Citation: Comp. Stat. Ch. 20, §§ 505/7; 505/7.4

In placing a child under this act, the department shall place the child with the child's sibling or siblings under chapter 20, § 505/7.4, unless the placement is not in each child's best interests or is otherwise not possible under the department's rules. If the child is not placed with a sibling under the department's rules, the department shall consider placements that are likely to develop, preserve, nurture, and support sibling relationships when doing so is in each child's best interests.

The term 'siblings' means children who share at least one parent in common. The sibling relationship continues even after their parent's parental rights are terminated or after a sibling is adopted or placed in private guardianship.

Whenever a child enters care or requires a new placement, the department shall consider the development and preservation of sibling relationships. When a child has siblings who are in the custody of the department, the department shall determine whether it is in the best interests of each of the siblings for the siblings to be placed together. If the department determines that it is in the best interests of each sibling to be placed together, and the sibling's foster parent is able and willing to care for the child needing placement, the department shall place the child needing placement with the sibling.

When the department determines it is not in the best interests of one or more siblings to be placed together, the department shall ensure that the child requiring placement is placed in a home or program where the caregiver is willing and able to be actively involved in supporting the sibling relationship to the extent doing so is in the child's best interests.

When siblings in care are placed in separate placements, the department shall develop a Sibling Contact Support Plan. The plan shall set forth future contact and visits between the siblings to develop or preserve and nurture the siblings' relationships.

Relatives Who May Adopt

Citation: Comp. Stat. Ch. 20, § 505/7

A relative is any person, age 21 or older who is related to the child by blood or adoption, such as a grandparent, sibling, great-grandparent, uncle, aunt, nephew, niece, first cousin, second cousin, godparent, great-aunt, great-uncle, and the spouse of any such relative. A relative may also include a stepparent or adult stepbrother or stepsister.

A relative also includes a person related in any of the above ways to a sibling of a child, even though the person is not related to the child, when the child and his or her sibling are placed together with that person.

For children who have been in the guardianship of the department, have been adopted, and are subsequently returned to the temporary custody or guardianship of the department, a relative may also include any person who would have qualified as a relative prior to the adoption, but only if the department determines that it would be in the child's best interests to consider this person a relative.

Requirements for Adoption by Relatives

Citation: Comp. Stat. Ch. 750, § 50/6; Ch. 20, § 505/7

An investigation shall not be made when the petitioner seeks to adopt a related child unless the court, in its discretion, so shall order. The relative must be able to adequately provide for the child's safety and welfare based on the factors set forth in the department's rules governing relative placements. The placement must be consistent with the child's best interests.

When the department first assumes custody of a child, the department shall make reasonable efforts to identify and locate a relative who is ready, willing, and able to care for the child.

The department may not place a child with a relative if the results of a check of LEADS identifies a prior criminal conviction of the relative or any adult member of the relative's household for a criminal offense, including:

- Murder, manslaughter, or reckless homicide
- Homicide of an unborn child
- Drug-induced homicide or infliction of bodily harm
- A sex offense
- Kidnapping or child abduction
- Heinous battery or aggravated battery with a firearm
- Tampering with food, drugs, or cosmetics
- Home or vehicular invasion
- Criminal transmission of HIV
- Criminal abuse or neglect of an elderly or disabled person
- Child abandonment or endangerment
- Ritualized abuse of a child

Indiana

Current Through January 2018

Relative Placement for Foster Care and Guardianship

Citation: Ann. Code §§ 31-34-3-4.5; 31-9-2-117.3; 31-9-2-35.5; 31-34-4-2

Within 30 days after the removal of the child from the parents, the Department of Child Services shall exercise due diligence to identify and provide notice of the removal to:

- All adult relatives of the child, including relatives suggested by either parent
- All the child's siblings who are at least age 18

The department may not provide notice to a person listed above if the department knows or suspects that the person has caused family or domestic violence. The notice must:

- State that the child has been removed from the parents
- Set forth the options the relative may have under federal or state laws, including the care and placement of the child and other options that may be lost if the relative fails to respond to the notice
- Describe the requirements for the relative to become a foster parent
- Describe additional services available to the child placed in foster care
- Describe how a relative guardian of a child may subsequently enter into an agreement with the department to receive financial assistance through the adoption assistance program or guardianship assistance program

The term 'sibling' means:

- A brother or sister by blood, half-blood, or adoption
- Any other individual who would be considered a sibling if parental rights had not been terminated

A 'de facto custodian' is a person who has been the primary caregiver for and financial support of a child who has resided with the person for at least:

- Six months if the child is younger than age 3
- One year if the child is at least age 3

If the court orders out-of-home placement for a child, the department is responsible for that placement and care and must consider placing the child with a suitable and willing blood or an adoptive relative caregiver, including a grandparent, aunt, uncle, or adult sibling; a de facto custodian; or a stepparent before considering any other out-of-home placement.

Requirements for Placement With Relatives

Citation: Ann. Code § 31-34-4-2

Before the child is placed with a blood or adoptive relative caregiver, a de facto custodian, or a stepparent, the department shall complete an evaluation based on a home visit of the relative's home. The department also shall conduct a criminal history check of each person who is currently residing in the location designated as the out-of-home placement.

Except as provided below, the department may not make an out-of-home placement if a person has:

- Committed an act resulting in a substantiated report of child abuse or neglect
- Been convicted of a nonwaivable offense listed in § 31-9-2-84.8 or had a juvenile adjudication for an act that would be a nonwaivable offense if committed by an adult

A court may order or the department may approve an out-of-home placement if a person has a record of substantiated child abuse or neglect or conviction of certain felonies if the court makes a written finding that the person's commission of the offense, delinquent act, or act of abuse or neglect is not relevant to the person's present ability to care for a child, and that the placement is in the best interests of the child. However, a court or the department may not make an out-of-home placement if the person has been convicted of a nonwaivable offense listed in § 31-9-2-84.8 that is not specifically excluded under this section.

In making its written finding, the court shall consider the following:

- The length of time since the person committed the offense, delinquent act, or abuse or neglect
- The severity of the offense, delinquent act, or abuse or neglect
- Evidence of the person's rehabilitation, including the person's cooperation with a treatment plan, if applicable

Requirements for Placement of Siblings

Citation: Ann. Code §§ 31-28-5-2; 31-28-5-3

The department shall make reasonable efforts to promote sibling visits for every child who receives foster care, including visits when one sibling receives foster care and another sibling does not.

A child; a child's foster parent; a child's guardian ad litem; a court-appointed special advocate; or an agency that has the legal responsibility or authorization to care for, treat, or supervise a child may request the department to permit the child to have visits with the child's sibling if the child or the child's sibling, or both, receive foster care. If the department finds that the sibling visits are in the best interests of each child who receives foster care, the department shall permit the sibling visits and establish a schedule for sibling visits.

Relatives Who May Adopt

Citation: Ann. Code § 31-19-8-5(c)

A court hearing a petition for adoption of a child may waive the reports of the adoption investigation and social study if one of the petitioners is a stepparent or grandparent of the child and the court waives the period of supervision.

Requirements for Adoption by Relatives

Citation: Ann. Code § 31-19-8-5(d)

If the court waives the reports required above, the court shall require the licensed child-placing agency for a child who is not adjudicated to be a child in need of services or, if the child is the subject of an open child in need of services action, each local office to insure that a criminal history check is conducted and to report to the court the results of the criminal history check.

Iowa

Current Through January 2017

Relative Placement for Foster Care and Guardianship

Citation: Ann. Code §§ 232.84; 232.2(46A), (52)

Within 30 days after the entry of an order transferring custody of a child to an agency for placement, the agency shall exercise due diligence in identifying and providing notice to the child's grandparents, aunts, uncles, adult siblings, parents of the child's siblings, and adult relatives suggested by the child's parents, subject to exceptions due to the presence of family or domestic violence. The notice content shall include, but is not limited to, all of the following:

- A statement that the child has been or is being removed from the custody of the child's parent or parents
- An explanation of the options the relative has under federal, state, and other law to participate in the care and placement of the child on a temporary or permanent basis
- A description of the requirements for the relative to serve as a foster family home provider or other type of care provider for the child and the additional services, training, and other support available for children receiving such care
- Information concerning the option to apply for kinship guardianship assistance payments

The options addressed in the notice shall include, but are not limited to, assistance and support options, options for participating in legal proceedings, and any options that may be lost by failure to respond to the notice.

Parents of a sibling are considered relatives to the child for the purposes of placement. The term 'sibling' means an individual who is related to another individual by blood, adoption, or affinity through a common legal or biological parent.

Requirements for Placement With Relatives

This issue is not addressed in the statutes reviewed.

Requirements for Placement of Siblings

Citation: Ann. Code § 232.108

If the court orders the transfer of custody of a child and siblings to the Department of Human Services for placement, the department shall make a reasonable effort to place the child and siblings together in the same placement. This requirement remains applicable to custody transfer orders made at separate times and applies in addition to efforts made by the department to place the child with a relative.

If the siblings are not placed in the same placement together, the department shall provide the siblings with the reasons why and the efforts being made to facilitate placement together, or why making efforts for such placement is not appropriate. Unless visiting or ongoing interaction with siblings is suspended or terminated by the court, the department shall make reasonable effort to provide for frequent visits or other ongoing interaction between the child and the child's siblings from the time of the child's out-of-home placement until the child returns home or is in a permanent placement.

If an order is entered for termination of parental rights of a child who is subject to this section, and unless the court has suspended or terminated sibling visits or interaction, the department or child-placing agency shall do all of the following to facilitate frequent visits or ongoing interaction between the child and siblings when the child is adopted or enters a permanent placement:

- Include in the training provided to prospective adoptive parents information regarding the importance of sibling relationships to an adopted child and counseling methods for maintaining sibling relationships

- Provide prospective adoptive parents with information regarding the child's siblings
- Encourage prospective adoptive parents to plan for facilitating postadoption contact between the child and the child's siblings

Relatives Who May Adopt

Citation: Ann. Code § 600.8

A relative within the fourth degree of kinship may adopt the child.

Requirements for Adoption by Relatives

Citation: Ann. Code § 600.8

If the prospective adoption petitioner is a relative within the fourth degree of kinship who has assumed custody of a minor person to be adopted, a preplacement investigation of this petitioner and a report of the investigation may be completed at a time established by the court or may be waived as provided below.

Any required investigation and report may be waived by the court if the adoption petitioner is related within the fourth degree of kinship to the person to be adopted. However, if an adoption petitioner discloses a criminal conviction or deferred judgment for an offense other than a simple misdemeanor or founded child abuse report, the petitioner shall notify the court of the inclusion of this information in the petition prior to the final adoption hearing, and the court shall make a specific ruling regarding whether to waive any required investigation or report.

Kansas

Current Through January 2018

Relative Placement for Foster Care and Guardianship

Citation: Ann. Stat. §§ 38-2202(q), (bb); 38-2255(d)

The term 'kinship care' means the placement of a child in the home of the child's relative or in the home of another adult with whom the child or the child's parent already has a close emotional attachment. The term 'relative' refers to a person related by blood, marriage, or adoption but, when referring to a relative of a child's parent, does not include the child's other parent.

If the court has ordered the child removed from the custody of his or her parent(s), the court shall enter an order awarding custody to:

- A relative of the child or to a person with whom the child has close emotional ties who shall not be required to be licensed
- Any other suitable person
- A shelter facility
- A youth residential facility
- A staff-secure facility, notwithstanding any other provision of law, if the child has been subjected to human trafficking, aggravated human trafficking, or commercial sexual exploitation of a child, or the child committed an act which, if committed by an adult, would constitute a violation of § 21-6419
- The Department for Children and Families if the child is age 15 or younger, or age 16 or 17 if the child has no identifiable parental or family resources or shows signs of physical, mental, emotional, or sexual abuse

Custody awarded under this subsection shall continue until further order of the court.

Requirements for Placement With Relatives

Citation: Ann. Stat. § 38-2255

A relative of the child or to a person with whom the child has close emotional ties who receives custody of the child shall not be required to be licensed under Chapter 65, Article 5.

When custody of a child is awarded to the department, the department shall consider any placement recommendation by the court and notify the court of the placement or proposed placement of the child within 10 days of the order awarding custody. After providing the parties or interested parties notice and opportunity to be heard, the court may determine whether the department's placement or proposed placement is contrary to the welfare or in the best interests of the child. In making that determination, the court shall consider the health and safety needs of the child and the resources available to meet the needs of children in the custody of the department.

Requirements for Placement of Siblings

This issue is not addressed in the statutes and regulations reviewed.

Relatives Who May Adopt**Citation: Ann. Stat. § 38-2202(bb)**

The term 'relative' means a person related by blood, marriage, or adoption but, when referring to a relative of a child's parent, does not include the child's other parent.

Requirements for Adoption by Relatives**Citation: Ann. Stat. § 59-2132**

The adoption assessment and report required by this section may be waived by the court upon review of a petition requesting such a waiver by a relative of the child.

Kentucky*Current Through January 2018***Relative Placement for Foster Care and Guardianship****Citation: Rev. Stat. §§ 620.090; 620.140; 600.020(28)**

In placing a child, the Cabinet for Health and Family Services shall use the least restrictive and appropriate placement available. Preference shall be given to available and qualified relatives of a child for custody placement.

In determining the disposition of a case regarding a dependent, neglected, or abused child, the court, in the best interests of the child, may order the removal of the child to the custody of an adult relative, fictive kin, other person, or child-caring facility or child-placing agency, taking into consideration the wishes of the parent or other person exercising custodial control or supervision.

The term 'fictive kin' means an individual who is not related by birth, adoption, or marriage to a child, but who has an emotionally significant relationship with the child.

Requirements for Placement With Relatives**Citation: Rev. Stat. §§ 199.462; 605.120**

Before an applicant is approved to provide foster care or relative caregiver services to a child, the cabinet shall do either of the following:

- Require a criminal background investigation of the applicant and any of the applicant's adult household members by means of a fingerprint check by the Department of Kentucky State Police and the Federal Bureau of Investigation
- Request from the Justice and Public Safety Cabinet records of all conviction information for the applicant and any of the applicant's adult household members

During a certified foster home's annual reevaluation, the cabinet may do either of the following:

- Require a background investigation for each adult household member of the certified foster home
- Register each adult household member of a certified foster home in the rap back system

If a child is placed and resides in a fictive kin home for more than 72 hours, the cabinet shall take action, including, but not limited to, the following:

- Provide information on how to recognize and report child abuse or neglect
- Ensure that, within the first 5 days of a child younger than age 5 being placed in a fictive kin home, the fictive kin has completed a one-time training course of 1.5 hours of training covering the prevention and recognition of pediatric abusive head trauma, as defined in § 620.020

Requirements for Placement of Siblings**Citation: Admin. Reg. Tit. 922, § 1:310**

When making an adoptive placement, siblings who have had a relationship with each other shall be placed together, unless the child-placing agency and, if applicable, the state agency that has custody of a child belonging to a sibling group determines that it is more beneficial for siblings to be placed in separate adoptive homes.

If siblings have been separated in placements:

- The case record shall reflect a valid basis for the separation.
- The decision to separate siblings shall be made by the executive director of the child-placing agency.
- Continued contact between siblings shall be maintained, if possible.

Relatives Who May Adopt**Citation: Rev. Stat. § 199.470**

A relative is a person related to the child through blood, marriage, or adoption, including a stepparent, grandparent, sister, brother, aunt, uncle, great-grandparent, great-aunt, or great-uncle.

Requirements for Adoption by Relatives**Citation: §§ 199.470, 199.462**

The adoption of a child by a relative does not require placement by an agency or the permission of the secretary, as other adoptions do. However, the court in its discretion may order a report in accordance with § 199.510 and a background check as provided in § 199.473(8).

Before an applicant is approved to receive a child for adoption, the cabinet shall do one of the following:

- Require a criminal background investigation of the applicant and any of the applicant's adult household members by means of a fingerprint check by the Department of Kentucky State Police and the Federal Bureau of Investigation
- Request from the Justice and Public Safety Cabinet records of all conviction information for the applicant and any of the applicant's adult household members

During a certified adoptive home's annual reevaluation, the cabinet may do either of the following:

- Require a background investigation for each adult household member of the certified adoptive home
- Register each adult household member of a certified adoptive home in the rap back system

Louisiana*Current Through January 2018***Relative Placement for Foster Care and Guardianship****Citation: Ch. C. Art. 622; Rev. Stat. §§ 46:286.1**

Unless the best interests of the child requires a different placement, a child who is in need of care shall be placed, pending a continued custody hearing, in accordance with this priority:

- In the home of a suitable relative who is of the age of majority and with whom the child has been living in a wholesome and stable environment, if the relative is willing and able to continue to offer such an environment for the child pending an adjudication hearing and if he or she agrees to the safety plan
- In the home of a suitable relative who is of the age of majority, if the relative is willing and able to offer a wholesome and stable environment for the child pending an adjudication hearing and if he or she agrees to the safety plan
- In the home of a suitable individual who is of the age of majority, if he or she is willing and able to offer a wholesome and stable environment for the child pending an adjudication hearing and if he or she agrees to the safety plan
- In foster care under the supervision of the department until further orders of the court
- In a shelter care facility if the child, who is not in the custody of the department, has been the victim of human trafficking or trafficking of children for sexual purposes

The Office of Community Services shall establish eligibility standards for becoming a kinship foster parent, including the following:

- Relatives within at least the second degree to the parent or stepparent of a child who may be related through blood or marriage may be eligible for approval as a kinship foster parent.
- The kinship foster parent shall be age 21 or older, or if the spouse or partner of the relative is age 21 or older and living in the home, the relative may be between age 18 and 21.

Requirements for Placement With Relatives**Citation: Rev. Stat. §§ 46:286.1; 46:283**

When a child has been removed from his or her home and is in the care, custody, or guardianship of the Office of Community Services, the office shall make reasonable attempts to place the child with a relative for kinship foster care. If the relative is approved by the office to provide foster care services, the relative shall be eligible to receive payment for the full foster care rate for the care of the child and any other benefits that might be available to foster parents, whether in money or in service.

A person shall be eligible to become a kinship foster parent only upon the completion of an investigation to ascertain if there is a state or federal record of criminal history for the prospective kinship foster parent or any other individual residing in the prospective parent's home.

The Office of Community Services shall determine whether the person is able to care effectively for the child by completing all of the following:

- Reviewing personal and professional references
- Observing the kinship foster parent with household members during a home visit
- Interviewing the kinship foster parent

In emergency situations, relatives and friends of the foster child who have applied to be foster parents and who appear to meet eligibility criteria for such foster homes may be certified by the department for one 90-day period without training.

The department may establish separate minimum training requirements for relatives of a foster child or foster parents certified to care only for a specific child or children in those homes not open to placement of other children. These minimum requirements shall include 10 hours of preservice training, requirements for a criminal records clearance, participation with the department in periodic home visits and legally mandated status reviews, and annual training as prescribed in the child's service plan at the status review.

Requirements for Placement of Siblings

Citation: Ch. C. Art. 668

Following adjudication, the court may order a predisposition investigation. The investigation shall include the circumstances, needs, and social history of the child and his or her family, and also the circumstances surrounding the factual allegations of the petition. It also shall assess whether the child has an established and significant relationship with a parent, grandparent, sibling, or other relative that should be preserved in the best interests of the child. If so, the department shall include in the case plan arrangements for the child's continuing contact with such individuals while the child is in foster care.

Relatives Who May Adopt

Citation: Ch. C. Art. 1243

A stepparent, stepgrandparent, great-grandparent, grandparent, or collaterals within the 12th degree may petition to adopt a child.

Requirements for Adoption by Relatives

Citation: Ch. C. Art. 1243; 1243.2; 1252

The relative wishing to adopt must meet all the following conditions:

- The petitioner must be related to the child by blood, adoption, or affinity through the mother of the child or through a father who is filiated to the child in accordance with the Civil Code.
- The petitioner is a single person over age 18 or a married person whose spouse is a joint petitioner.
- The petitioner has had legal or physical custody of the child for at least 6 months prior to filing for adoption.

When a petitioner is the grandparent of a child and the petitioner's spouse is the stepgrandparent of the child and that spouse files an authentic act requesting that the blood relative grandparent petitioner be allowed to file or complete the adoption proceedings as the sole petitioner, then any court of competent jurisdiction may grant the adoption in the same manner as if the grandparent was a single petitioner. Any petitioner and stepgrandparent filing a petition pursuant to this Paragraph shall be required to undergo the background check provided for in Article 1243.2.

The sheriff or the Office of State Police, Louisiana Bureau of Criminal Identification and Information will conduct a records check for all federal arrests and convictions and all state arrests and convictions in this and any other state in which either of the prospective adoptive parents has been domiciled.

The Department of Social Services will conduct a records check for validated complaints of child abuse or neglect in this or any other state in which either of the prospective adoptive parents has been domiciled since becoming an adult.

The department shall not investigate the proposed intrafamily adoption except upon order of the court. If the court orders an investigation, it may request any information which it deems relevant and require that the department submit a confidential report of its findings to the court.

Maine

Current Through January 2018

Relative Placement for Foster Care and Guardianship

Citation: Rev. Stat. Tit. 22, § 4062(4)

In the residential placement of a child, the Department of Health and Human Services shall consider giving preference to an adult relative over a nonrelated caregiver.

Requirements for Placement With Relatives

Citation: Rev. Stat. Tit. 22, §§ 4062(4); 4005-E

The related caregiver must meet all relevant state child protection standards.

There is a rebuttable presumption that the relative would create a situation of jeopardy for the child if any contact were to be permitted and that contact is not in the best interests of the child if the court finds that the relative:

- Has been convicted of a sex offense in which the victim was a minor at the time of the offense and the relative was at least 5 years older than the minor at the time of the offense
- Has been adjudicated as having sexually abused a person who was a minor at the time of the abuse

Requirements for Placement of Siblings

Citation: Rev. Stat. Tit. 22, § 4068

If the court determines that it is reasonable, practicable, and in the best interests of the children involved, the court shall order the custodian of the child who is the subject of the child protection proceeding and any party who is the custodian of a sibling of the child to make the children available for visits with each other. The court may order a schedule and conditions pursuant to which the visits are to occur.

The department shall make reasonable efforts to establish agreements with prospective adoptive parents that provide for reasonable contact between an adoptive child and the child's siblings when the department believes that the contact will be in the children's best interests.

In a child protection proceeding, a child may request visiting rights with a sibling from whom the child has been separated as a result of the child protection proceeding.

Relatives Who May Adopt

Citation: Rev. Stat. Tit. 18-A, § 9-304

A blood relative may petition to adopt the child.

Requirements for Adoption by Relatives

Citation: Rev. Stat. Tit. 18-A, §§ 9-304; 9-306

If the petitioner is a blood relative of the child, the court may waive the requirement of a home study and report.

The court shall request a background check for each prospective adoptive parent who is not the parent of the child. The background check must include a screening for child abuse cases in the records of the department and criminal history record information obtained from the Maine Criminal Justice Information System and the Federal Bureau of Investigation.

Expense payment limitations do not apply when one of the adoptive parents is a relative.

Maryland

Current Through January 2018

Relative Placement for Foster Care and Guardianship

Citation: Fam. Law §§ 5-501; 5-534

The term 'kinship care' means continuous 24-hour care and supportive services provided to a minor child placed by a child-placing agency in the home of a person related by blood or marriage within the fifth degree of consanguinity or affinity under the civil law rule.

The term '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 the local department and with whom the child may be placed for temporary or long-term care other than adoption.

In selecting a placement that is in the best interests of a child in need of out-of-home placement:

- The local department shall, as a first priority, attempt to place the child with a kinship parent.
- The local department shall exhaust all reasonable resources to locate a kinship parent for initial placement of the child.
- If no kinship parent is located at the time of the initial placement, the child shall be placed in a foster care setting.
- If a kinship parent is located subsequent to the placement of a child in a foster care setting, the local department may, if it is in the best interests of the child, place the child with the kinship parent.

Requirements for Placement With Relatives

Citation: Fam. Law §§ 5-534; 5-551; Code of Regs. §§ 07.02.25.02; 07.02.25.10; 07.02.25.11

A kinship parent must be at least age 18.

A state and national criminal history records check is required for the adult relative of a child with whom the child, committed to a local department, is placed by the local department. A state and national criminal history records check also is required for any adult known to be residing in the home of the adult relative.

In regulation: A 'restricted resource home' is a family resource home approved to serve only a specific foster child or children. A child shall be placed with a relative only after the relative is approved as a kinship parent or as a provisional restricted resource home, unless the child was placed by the court in the relative's home during the shelter care period or the child currently resides in the relative's home. In order to approve a relative as a kinship parent, criminal background checks and child protective services clearances shall be conducted. The local department may not approve any home in which an adult in the 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
- In the preceding 5 years, has a felony conviction for physical assault, battery, or a drug-related offense
- Has an indicated finding of child abuse or neglect

The local department also shall conduct an assessment of the relative with particular attention given their present ability to protect the child placed in their home. An initial home inspection to verify that the home is physically safe and appropriate also shall be completed.

Restricted resource homes shall meet the same requirements as regular resource homes. A restricted resource home can be either that of a relative or nonrelative. In either case, the same eligibility criteria apply. Provisional approval may be granted only to a relative of a child who seeks to become a restricted resource parent.

Requirements for Placement of Siblings

Citation: Fam. Law § 5-525.2

A local department shall place together siblings who are in an out-of-home placement under § 5-525 of this subtitle if:

- It is in the best interests of the siblings to be placed together.
- Placement of the siblings together does not conflict with a specific health or safety regulation.

If placement of the siblings together conflicts with a specific health or safety regulation, the local department may place the siblings together if the local department makes a written finding describing how placement of the siblings together serves the best interests of the siblings.

Notwithstanding any other provision of law, in order to place siblings together, the local department may place more than two children who require treatment in an eligible treatment foster care home if:

- The local department makes a written finding explaining why placement of the siblings together:
 - » Is in the best interests of the siblings
 - » Will not harm other children placed at the same treatment foster care home
- The local department notifies the Social Services Administration of the placement.

Any siblings who are separated due to a foster care or adoptive placement may petition a court, including a juvenile court with jurisdiction over one or more of the siblings, for reasonable sibling visiting rights. If a petitioner under this subsection petitions a court to issue a decree regarding visits or to amend an order, the court:

- May hold a hearing to determine whether such visits are in the best interests of the children
- Shall weigh the relative interests of each child and base its decision on the best interests of the children promoting the greatest welfare and least harm to the children
- May issue an appropriate order or decree

Relatives Who May Adopt**Citation: Fam. Law § 5-3B-12**

The child may be placed for adoption with a relative of the child, by blood or marriage, within four degrees of affinity or consanguinity under the civil law rule.

Requirements for Adoption by Relatives**Citation: Fam. Law §§ 5-3B-12; 5-3B-24**

The provisions of § 5-3B-12, which requires the parent to petition the court for approval before placing the child for adoption, and § 5-3B-24, which requires the adoption petitioner to file with the court an accounting of all payments, are not applicable when the child is placed for adoption with a relative of the child.

Massachusetts

Current Through January 2018

Relative Placement for Foster Care and Guardianship**Citation: Ann. Laws Ch. 119, § 23; Code of Rules Tit. 110, § 7.101**

Whenever the Department of Children and Families places a child in foster care, the department shall immediately commence a search to locate any relative of the child, including the parents of siblings who have custody of the siblings or other adult person who has played a significant positive role in that child's life, in order to determine whether the child may appropriately be placed with that relative or person if, in the judgment of the department, that placement would be in the best interests of the child.

In regulation: Whenever the department places a child in foster care, the department shall seek from the child's parents the names of relatives or other kin who may be available to become a foster placement for the child. The department also shall begin a search for other relatives of the child or for other adult persons who have played a significant positive role in the child's life in order to determine whether the child may appropriately be placed with a relative or person if, in the judgment of the department, that placement would be in the best interests of the child.

Within 30 days after the child is removed from the custody of the parent(s), the department shall provide notice to the kin and other suitable adults, unless the kin or other adult could not be approved as a foster parent due to known family or domestic violence. The notice shall include the following information:

- That the child has been removed from the custody of the parents
- The process for applying to become the child's foster parent and the standards for becoming a foster parent
- The availability of foster care payments and medical insurance for the child

Requirements for Placement With Relatives**Citation: Ann. Laws Ch. 15D, § 6; Code of Rules Tit. 110, § 7.101**

Prior approval of the home by the Department of Early Education and Care is not required for emergency foster placement of the child with a relative or long-term friend of the child's family. Within 10 days of placement, a criminal offender record check must be performed on all persons age 18 or older who reside in the home.

In regulation: When considering a kinship or child-specific placement, the department shall require that the relative, extended family member, or individual chosen by parent(s) meet the department's requirements, as set forth in title 110, §§ 7.104 and 7.105.

Requirements for Placement of Siblings**Citation: Ann. Laws Ch. 119, §§ 23; 26B; Code of Rules Tit. 110, § 7.101**

The department shall seek to identify any minor sibling or half-sibling of the child and attempt to place these children in the same foster family if, in the judgment of the department, that placement would be in the best interests of the children.

The court or the department shall, whenever reasonable and practical and based upon a determination of the best interests of the child, ensure that children placed in foster care shall have access to and visits with siblings in other foster or preadoptive homes or in the homes of parents or extended family members throughout the period of placement, or after such placements, if the children or their siblings are separated through adoption or long-term or short-term placements in foster care.

Any child over age 12 may request to visit with siblings who have been separated and placed in care or have been adopted in a foster or adoptive home other than where the child resides.

In regulation: The department shall place a child with the child's full- or half-sibling, unless doing so would be contrary to the safety or well-being of the child or sibling or otherwise not in the child's best interests. If siblings are not placed together, reasonable efforts will be made to provide for visits with siblings, unless such visits would be harmful to the child or sibling.

Relatives Who May Adopt

Citation: Ann. Laws Ch. 15D, § 6; Ch. 210, § 1

A child may not be placed with a person who is not related to that child by blood or marriage for purposes of adoption, unless the placement is made by a licensed or approved placement agency.

A person may adopt another person who is younger than himself or herself, unless that person is his or her spouse, sibling, uncle, or aunt.

Requirements for Adoption by Relatives

Citation: Ann. Laws Ch. 210, § 3B; Code of Regs. Tit. 110, § 18.10

A review of the criminal offender record information shall be made to assist in evaluating the suitability of the adoptive parent.

In regulation: In the case of an individual seeking to serve as a preadoptive kinship placement for a child in the care or custody of the department, the department shall not be precluded from placing the child in a preadoptive kinship home if the Commissioner, Deputy Commissioner for Field Operations, and General Counsel have conducted a review of the criminal records database pursuant to 110 CMR 18.11(9) and determined the placement is in the best interests of the child.

Michigan

Current Through January 2018

Relative Placement for Foster Care and Guardianship

Citation: Comp. Laws §§ 710.22; 722.954a

The term 'relative' means an individual who is related to the child within the fifth degree by marriage, blood, or adoption.

Before determining placement of a child in its care, a supervising agency shall give special consideration and preference to a child's relative or relatives who are willing to care for the child; are fit to do so; and would meet the child's developmental, emotional, and physical needs. The supervising agency's placement decision shall be made in the best interests of the child.

Requirements for Placement With Relatives

Citation: Comp. Laws § 722.954a

Upon removal of the child from the home, the supervising agency shall, within 30 days, determine placement with a fit and appropriate relative who would meet the child's developmental, emotional, and physical needs as an alternative to foster care.

The notification of relatives shall do all of the following:

- Specify that the child has been removed from the custody of the child's parent
- Explain the options the relative has to participate in the care and placement of the child, including any option that may be lost by failing to respond to the notification
- Describe the requirements and benefits, including the amount of monetary benefits, of becoming a licensed foster family home
- Describe how the relative may subsequently enter into an agreement with the department for guardianship assistance

Requirements for Placement of Siblings

Citation: Comp. Laws §§ 722.954a; 722.118b

Reasonable efforts shall be made to do the following:

- Place siblings removed from their home in the same foster care, kinship guardianship, or adoptive placement, unless the supervising agency documents that a joint placement would be contrary to the safety or well-being of any of the siblings
- In the case of siblings removed from their home who are not jointly placed, provide for at least monthly visitation or other ongoing contact between the siblings, unless the supervising agency documents that visitation or other contact would be contrary to the safety or well-being of any of the siblings

If siblings cannot be placed together or not all the siblings are being placed in foster care, the supervising agency shall make reasonable efforts to facilitate at least monthly visitation or other ongoing contact with siblings, unless a court has determined that at least monthly visitation or other ongoing contact with siblings would not be beneficial. If the supervising agency discontinues visitation or other ongoing contact with siblings because the supervising agency determines that visitation or other ongoing contact is contrary to the safety or well-being of any of the siblings, the supervising agency shall report its determination to the court for consideration at the next review hearing.

Upon the recommendation of a local foster care review board or a child-placing agency, the department may grant a variance to one or more licensing rules or statutes regulating foster family homes or foster family group homes to allow the child and one or more siblings to remain or be placed together. If the department determines that the placement would be in the child's best interests and that the variance from the particular licensing rules or statutes would not jeopardize the health or safety of a child residing in the foster family home or foster family group home, the department may grant the variance.

Relatives Who May Adopt

Citation: Comp. Laws §§ 710.27; 710.23a

A relative is a person related to the child within the fifth degree through blood, marriage, or adoption. This also includes a stepparent.

A parent or guardian having legal and physical custody of a child may make a formal placement of the child for adoption with a stepparent or a relative under section 51 of this chapter.

Requirements for Adoption by Relatives

Citation: Comp. Laws § 710.27

A written report containing nonidentifying and other relevant information about the child is not necessary when the child is adopted by a relative.

Minnesota

Current Through January 2018

Relative Placement for Foster Care and Guardianship

Citation: Ann. Stat. §§ 260C.212; 260C.221

When placing a child in foster care, the child-placing agency must consider placement with relatives and important friends in the following order:

- With an individual who is related to the child by blood, marriage, or adoption
- With an individual who is an important friend with whom the child has resided or had significant contact

The social services agency shall exercise due diligence to identify and notify adult relatives prior to placement or within 30 days after the child's removal from the parent. The relative search shall be comprehensive in scope and include both maternal and paternal relatives of the child. The search also shall include getting information from the child in an age-appropriate manner about who the child considers to be family members and important friends with whom the child has resided or had significant contact. The relative search must fulfill the agency's duties under the Indian Child Welfare Act regarding active efforts to prevent the breakup of the Indian family and meet placement preferences.

The relatives must be notified:

- Of the need for a foster home for the child, the option to become a placement resource, and the possibility of the need for a permanent placement
- Of their responsibility to keep the agency informed of their current address
- That the relative may participate in the care and planning for the child
- That the opportunity for participation may be lost by failing to respond to the notice
- Of the family foster care licensing requirements, including how to complete an application and how to request a variance from licensing standards that do not present a safety or health risk to the child
- Of the supports that are available for relatives and children who reside in a family foster home
- Of the relatives' right to ask to be notified of any court proceedings regarding the child, to attend the hearings, and the right or opportunity to be heard by the court

Requirements for Placement With Relatives

Citation: Ann. Stat. §§ 245A.035; 260C.209

A county agency may make an emergency placement of a child with a relative who is not licensed to provide foster care, provided the following requirements are met:

- If possible, the agency must conduct an initial inspection prior to placing the child but no later than 3 working days after placing the child in the home.
- If the agency determines prior to placement that anyone requiring a background study is disqualified, and the disqualification is one which the commissioner cannot set aside, an emergency placement must not be made.
- The relatives with whom the emergency placement has been made shall complete the child foster care license application and necessary paperwork within 10 days of the placement.

The granting of a child foster care license to a relative shall be according to the standards in Minnesota Rules, chapter 2960. In licensing a relative, the commissioner shall consider the importance of maintaining the child's relationship with relatives as an additional significant factor in determining whether a background study disqualification should be set aside under § 245C.22, or a variance should be granted under § 245C.30.

The agency may have access to the criminal history and history of child and adult maltreatment of an individual whose suitability for relative placement is being determined and any member of the relative's household who is over age 13 when:

- The relative must be licensed for foster care.
- A background study is required.
- The agency has reasonable cause to believe the relative or household member over age 13 has a criminal history that would make transfer of permanent legal and physical custody to the relative not in the child's best interests.

In cases involving the emergency relative placement of children, the agency may request a name-based criminal records check, to be followed by a fingerprint-based check within 15 calendar days.

Requirements for Placement of Siblings

Citation: Ann. Stat. § 260C.212, subd. 2

Siblings should be placed together for foster care and adoption at the earliest possible time, unless it is documented that a joint placement would be contrary to the safety or well-being of any of the siblings or unless it is not possible after reasonable efforts by the responsible social services agency. In cases where siblings cannot be placed together, the agency is required to provide frequent visits or other ongoing interaction between siblings, unless the agency documents that the interaction would be contrary to the safety or well-being of any of the siblings.

Relatives Who May Adopt

Citation: Ann. Stat. 259.77; 260C.007; 245A.02, subd. 13

Each authorized child-placing agency shall make special efforts to recruit an adoptive family from among the child's relatives. The term 'relative' means a person related to the child by blood, marriage, or adoption, or an individual who is an important friend with whom the child has resided or had significant contact. For an Indian child, relative includes members of the extended family as defined by the law or custom of the Indian child's tribe or, in the absence of law or custom, nieces, nephews, or first or second cousins, as provided in the Indian Child Welfare Act of 1978.

The term 'individual who is related' means a spouse, parent, natural or adopted child or stepchild, stepparent, stepbrother, stepsister, niece, nephew, adoptive parent, grandparent, sibling, aunt, uncle, or legal guardian.

Requirements for Adoption by Relatives

Citation: Ann. Stat. §§ 259.22; 259.41

The residency requirement of 1 year may be waived if the petitioner is an individual who is related to the child. The requirement for placements to be made by the department or licensed agency does not apply to a relative adoption.

A placement for adoption with an individual who is related to the child is subject to a background study. The adoption study must include at least one in-home visit with the prospective adoptive parent. At a minimum, the study must document the following information about the prospective adoptive parent:

- Whether the prospective adoptive parent and any other person over age 13 living in the home has a felony conviction
- An assessment of the effect of any conviction or finding of substantiated maltreatment on the capacity of the prospective adoptive parent to safely care for and parent a child

A home study used to consider placement of any child on whose behalf title IV-E adoption assistance payments are to be made must not be approved if a background study reveals a felony conviction at any time for:

- Child abuse or neglect
- Spousal abuse
- A crime against children, including child pornography
- A crime involving violence, including rape, sexual assault, or homicide, but not including other physical assault or battery

A home study used to consider placement of any child on whose behalf title IV-E adoption assistance payments are to be made must not be approved if a background study reveals a felony conviction within the past 5 years for physical assault or battery or a drug-related offense.

Mississippi

Current Through January 2018

Relative Placement for Foster Care and Guardianship

Citation: Ann. Code § 43-15-13

When the Department of Child Protection Services is considering the placement of a child in a foster home and when the department deems it to be in the best interests of the child, the department shall give first priority to one of the child's relatives within the third degree, as computed by the civil law rule.

Requirements for Placement With Relatives

Citation: Ann. Code §§ 43-15-13; 43-15-17

In placing the child in a relative's home, the department may waive any rule, regulation, or policy applicable to placement in foster care that would otherwise require the child to have a separate bed or bedroom or have a bedroom of a certain size if placing the child in a relative's home would be in the best interests of the child and such requirements cannot be met in the relative's home. The court may waive foster care training for a relative only when appropriate.

For a child placed in the care of the child's relative within the third degree by the state or a county department, the department may make monthly payments to defray the relative's expense of furnishing room and board. The department's relative care payment shall be in an amount up to 100 percent of the amount of the foster care board payment. The department may continue to make those payments to the relative after the department relinquishes legal custody of the child to the relative.

Relatives must undergo criminal background checks.

Requirements for Placement of Siblings

Citation: Admin. Code § 18-006-104

A 'sibling' is a child's brother or sister related by blood or marriage, including whole or half-blood and step-siblings. Siblings include those who are considered a sibling under state or tribal law and those who would have been considered a sibling under state or tribal law, except for termination or disruption of parental rights.

Siblings who enter placement at or near the same time shall be placed together, unless:

- Placing the siblings together would be harmful to one or more of the siblings.
- One of the siblings has exceptional needs that can be met only in a specialized program or facility.
- The size of the sibling group makes such placement impractical, notwithstanding diligent efforts to place the group together.

If a sibling group is separated at initial placement, the caseworker shall make immediate efforts to locate or recruit a family in whose home the siblings can be reunited. These efforts shall be documented and maintained in the case file.

When siblings are not placed together, regular contacts should be maintained unless the case record justifies this is not in the best interests of the children. Siblings not in the same placement setting must have at minimum, monthly face-to-face visits. The caseworker shall provide the child and siblings with guidance and support before and after visits in order to learn from issues and assess relationships. Additionally, siblings should be encouraged to maintain contact by phone or in writing.

Relatives Who May Adopt

Citation: Ann. Code § 43-15-13

A relative is a person related to the child within the third degree, according to civil law.

Requirements for Adoption by Relatives**Citation: Ann. Code §§ 93-17-11; 93-17-13**

An adoption investigation is not required when the petitioner is a relative or stepparent of the child. A 6-month waiting period for the final decree is not required for an adoption by a relative or a stepparent.

Missouri*Current Through January 2018***Relative Placement for Foster Care and Guardianship****Citation: Ann. Stat. § 210.565**

Whenever a child is placed in a foster home and the court has determined that foster home placement with relatives is not contrary to the best interests of the child, the Children's Division shall give foster home placement to relatives of the child. The division shall make diligent efforts to locate the grandparents of the child and determine whether they wish to be considered for placement of the child. Grandparents who request consideration shall be given preference and first consideration for foster home placement of the child. If more than one grandparent requests consideration, the family support team shall make recommendations to the juvenile or family court about which grandparent should be considered for placement.

The term 'relative' means a grandparent or any other person related to another by blood or affinity or a person who is not so related to the child but has a close relationship with the child or the child's family. The status of a grandparent shall not be affected by the death or the dissolution of the marriage of a son or daughter.

The following shall be the order of preference for placement of a child under this section:

- Grandparents
- Relatives related by blood or affinity within the third degree
- Other relatives
- Any foster parent who is currently licensed and capable of accepting placement of the child

For any Native American child placed in protective custody, the children's division shall comply with the placement requirements set forth in 25 U.S.C. § 1915.

Requirements for Placement With Relatives**Citation: Ann. Stat. § 210.565**

The preference for placement and first consideration for grandparents or preference for placement with other relatives only shall apply when the court finds the placement is not contrary to the best interests of the child, considering all circumstances. If the court finds that it is contrary to the best interests of a child to be placed with grandparents or other relatives, the court shall make specific findings detailing the reasons why the best interests of the child necessitate placement of the child with persons other than grandparents or other relatives.

The age of the child's grandparent or other relative shall not be the only factor that the division takes into consideration when it makes placement decisions.

A grandparent or other relative may, on a case-by-case basis, have standards for licensure not related to safety waived that would otherwise impede licensing of the grandparent's or relative's home. In addition, any person receiving a preference may be licensed in an expedited manner if a child is placed under such person's care.

The guardian ad litem shall ascertain the child's wishes and feelings about his or her placement by conducting an interview with the child, based on the child's age and maturity level, which shall be considered as a factor in placement decisions but shall not supersede the preference for relative placement or be contrary to the child's best interests.

Requirements for Placement of Siblings**Citation: Ann. Stat. § 210.565**

Recognizing the critical nature of sibling bonds for children, the division shall make reasonable efforts to place siblings in the same foster care, kinship, guardianship, or adoptive placement, unless doing so would be contrary to the safety or well-being of any of the siblings. If siblings are not placed together, the division shall make reasonable efforts to provide frequent visits or other ongoing interaction between the siblings, unless this interaction would be contrary to a siblings' safety or well-being.

Relatives Who May Adopt

Citation: Ann. Stat. §§ 453.072; 453.070

As used in this section, the term:

- 'Relative' means any grandparent, aunt, uncle, adult sibling of the child, adult first cousin of the child, or any other person related to the child by blood or affinity.
- 'Close nonrelated person' means any nonrelated person whose life is so intermingled with the child that the relationship is similar to a family relationship.

Any adult person or persons over age 18, who, as foster parent or parents, have cared for a foster child continuously for a period of 9 months or more and bonding has occurred as evidenced by the positive emotional and physical interaction between the foster parent and child, may apply to an authorized agency for the placement of the child with them for the purpose of adoption if the child is eligible for adoption. The agency and court shall give preference and first consideration for adoptive placements to foster parents. However, the final determination of the propriety of the adoption of that foster child shall be within the sole discretion of the court.

Requirements for Adoption by Relatives

Citation: Ann. Stat. §§ 453.072; 453.070

Any subsidies available to adoptive parents shall also be available to the qualified relative of a child who is granted legal guardianship of the child in the same manner as such subsidies are available for adoptive parents.

In cases in which the adoption or custody involves a child under age 18 who is the natural child of one of the petitioners and all of the parents required to give consent to the adoption or transfer of custody have given such consent, the juvenile court may waive the investigation and report, except the criminal background check, and enter the decree for the adoption or order the transfer of custody without the investigation and report.

Montana

Current Through January 2018

Relative Placement for Foster Care and Guardianship

Citation: Ann. Code §§ 41-3-101; 41-3-439

Whenever it is necessary to remove a child from the child's home, the Department of Public Health and Human Services shall, when it is in the best interests of the child, place the child with the child's noncustodial birth parent or with the child's extended family, including adult siblings, grandparents, great-grandparents, aunts, and uncles, when placement with the extended family is approved by the department, prior to placing the child in an alternative protective or residential facility.

If the department has legal custody of a child, the department shall give priority to a member of the child's extended family in determining the person or persons with whom the child should be placed if:

- Placement with the extended family member is in the best interests of the child.
- The extended family member has requested placement of the child.
- The extended family member is able to offer the child continuity of care by providing permanency or stability in residence, schooling, and activities outside of the home.
- The department has determined that the extended family member is qualified to receive and care for the child.

If more than one extended family member has requested that the child be placed with them and all are qualified to receive and care for the child, the department may determine which extended family member to place the abandoned child with in the same manner as provided for in § 41-3-438(4).

This section does not affect the department's ability to assess the appropriateness of placement of the child with a noncustodial parent when abandonment has been found against only one parent.

Requirements for Placement With Relatives

Citation: Ann. Code § 43-3-101; Admin. Rules § 37.51.207

Prior to approving a placement, the department shall investigate whether anyone living in the home has been convicted of a crime involving serious harm to children.

In regulation: The department may, at its discretion, issue a provisional license restricted for care of a specific child or children for any period up to 4 months to any license applicant for a kinship foster home that has:

- Met all licensing requirements for fire safety
- Completed and signed a release of information form provided by the department
- Submitted completed fingerprint cards on all adult household members
- A satisfactory child protective and adult protective services check for all adults present in the home
- Agreed in writing to comply fully with all licensing requirements established by these rules prior to the expiration of the provisional license

The department may, at its discretion, renew a provisional license for no more than 2 months if the license applicant shows good cause for unintentional failure to comply fully with all licensing requirements within the time period covered by the prior provisional license.

Requirements for Placement of Siblings

This issue is not addressed in the statutes and regulations reviewed.

Relatives Who May Adopt

Citation: Ann. Code §§ 42-3-212; 42-1-103

A parent or guardian may make a direct parental placement of his or her child for adoption with an extended family member.

The term 'extended family member' means a person who is or was the adopted child's parent, grandparent, aunt or uncle, brother or sister, or child.

Requirements for Adoption by Relatives

Citation: Ann. Code § 42-3-212

In a direct parental placement adoption, if the court is satisfied that adoption is in the best interests of the child, the court may waive the requirement of a preplacement and postplacement evaluation when a parent or guardian places a child for adoption directly with an extended family member of the child.

Nebraska

Current Through January 2018

Relative Placement for Foster Care and Guardianship

Citation: Ann. Stat. §§ 43-533; 43-1508(2)

When a child cannot remain with his or her parent, preference is given to relatives as a placement resource.

In any foster care or preadoptive placement of an Indian child, a preference shall be given, in the absence of good cause to the contrary, to a placement with one of the following in descending priority order:

- A member of the Indian child's extended family
- Other members of the Indian child's tribe or tribes
- A foster home licensed, approved, or specified by the Indian child's tribe or tribes
- An Indian foster home licensed or approved by an authorized non-Indian licensing authority
- A non-Indian family committed to enabling the child to have extended family time and participation in the cultural and ceremonial events of the Indian child's tribe or tribes
- An Indian facility or program for children approved by an Indian tribe or operated by an Indian organization that has a program suitable to meet the Indian child's needs
- A non-Indian facility or program for children approved by an Indian tribe

Requirements for Placement With Relatives

Citation: Ann. Stat. § 71-1904

The Department of Health and Human Services may issue a waiver for any licensing standard not related to children's safety for a relative home that is pursuing licensure. Such waivers shall be granted on a case-by-case basis upon assessment by the department based upon the best interests of the child. A relative home that receives a waiver pursuant to this subsection shall be considered fully licensed for purposes of federal reimbursement under the federal Fostering Connections to Success and Increasing Adoptions Act of 2008, P.L. 110-351.

The department shall adopt and promulgate rules and regulations establishing new foster home licensing requirements that ensure children's safety, health, and well-being but minimize the use of licensing mandates for nonsafety issues. Such rules and regulations shall provide alternatives to address nonsafety issues regarding housing and provide assistance to families in overcoming licensing barriers, especially in child-specific relative and kinship placements, to maximize appropriate reimbursement under title IV-E of the federal Social Security Act, as amended, including expanding the use of kinship guardianship assistance payments under 42 U.S.C. § 673(d), as such act and section existed on January 1, 2013.

Requirements for Placement of Siblings

Citation: Ann. Stat. § 43-1311.02

Reasonable efforts shall be made to place a child and the child's siblings in the same foster care or adoptive placement, unless such placement is contrary to the safety or well-being of any of the siblings. This requirement applies even if the custody orders of the siblings are made at separate times.

If the siblings are not placed together in a joint-sibling placement, the department shall provide the siblings and the court with the reasons why a joint-sibling placement would be contrary to the safety or well-being of any of the siblings.

When siblings are not placed together, the department shall make a reasonable effort to provide for frequent sibling visits or ongoing interaction between the child and the child's siblings, unless the department provides the siblings and the court with reasons why such sibling visits or ongoing interaction would be contrary to the safety or well-being of any of the siblings. The court shall determine the type and frequency of sibling visits or ongoing interaction to be implemented by the department.

If an order is entered for termination of parental rights of siblings who are subject to this section, the department shall make reasonable efforts to make a joint-sibling placement or do all of the following to facilitate frequent sibling visits or ongoing interaction between the child and the child's siblings when the child is adopted or enters a permanent placement:

- Include in the training provided to prospective adoptive parents information regarding the importance of sibling relationships to an adopted child and counseling methods for maintaining sibling relationships
- Provide prospective adoptive parents with information regarding the child's siblings
- Encourage prospective adoptive parents to plan for facilitating postadoption contact between the child and the child's siblings

Relatives Who May Adopt

Citation: Ann. Stat. §§ 43-533(5); 43-1508(1)

When families cannot be reunited and when active parental involvement is absent, adoption shall be aggressively pursued. Absent the possibility of adoption, other permanent settings shall be pursued. In either situation, the health, safety, and best interests of the child shall be the overriding concern. Within that context, preference shall be given to relatives for the permanent placement of the child.

In any adoptive placement of an Indian child under state law, a preference shall be given, in the absence of good cause to the contrary, to a placement with the following in descending priority order:

- A member of the Indian child's extended family
- Other members of the Indian child's tribe or tribes
- Other Indian families
- A non-Indian family committed to enabling the child to have extended family time and participation in the cultural and ceremonial events of the Indian child's tribe or tribes

Requirements for Adoption by Relatives

Citation: Ann. Stat. § 43-107

An adoptive home study shall not be required when the petitioner is a stepparent of the adopted person unless required by the court. An adoptive home study may be waived by the court upon a showing of good cause by the petitioner when the petitioner is a biological grandparent or a step-grandparent who is married to the biological grandparent at the time of the adoption if both are adopting the child.

For all petitions filed on or after January 1, 1994, the judge shall order the petitioner to request the Nebraska State Patrol to file a national criminal history record information check and to request the department to conduct and file a check of the central registry for any history of the petitioner of behavior injurious to, or that may endanger the health or morals of, a child.

Nevada*Current Through January 2018***Relative Placement for Foster Care and Guardianship****Citation: Ann. Stat. §§ 128.110; 432B.550**

If the child is placed in the custody and control of a person or agency qualified by the laws of this state to receive children for placement, the person or agency, in seeking to place the child may give preference to the placement of the child with any person related within the fifth degree of consanguinity to the child whom the person or agency finds suitable and able to provide proper care and guidance for the child, regardless of whether the relative resides within this state. Any search for a relative with whom to place a child pursuant to this subsection must be completed within 1 year after the initial placement of the child outside of his or her home.

In determining the placement of a child, if the child is not permitted to remain in the custody of the parents or guardian of the child, preference must be given to placing the child in the following order:

- With any person who is related within the fifth degree of consanguinity to the child or a fictive kin, and who is suitable and able to provide proper care and guidance for the child, regardless of whether the relative or fictive kin resides within this state
- In a licensed foster home

As used in this section, the term 'fictive kin' means a person who is not related by blood to a child but who has a significant emotional and positive relationship with the child.

Requirements for Placement With Relatives**Citation: Ann. Stat. §§ 128.110; 422A.650**

The agency must determine whether the relative is suitable and able to provide proper care and guidance for the child.

The department shall establish and administer a program to provide supportive assistance to qualifying relatives of children who provide care for and obtain the legal guardianship of those children. As a condition to the provision of any supportive assistance pursuant to this section:

- The child must:
 - » Have been placed in the care of his or her qualifying relative for not less than 6 months
 - » If he or she is age 14 or older, consent to the legal guardianship
- The qualifying relative must:
 - » Reside in this state
 - » Have attained the minimum age specified in department regulation
 - » Verify his or her relationship to the child
 - » File for and obtain court approval of the legal guardianship and comply with any requirements imposed by the court

The supportive assistance must include, within the limitations of available funding:

- Reimbursement of all or a portion of the legal fees incurred by the qualifying relative to establish the legal guardianship
- Payments of not more than the amount that the department would provide to a foster parent if the child had been placed in foster care
- Assistance with child care, respite care, and transportation
- Any other assistance the department deems appropriate

Requirements for Placement of Siblings**Citation: Ann. Stat. §§ 127.2825; 128.110; 432B.390; 432B.550**

A child-placing agency shall, to the extent practicable, give preference to the placement of a child for adoption or permanent guardianship together with his or her siblings.

If the child is placed in the custody and control of a person or agency qualified by the laws of this state to receive children for placement, the person or agency, in seeking to place the child, shall give preference to the placement of the child together with his or her siblings, if practicable.

Whenever possible, a child placed in protective custody must be placed together with any siblings of the child.

In determining the placement of a child pursuant to this section, if the child is not permitted to remain in the custody of the parents of the child or guardian, it must be presumed to be in the best interests of the child to be placed together with the siblings of the child.

Relatives Who May Adopt**Citation: Ann. Stat. § 127.120**

A relative is a person related to the child through blood, marriage, or adoption within the third degree of relation.

Requirements for Adoption by Relatives**Citation: Ann. Stat. § 127.120**

If one petitioner or the spouse of a petitioner is related to the child within the third degree of relation, the court may, at its discretion, waive the preplacement investigation by the agency that provides child welfare services.

New Hampshire*Current Through January 2018***Relative Placement for Foster Care and Guardianship****Citation: Ann. Stat. §§ 169-C:3; 169-C:19**

The term 'relative' means parent, grandparent, brother, sister, stepparent, stepbrother, stepsister, uncle, aunt, nieces, nephews, or first and second cousins. Legal custody may be transferred to a child-placing agency or relative.

Requirements for Placement With Relatives**Citation: Ann. Stat. § 169-C:19**

No child shall be placed with a relative until a written social study of the relative's home, conducted by a child-placing agency, is submitted to the court.

Requirements for Placement of Siblings**Citation: Ann. Stat. § 169-C:19-d; Admin. Code He-C 6448.10**

The court shall ensure, whenever reasonable and practical and based on a determination of the best interests of the child, that children who have an existing relationship with siblings and who are separated from their siblings as a result of a court decree, court order, consent order, or court-recommended placement, including, but not limited to, placement in foster homes or in the homes of parents or extended family members, have access to and visiting rights with such siblings throughout the duration of such placement, and subsequent to such placement if the children or their siblings are separated by long-term or short-term foster care placement.

In regulation: The child-placing agency shall ensure that the child being placed is in a program appropriate to his or her needs. Siblings shall be placed together when possible.

Relatives Who May Adopt**Citation: Ann. Stat. § 170-B:2**

The term 'related child' means a child who is related within the second degree of kinship either by blood or affinity. Relatives within the second degree include stepparents, sisters, brothers, grandparents, aunts, or uncles.

Requirements for Adoption by Relatives**Citation: Ann. Stat. § 170-B:18; Admin. Rules HE-C 6448.14**

In the adoption of a related minor child, the court may, for good cause shown, proceed to a hearing and a decree without an assessment when both of the following circumstances are met:

- The parents of the minor child have surrendered their parental rights.
- The minor child has resided with the petitioners to whom the child is related for at least 3 years prior to filing the petition for adoption.

The court shall require a background check in all private adoption proceedings if there has not been an assessment. The background check will include both a criminal records check conducted by the New Hampshire State police and a search of the abuse and neglect registry maintained by the Department of Health and Human Services.

The court shall require a background check in all adoption proceedings initiated by the department or by another child-placing agency. The background check shall consist of a fingerprint-based criminal record check of national crime information databases for all prospective adoptive parents and any other adults living in the home as well as a central registry check for all prospective adoptive parents and any other adult living in the home.

In regulation: Preadoptive training shall be optional when the adoptive parent applicant is a relative of the child who has lived with the child for at least 6 months.

New Jersey

Current Through January 2018

Relative Placement for Foster Care and Guardianship

Citation: Ann. Stat. §§ 30:4C-12.1; 30:4C-15.8

The Department of Children and Families shall initiate a search for relatives who may be willing and able to provide the care and support required by the child in its custody.

The department shall not be required to search for relatives as a placement or permanency option for an abandoned newborn, or other requirements that give preference to relatives, if the identity of the child and parents are unknown.

Requirements for Placement With Relatives

Citation: Ann. Stat. § 30:4C-12.1; Admin. Code §§ 3A:51-1.3; 3A:51-2.2

The department shall complete an assessment of each interested relative's ability to provide the care and support, including placement, required by the child.

In regulation: The term 'kinship care' means care provided by a resource family parent or applicant who is:

- Related to a child in placement through blood, marriage, civil union, domestic partnership, or adoption and is not the child's parent
- Connected to a child in placement or to the child's parent by an established positive psychological or emotional relationship

The Office of Licensing may grant a waiver of a licensing requirement for a resource family parent or applicant providing kinship care. Requests for waivers shall be made to the office in writing with supporting information justifying the request. Waivers shall only be considered for nonsafety standards for a specific child or children in placement on a case-by-case basis.

A waiver may be granted at the discretion of the office upon consideration of the following criteria:

- The type or degree of hardship that would result to the resource family parent or applicant if the waiver were not granted
- The negative impact on a specific child or children in placement if the waiver were not granted
- Whether the waiver, if granted, would adversely affect the health, safety, well-being, or rights of any child residing in the resource family home

Requirements for Placement of Siblings

Citation: Admin. Code § 3A:15-1.4

A written visitation plan shall be developed to identify the type and frequency of visits to be instituted for every child in out-of-home placement unless otherwise directed by the court. The visitation plan is included in the case plan. The visitation plan may exclude specific persons from having visits and give full consideration to the child's safety.

The visitation plan shall include visits with siblings, if any. Sibling visits may take place with parental visits or separately.

Relatives Who May Adopt

Citation: Ann. Stat. § 9:3-39.1

A child may be placed for adoption with a brother, sister, aunt, uncle, grandparent, birth father, or stepparent.

Requirements for Adoption by Relatives

Citation: Ann. Stat. §§ 9:3-48; 9:3-54.2

Whenever a petitioner is a brother, sister, grandparent, aunt, uncle, or birth father of the child, the order may limit the investigation to an inquiry concerning the status of the parents of the child and an evaluation of the petitioner.

Upon the request of a surrogate and not more than 30 days prior to the preliminary hearing, a search of the records of the central registry of domestic violence restraining orders, established pursuant to § 2C:25-34, may be conducted to determine whether a prospective adoptive parent or any member of the parent's household has:

- Had a domestic violence restraining order entered against them
- Been charged with a violation of a court order involving domestic violence

A home study that includes a state and federal criminal history records check and a check of child abuse and neglect records is required for each prospective adoptive parent and each adult residing in the home.

New Mexico

Current Through January 2018

Relative Placement for Foster Care and Guardianship

Citation: Ann. Stat. §§ 32A-4-21; 32A-4-27; 32A-4-31; 32A-4-9; 40-10B-3

Prior to a dispositional hearing, the court shall direct that a predisposition study and report be submitted in writing to the court by the Children, Youth and Families Department. The report shall include the following:

- A statement of the efforts the department has made to identify and locate all grandparents and other relatives and to conduct home studies on any appropriate relative expressing an interest in providing care for the child
- A statement as to whether the child has a family member who is qualified to care for the child
- If the child is an Indian child, whether the placement preferences set forth in the federal Indian Child Welfare Act or the placement preferences of the child's Indian tribe were followed and whether the child's case plan provides for maintaining the child's cultural ties

A relative within the fifth degree of relation or a stepparent with whom the child has resided may petition to be a party at any stage of a child abuse or neglect proceeding.

Any adult, including a relative or foster parent, may be considered as a permanent guardian. In any foster care or preadoptive placement of an Indian child, preference shall be given, in the absence of good cause to the contrary, to a placement with a member of the Indian child's extended family.

For the Kinship Guardianship Act:

- The term 'kinship' means the relationship that exists between a child and a relative of the child, a godparent, a member of the child's tribe or clan, or an adult with whom the child has a significant bond.
- The term 'relative' means an individual related to a child as a spouse, parent, stepparent, brother, sister, stepbrother, stepsister, half-brother, half-sister, uncle, aunt, niece, nephew, first cousin, any person denoted by the prefix 'grand' or 'great,' or the spouse or former spouse of the persons specified.

Requirements for Placement With Relatives

Citation: Ann. Stat. §§ 32A-4-31; 40-10B-8; Admin. Code § 8.8.3.9

In proceedings for permanent guardianship, the court shall give primary consideration to the physical, mental, and emotional welfare and needs of the child.

A guardian may be appointed pursuant to the Kinship Guardianship Act only if one of the following is true:

- A parent of the child is living and has consented in writing to the appointment of a guardian and the consent has not been withdrawn.
- A parent of the child is living, but all parental rights in regard to the child have been terminated or suspended by prior court order.
- The child has resided with the petitioner without the parent for a period of 90 days or more, and the parent having legal custody of the child is currently unwilling or unable to provide adequate care, maintenance, and supervision for the child.

In regulation: Regulations regarding background checks do not apply to foster grandparent volunteers or relative care providers who are not otherwise required to be licensed or registered.

Requirements for Placement of Siblings**Citation: Ann. Stat. § 32A-4-22**

At the conclusion of the dispositional hearing, the court shall make and include in the dispositional judgment its findings on whether reasonable efforts were made by the department to place siblings in custody together, unless such joint placement would be contrary to the safety or well-being of any of the siblings in custody, and whether any siblings not jointly placed have been provided reasonable visiting rights or other ongoing interaction, unless such visits or other ongoing interaction would be contrary to the safety or well-being of any of the siblings.

The court may order reasonable visits between a child placed in the custody of the department and the child's siblings or any other person who may significantly affect the child's best interests if the court finds the visits to be in the child's best interests.

Relatives Who May Adopt**Citation: Ann. Stat. § 32A-5-12**

Any relative within the fifth degree of relation to the child or that relative's spouse may seek to adopt the child.

Requirements for Adoption by Relatives**Citation: Ann. Stat. §§ 32A-5-14; 32A-5-12; 32A-5-14.1**

The child must have lived with the relative or the relative's spouse for at least 1 year prior to the filing of the petition.

Unless directed by the court, a preplacement study is not required in cases in which a child is being adopted by a stepparent, relative, or person named in the child's deceased parent's will.

Nationwide criminal history record checks shall be conducted on all prospective foster or adoptive parents and other adult relatives and nonrelatives residing in the prospective foster or adoptive parent's household.

New York*Current Through January 2018***Relative Placement for Foster Care and Guardianship****Citation: Fam. Ct. Act §§ 1017; 1055-b; 1012**

When the court determines that a child must be removed from his or her home, the court shall direct the local commissioner of social services to conduct an immediate investigation to locate any nonrespondent parent of the child and any relatives of the child, including all of the child's grandparents, all relatives or suitable persons identified by any respondent parent or any nonrespondent parent, and any relative identified by a child over age 5 as a relative who plays or has played a significant and positive role in his or her life. The local commissioner shall inform them in writing of the pendency of the proceeding and of the opportunity for nonrespondent parents to seek temporary release of the child or for relatives or suitable persons to become foster parents, provide free care, or seek guardianship of the child.

At the conclusion of the dispositional hearing, the court may grant custody or guardianship of the child to a respondent parent, relative, or other suitable person if the following conditions have been met:

- The respondent parent, relative, or suitable person has filed a petition for custody or guardianship of the child.
- The court finds that granting custody or guardianship of the child to such person is in the best interests of the child and that the safety of the child will not be jeopardized if that person is no longer under supervision or receiving protective services.
- The court finds that granting custody or guardianship of the child to such person will provide the child with a safe and permanent home.

A 'suitable person' is any person who plays or has played a significant positive role in the child's life or in the life of the child's family.

Requirements for Placement With Relatives**Citation: Fam. Ct. Act § 1028-a**

Upon application of a relative to become a foster parent of a child, the court shall hold a hearing to determine whether the child should be placed with the relative. The hearing shall be held only if:

- The relative is related within the third degree of consanguinity to either parent.
- The child has been temporarily removed from his or her home and placed in nonrelative foster care.

- The relative indicates a willingness to become the foster parent of the child and has not refused previously to be considered as a foster parent or custodian of the child; however, an inability to provide immediate care for the child due to a lack of resources or inadequate housing, educational, or other arrangements necessary to care appropriately for the child shall not constitute a previous refusal.
- The local social services district has refused to place the child with the relative for reasons other than the relative's failure to qualify as a foster parent pursuant to the regulations of the Office of Children and Family Services.
- The application is brought within 6 months from the date the relative received notice that the child was being removed or had been removed from his or her home and no later than 12 months from the date that the child was removed.

The court shall give due consideration to such application and make the determination as to whether the child should be placed in foster care with the relative based on the best interests of the child.

After the hearing, if the court determines that placement in foster care with the relative is in the best interests of the child, the court shall direct the local commissioner of social services to commence an investigation of the home of the relative within 24 hours and thereafter expedite approval or certification of the relative, if qualified, as a foster parent. No child, however, shall be placed with a relative prior to final approval or certification of the relative as a foster parent.

Requirements for Placement of Siblings

Citation: Fam. Ct. Act § 1027-a

When a social services official removes a child from his or her home, such official shall place the child with his or her minor siblings or half-siblings who have been or are being placed in the care and custody of the official unless, in the judgment of the official, such placement is contrary to the best interests of the children. Placement with siblings or half-siblings shall be presumptively in the child's best interests, unless such placement would be contrary to the child's health, safety, or welfare. If such placement is not immediately available at the time of the removal of the child, such official shall provide or arrange for the provision of such placement within 30 days.

If placement of a child removed from home together with his or her minor siblings is not in the best interests of the child, the social services official shall arrange appropriate and regular contact by the child with his or her minor siblings and half-siblings, unless such contact would not be in the child's and the siblings' best interests.

Relatives Who May Adopt

Citation: Soc. Serv. Law §§ 383; 383-c

Upon acceptance of a judicial surrender or approval of an extrajudicial surrender, the court shall inquire whether any foster parent or parents with whom the child resides, any relative of the child, or other person seeks to adopt the child.

Any adult husband and his adult wife and any adult unmarried person who, as foster parent or parents, have cared for a child continuously for a period of 12 months or more may apply to an authorized agency for the placement of the child with them for the purpose of adoption. If the child is eligible for adoption, the agency shall give preference and first consideration to their application over all other applications for adoption placements.

Requirements for Adoption by Relatives

Citation: Soc. Serv. Law §§ 383; 383-c

Final determination of the propriety of an adoption of a foster child by a foster parent or relative shall be within the sole discretion of the court.

If a foster parent, relative, or other person seeks to adopt the child, such person may submit, and the court shall accept, all petitions for the adoption of the child, together with an adoption home study, if any, completed by an authorized agency or disinterested person. The court shall thereafter establish a schedule for completion of other inquiries and investigations necessary to complete review of the adoption of the child and shall immediately set a schedule for completion of the adoption.

North Carolina

Current Through January 2018

Relative Placement for Foster Care and Guardianship

Citation: Gen. Stat. §§ 7B-505; 7B-101

A child alleged to be abused, neglected, or dependent may be placed in nonsecure custody with the Department of Social Services in any of the following:

- A licensed foster home
- A facility operated by the department
- Any other home or facility approved by the court, including the home of a parent, relative, nonrelative kin, or other person with legal custody of a sibling of the child

The court shall order the department to make diligent efforts to notify relatives and other persons with legal custody of a sibling of the child that the child is in nonsecure custody and of any hearings scheduled to occur, unless the court finds the notification would be contrary to the best interests of the child.

If the court does not place the child with a relative, the court may consider whether nonrelative kin or other persons with legal custody of a sibling of the child are willing and able to provide proper care and supervision of the child in a safe home. The court may order the department to notify the child's state-recognized tribe of the need for nonsecure custody for the purpose of locating relatives or nonrelative kin for placement. The court may order placement of the child with nonrelative kin if the court finds that the placement is in the child's best interests.

The term 'nonrelative kin' means an individual who has a substantial relationship with the child. In the case of a juvenile member of a state-recognized tribe, nonrelative kin also includes any member of a state-recognized tribe or a member of a federally recognized tribe, whether or not there is a substantial relationship with the child.

Requirements for Placement With Relatives

Citation: Gen. Stat. §§ 7B-505; 7B-903

In placing a child in nonsecure custody, the court shall first consider whether a relative of the child is willing and able to provide proper care and supervision of the child in a safe home. If the court finds that the relative is willing and able to provide proper care and supervision in a safe home, then the court shall order placement of the child with the relative, unless the court finds that placement with the relative would be contrary to the best interests of the child.

If the court determines that the child should be placed in the custody of an individual other than a parent, the court shall verify that the person receiving custody of the child understands the legal significance of the placement and will have adequate resources to care appropriately for the child.

Requirements for Placement of Siblings

Citation: Admin. Code Tit. 10A, § 70E.1001

Exceptions to the number of children that may be placed in foster family home or therapeutic foster home at any time may be made if written documentation is submitted to the licensing authority that siblings will be placed together and the foster home complies with fire and building safety regulations. The out-of-home family services agreement for each sibling shall specify that siblings will be placed together and shall also address the foster parents' skill, stamina, and ability to care for the children.

Relatives Who May Adopt

Citation: Gen. Stat. § 48-3-301(b)

A relative, including a grandparent, full- or half-sibling, first cousin, aunt, uncle, great-aunt, great-uncle, or great-grandparent, may adopt the child.

Requirements for Adoption by Relatives

Citation: Gen. Stat. §§ 48-3-301(b); 48-3-309

A preplacement assessment is not required in an independent adoption when a prospective adoptive parent is a grandparent, full- or half-sibling, first cousin, aunt, uncle, great-aunt, great-uncle, or great-grandparent of the child.

The Department of Health and Human Services shall ensure that the criminal histories of all prospective adoptive parents seeking to adopt a minor who is in the custody or placement responsibility of a county Department of Social Services, and the criminal histories of all individuals age 18 or older who reside in the prospective adoptive home, are checked prior to placement.

North Dakota

Current Through January 2018

Relative Placement for Foster Care and Guardianship

Citation: Cent. Code § 27-20-02

The term 'fit and willing relative or other appropriate individual' means a relative or other individual who has consented in writing to act as a legal guardian.

The term 'relative' means:

- The child's grandparent, great-grandparent, sibling, half-sibling, aunt, great-aunt, uncle, great-uncle, nephew, niece, or first cousin
- An individual with a relationship to the child, derived through a current or former spouse of the child's parent, similar to a relationship described above
- An individual recognized in the child's community as having a relationship with the child similar to a relationship described above
- The child's stepparent

Requirements for Placement With Relatives

Citation: Cent. Code §§ 27-20-02; 50-11-01; Admin. Code § 75-02-01.2-02.2

Before the fit and willing relative or other appropriate individual can accept guardianship, an assessment must be made that includes a criminal history record investigation.

No person may furnish foster care for children for more than 30 days a year without first procuring a license. This provision does not apply when the care is provided in the home of a person related to the child by blood or marriage. A relative providing care shall submit to a criminal history record investigation as required under § 50-11-06.8.

In regulation: Kinship care provides a monthly maintenance payment to a child residing outside the child's parental home with a caregiver who is related to that child within the fifth degree of kinship. Before placing a child in kinship care for more than 30 days, the child's custodian must have completed a family study, a child abuse and neglect background check, and other investigations as the Department of Human Services may determine necessary to demonstrate that:

- The home in which care is provided is in fit and sanitary condition and properly equipped to provide good care to the child.
- The caregiver and other adults residing in the home are properly qualified to carry out the duties and responsibilities of a kinship care provider.
- Kinship care provided in the home is for the public good in accordance with sound social policy and with due regard to the health, morality, and well-being of all children cared for in the home.
- The home is maintained according to standards prescribed by the department.

A relative is within the fifth degree of kinship if, by birth, marriage, or adoption, the relative is the child's sibling; niece; nephew; grandniece; grandnephew; grandparent; aunt; uncle; first cousin; first cousin once removed; great-grandparent; great-aunt; great-uncle; parent's first cousin; great-great-grandparent; great-great-aunt; great-great-uncle; or great-great-great-grandparent.

Requirements for Placement of Siblings

Citation: Cent. Code § 27-20-32.2

Reasonable efforts must be made to preserve families, reunify families, and maintain family connections, and:

- If applicable, to place siblings in the same foster care, relative, guardianship, or adoptive placement, unless it is determined that such a joint placement would be contrary to the safety or well-being of any of the siblings
- In the case of siblings removed from their home who are not jointly placed, to provide for frequent visits or other ongoing interaction between the siblings, unless it is contrary to the safety or well-being of any of the siblings

Relatives Who May Adopt

Citation: Cent. Code § 14-15-01

A relative is any person related to the minor by marriage, blood, or adoption, including a grandparent, brother, sister, stepbrother, stepsister, first cousin, uncle, or aunt.

Requirements for Adoption by Relatives**Citation: Cent. Code § 14-15-11**

The report of the investigation must contain a review of the child's history; a preplacement adoption assessment of the petitioner, including a criminal history record investigation of the petitioner; a postplacement evaluation of the placement with a recommendation as to the granting of the petition for adoption; and any other information the court requires regarding the petitioner or the minor.

An investigation and report is not required in cases in which a stepparent is the petitioner or the person to be adopted is an adult. The court may waive the home study requirement if the petitioner is a relative other than a stepparent, the minor has lived with the petitioner for at least 9 months, and no allegations of abuse or neglect have been filed against the petitioner or any member of the petitioner's household.

Northern Mariana Islands

Current Through January 2018

Relative Placement for Foster Care and Guardianship

This issue is not addressed in the statutes reviewed.

Requirements for Placement With Relatives

This issue is not addressed in the statutes reviewed.

Requirements for Placement of Siblings

This issue is not addressed in the statutes reviewed.

Relatives Who May Adopt

This issue is not addressed in the statutes reviewed.

Requirements for Adoption by Relatives

This issue is not addressed in the statutes reviewed.

Ohio

Current Through January 2018

Relative Placement for Foster Care and Guardianship**Citation: Rev. Code §§ 5101.85; 5153.161; Admin. Code § 5101:2-42-05**

A kinship caregiver is a person age 18 or older who is related to the child by blood or marriage and who is caring for the child in place of the child's parents. Relatives can include:

- Grandparents, including great, great-great, and great-great-great-grandparents
- Siblings
- Aunts, uncles, nephews, and nieces, including any relative with a great, great-great, or grand prefix
- First cousins and first cousins once removed
- Stepparents and stepsiblings of the child
- Spouses or former spouses of any of the above
- A legal guardian or legal custodian of the child

A 'qualified nonrelative' is a nonrelative adult whom a child or the current custodial caregiver of a child identifies as having a familiar and longstanding relationship or bond with the child or the child's family that will ensure the child's social and cultural ties.

In regulation: When a child cannot remain in his or her own home, the child-placing agency shall explore both maternal and paternal relatives regarding their willingness and ability to assume temporary custody or guardianship of the child. Unless it is not in the child's best interests, the agency shall explore placement with a noncustodial parent before considering other relatives.

If a suitable relative is not available to assume temporary custody or guardianship, the agency shall explore placement with a suitable nonrelative who has a relationship with the child and/or family.

Requirements for Placement With Relatives

Citation: Admin. Code § 5101:2-42-18

Prior to placing the child with the relative or nonrelative substitute caregiver, the agency shall adhere to the following procedures in approving the placement setting:

- Collect identifying information
- Complete a search of the statewide automated child welfare information system for the prospective caregiver and all adults residing in the home
- Assess the safety and cleanliness of the home
- Provide the prospective caregiver with information regarding educational, medical, child care, and special needs of the child, including information on how to access support services
- Provide the prospective caregiver with the following information:
 - » How to apply for child-only financial assistance and Medicaid coverage
 - » The requirements for foster caregiver certification
- Assess the prospective caregiver's ability and willingness to provide safe and appropriate care and supervision of the child
- Require all adults in the home to identify prior protective services involvement
- Complete a criminal records check on the prospective caregiver and all adults residing in the home
- Require the prospective caregiver to submit written notification if a person age 12 to 18 residing in the home has been convicted of or plead guilty to any offenses described in § 5103.0319 of the Revised Code, or has been adjudicated to be a delinquent child for committing an act that if committed by an adult would have constituted such a violation

If a child must be removed from his or her home immediately, the agency may place the child with the prospective relative or nonrelative caregiver if there are no known safety concerns and initiate the assessment of the home no later than the next business day.

Requirements for Placement of Siblings

Citation: Admin. Code §§ 5101:2-42-05; 5101:2-42-92(D)

The child-placing agency shall attempt to place siblings in the same home unless it is not in the child's or siblings' best interests.

In the child's best interests, the agency shall make arrangements for visits and communication between the child and his or her siblings and other family members or individuals who are integral to maintaining connections. The agency also shall make arrangements for visits related to the maintenance of connections with Indian tribes pursuant to rule 5101:2-53-06 of the Administrative Code.

Relatives Who May Adopt

Citation: Rev. Code § 5103.161

If a child-placing agency has placed a child in a foster home or with a relative of the child, other than a parent of the child, the agency shall notify the child's foster caregiver or relative if the agency seeks permanent custody of the child or, if the agency already has permanent custody of the child, seeks to place the child for adoption. The notice also shall inform the foster caregiver or relative that the foster caregiver or relative can be considered for adoption.

Requirements for Adoption by Relatives

Citation: Rev. Code § 5103.161

If the foster caregiver or relative informs the agency that the foster caregiver or relative wants to adopt the child, the agency shall inform the foster caregiver or relative of the process for obtaining an application to adopt the child and that the child may be placed for adoption in another home even if the foster caregiver or relative submits the application. If the agency is given permanent custody of the child and the foster caregiver or relative has informed the agency of the foster caregiver's or relative's desire to adopt the child, the agency shall consider giving preference to an adult relative over a nonrelative caregiver when determining an adoptive placement for the child, provided the adult relative satisfies all relevant child protection standards and the agency determines that the placement is in the child's best interests.

Oklahoma

Current Through January 2018

Relative Placement for Foster Care and Guardianship

Citation: Ann. Stat. Tit. 10, § 22.1; Tit. 10A, § 1-4-204

The Oklahoma Legislature recognizes that children who have been abused, who are dependent or neglected, or whose parents, for whatever reason, may be unable or unwilling to provide care for their children, are best served when they can be cared for by grandparents or other suitable relatives instead of placing those children in foster care.

When awarding custody or determining the placement of a child, a preference shall be given to relatives and persons who have a kinship relationship with the child. The Department of Human Services shall make diligent efforts to place the child with such persons and shall report to the court the efforts made to secure that placement. In cases where the Indian Child Welfare Act applies, the placement preferences of the act shall be followed.

The department shall consider placement with a relative without delay and shall identify relatives of the child and notify them of the need for temporary placement and the possibility of the need for a permanent out-of-home placement of the child. The relative search shall be reasonable and comprehensive in scope and may continue until a fit and willing relative is identified.

The provisions of this section shall apply to all custody or placement proceedings that concern a child alleged or adjudicated to be deprived, including, but not limited to, guardianship and adoption proceedings.

Requirements for Placement With Relatives

Citation: Ann. Stat. Tit. 10A, § 1-4-204

In determining the appropriate custodian or placement for a child, the court and the department shall consider, but not be limited to, the following factors:

- The ability of the person to provide safety for the child, including a willingness to cooperate with any restrictions placed on contact with the child
- The ability of the person to support efforts to implement the permanent plan for the child
- The ability of the person to meet the child's physical, emotional, and educational needs, including the child's need to continue in the same school
- The person who has the closest existing personal relationship with the child if more than one person requests placement of the child
- The ability of the person to provide a placement for the child's sibling who also is in need of placement
- The wishes of the parent, the relative, and the child, if appropriate
- The ability of the person to care for the child as long as is necessary and to provide a permanent home, if necessary
- The best interests of the child

The relatives shall be notified of the need to keep the department informed of their current address in order to receive notice when a permanent out-of-home placement is being sought for the child. A relative who fails to provide a current address may forfeit the right to be considered for the child's permanent placement.

A decision by a relative not to participate in the child's placement planning at the beginning of the case may affect whether that relative will be considered for permanent placement of the child if the child cannot be returned safely to the home of the child's parents.

Following an initial placement with a relative, whenever a new placement of the child is made, consideration for placement shall again be given to approved relatives who will fulfill the case plan requirements of the child. The department shall consider whether the relative has established and maintained a relationship with the child.

Requirements for Placement of Siblings

Citation: Ann. Stat. Tit. 10A, § 1-4-204

When two or more children are siblings, every reasonable attempt shall be made to place the siblings in the same home. In making a permanent placement, siblings shall be placed in the same permanent home or, if the siblings are separated, shall be allowed contact or visits with each other. However, the best interests of each sibling shall be the standard for determining the appropriate custodian or placement as well as the contact and visiting rights with the other siblings.

Siblings may be separated if the court and the department find that placement of siblings together would be contrary to the safety or well-being of any of the siblings, and any of the following are true:

- One sibling has resided in a foster family home for 6 or more months and has established a relationship with the foster family.
- The siblings have never resided in the same home together.
- There is no established relationship between the siblings.
- It is in the best interests of the child to remain in the current foster family home placement.

Relatives Who May Adopt

Citation: Ann. Stat. Tit. 10A, § 1-1-105

The term 'relative' means a grandparent, great-grandparent, brother or sister of whole-blood or half-blood, aunt, uncle, or any other person related to the child.

Requirements for Adoption by Relatives

Citation: Ann. Stat. Tit. 10, § 7505-5.1

A preplacement home study is not required if a parent or guardian places the child directly with a relative for purposes of adoption, but a home study of the relative is required during the pendency of a proceeding for adoption.

Oregon

Current Through January 2018

Relative Placement for Foster Care and Guardianship

Citation: Rev. Stat. §§ 419B.192; 419B.116

If the court finds that a child is in need of placement or continuation in substitute care, there shall be a preference given to placement of the child with relatives and persons who have a caregiver relationship with the child. The Department of Human Services shall make diligent efforts to place the child with such persons and shall report to the court the efforts made by the department to effectuate that placement.

The term 'caregiver relationship' means a relationship between a person and a child:

- That has existed:
 - » For the 12 months immediately preceding the initiation of the dependency proceeding
 - » For at least 6 months during the dependency proceeding
 - » For half of the child's life if the child is younger than 6 months old
- In which the person who had physical custody of the child resided in the same household as the child
- In which the person provided the child on a daily basis with the love, nurturing, and other necessities required to meet the child's psychological and physical needs
- On which the child depended to meet his or her needs

'Caregiver relationship' does not include a relationship between a child and a person who is the nonrelated foster parent of the child unless the relationship continued for a period of at least 12 consecutive months.

Requirements for Placement With Relatives

Citation: Rev. Stat. § 419B.192

In attempting to place the child, the department shall consider, but not be limited to considering, the following:

- The ability of the person being considered to provide safety for the child, including a willingness to cooperate with any restrictions placed on contact between the child and others, and to prevent anyone from influencing the child in regard to the allegations of the case
- The ability of the person being considered to support the efforts of the department to implement the permanent plan for the child
- The ability of the person being considered to meet the child's physical, emotional, and educational needs, including the child's need to continue in the same school or educational placement
- Which person has the closest existing personal relationship with the child if more than one person requests to have the child placed with them
- The ability of the person being considered to provide a placement for the child's sibling who is also in need of placement

In cases where the Indian Child Welfare Act applies, the placement preferences of the Indian Child Welfare Act shall be followed.

Requirements for Placement of Siblings

Citation: Rev. Stat. § 419B.192

If a child or ward in need of placement or continuation in substitute care has a sibling also in need of placement or continuation in substitute care, the department shall make diligent efforts to place the siblings together and shall report to the court the efforts made by the department to carry out the placement, unless the court finds that placement of the siblings together is not in the best interests of the child or the ward or the child's or the ward's sibling.

Relatives Who May Adopt

Citation: Admin. Rules §§ 413-120-0730; 413-120-0760

When identifying potential adoptive resources for a child or sibling group, the caseworker must consider the needs and the best interests of each child and assess the knowledge, skills, and abilities of each potential adoptive resource in the following order of preference:

- A relative as defined in rule 413-120-0000(64)(a)-(c), including any of the following:
 - » Any blood or half-blood relative denoted by the prefixes of grand, great, or great-great
 - » An aunt, uncle, nephew, niece, sibling, stepsibling, or first cousin
 - » A spouse of anyone listed above
 - » A sibling through a putative father
 - » An individual defined as a relative by the law or custom of the tribe of an Indian child
 - » A stepparent or former stepparent if the child had a relationship with that person
 - » A domestic partner or former domestic partner of the child's parent
 - » The adoptive parent of a sibling of the child
- A relative who, as defined in rule 413-120-0000(64)(d), is a person not related to the child who has an emotionally significant relationship with the child or family
- When a child or sibling group has a current caregiver, the current caregiver and a relative
- A general applicant

When more than one relative is interested in being an adoptive resource, the department must consult with those interested to facilitate agreement on the most appropriate potential adoptive resource. When agreement cannot be reached, the department will consider relatives among both maternal and paternal family members who have expressed an interest and may choose up to a total of three families for adoption home studies.

Requirements for Adoption by Relatives

Citation: Admin. Rules § 413-120-0760

The child's caseworker must comply with the following requirements:

- Make reasonable efforts to identify and place the child with an adoptive resource in a timely manner
- Request input about the knowledge, skills, abilities, and commitment a potential adoptive resource needs to best meet the current and lifelong needs of the child from the following:
 - » Professionals who have worked closely with the child, when applicable
 - » The child's attorney, court-appointed special advocate, tribal representative, and substitute caregiver, when applicable
- Receive and review adoption home studies in a timely manner
- Following consultation with his or her supervisor, identify up to three potential adoptive resources following the order of preference in rule 413-120-0730 to be considered for adoption placement selection who:
 - » Meet the standards of an adoptive home
 - » Have the knowledge, skills, abilities, and commitment to raise each child
 - » Have the capacity to meet the current and lifelong safety, attachment, and well-being needs of the child or sibling group

Pennsylvania

Current Through January 2018

Relative Placement for Foster Care and Guardianship

Citation: Cons. Stat. Tit. 42, § 6351; Pa. Stat. Tit. 62, §§ 1302; 1303

The custody of a dependent child may be transferred to a relative.

A relative is an individual who is related within the fifth degree to the child or stepchild and who is at least age 21. The term 'kin' refers to an individual age 21 or older who is one of the following:

- A godparent of the child as recognized by an organized church
- A member of the child's tribe, nation, or tribal organization
- A person with a significant, positive relationship with the child or family

Except in situations of family or domestic violence, the county agency shall exercise due diligence to identify and notify all grandparents and other adult relatives to the fifth degree of consanguinity or affinity to the parent or stepparent of a dependent child and each parent who has legal custody of a sibling of a dependent child within 30 days of the child's removal from the child's home when temporary legal and physical custody has been transferred to the county agency. The notice must explain all of the following:

- Any options under federal and state law available to the relative to participate in the care and placement of the child, including any options that would be lost by failing to respond to the notice
- The requirements to become a foster parent, permanent legal custodian, or adoptive parent
- The additional supports that are available for children removed from their home

If a child has been removed from the child's home under a voluntary placement agreement or is in the legal custody of the county agency, the county agency shall give first consideration to placement with relatives or kin. The county agency shall document that an attempt was made to place the child with a relative or kin. If the child is not placed with a relative or kin, the agency shall document the reason why such placement was not possible.

Requirements for Placement With Relatives

Citation: Cons. Stat. Tit. 42, § 6351; Pa. Stat. Tit. 62, § 1303

The relative must be found to be qualified to receive and care for the child.

Relatives providing care for the child will receive the same foster care rate as other foster parents if they are complying with regulations.

Requirements for Placement of Siblings

Citation: Cons. Stat. Tit. 42, § 6351(b)

Prior to entering any order of disposition that would remove a dependent child from his or her home, the court shall determine, if the child has a sibling who is subject to removal from his or her home, whether reasonable efforts were made prior to the placement of the child to place the siblings together or whether such joint placement is contrary to the safety or well-being of the child or sibling.

If a sibling of a child has been removed from his or her home and is in a different placement setting than the child, the court shall enter an order that ensures visits between the child and the child's sibling no less than twice a month, unless a finding is made that the visits are contrary to the safety or well-being of the child or sibling.

Relatives Who May Adopt

This issue is not addressed in the statutes and regulations reviewed.

Requirements for Adoption by Relatives

Citation: Cons. Stat. Tit. 23, § 2531

A report of intention to adopt shall not be required when the child is the child; grandchild; stepchild; brother or sister of the whole-blood or half-blood; or niece or nephew by blood, marriage, or adoption of the person receiving or retaining custody or physical care.

Puerto Rico

Current Through January 2018

Relative Placement for Foster Care and Guardianship

Citation: Ann. Laws Tit. 1, § 412

The first option to be considered when a child needs a substitute home shall be the home of qualified relatives.

Requirements for Placement With Relatives

This issue is not addressed in the statutes reviewed.

Requirements for Placement of Siblings

Citation: Ann. Laws Tit. 8, § 444a

Whenever the Department of the Family is the custodian and relations between siblings have not been restricted or prohibited, the department shall have the responsibility of organizing and establishing a visiting plan so that siblings who have been removed from their homes may be able to interact at least twice a month, seeking to place them together whenever possible.

Relatives Who May Adopt

This issue is not addressed in the statutes reviewed.

Requirements for Adoption by Relatives

This issue is not addressed in the statutes reviewed.

Rhode Island

Current Through January 2018

Relative Placement for Foster Care and Guardianship

Citation: Gen. Laws § 40-11-12.2; Code of Rules § 03-009-001

Prior to the placement of a child in foster care, reasonable efforts shall be made to prevent or eliminate the need for removing the child from the child's home, which efforts shall include placement of the child with a blood relative or other family member if such placement is in the best interests of the child.

In regulation: The Department of Children, Youth, and Families (DCYF) gives utmost consideration to placing a child in a relative or kinship foster home prior to seeking a nonrelative placement.

Within 30 days after the removal of a child from the custody of the parent(s), DCYF will exercise due diligence to identify and provide notice to all grandparents and other adult relatives of the child (including any adult relatives suggested by the parents), subject to exceptions due to family or domestic violence. The notice must include the following information:

- That the child has been removed from the custody of the parents
- The options the relative has to participate in the care and placement of the child, including any options that may be lost by failing to respond to the notice
- The requirements to become a foster family home and the additional services and supports that are available
- The option to receive kinship guardianship assistance payments

The term 'relative' includes stepparent, grandparent, great-grandparent, aunt, great-aunt, uncle, great-uncle, sister, brother, stepbrother, stepsister, half-brother, half-sister, first cousin, niece, great-niece, nephew, or great-nephew.

If there is no blood relative available, consideration may also be given to placing a child with an individual who is part of the family support system, such as a nonrelated godparent, close family friend, neighbor, clergy, or other adult who has a close and caring relationship with the child. Such individuals are considered as kin for licensing purposes.

Requirements for Placement With Relatives

Citation: Gen. Laws § 14-1-27; Code of Rules § 03-009-001

When DCYF makes application to the court to take a child into temporary custody due to allegations of abuse and/or neglect or dependency, DCYF shall have the duty to investigate the possibility of placing the child or children with a fit and willing relative not residing with the parents. DCYF shall conduct an assessment into the appropriateness of placement of the child or children with the relative within 30 days of the child's placement in the temporary custody of DCYF. If the department determines that the relative is a fit and proper person to have placement of the child, the child shall be placed with that relative, unless the particular needs of the child make the placement contrary to the child's best interests. All placements with relatives shall be subject to criminal records checks in accordance with § 14-1-34, foster care regulations promulgated by DCYF, and interstate compact approval, if necessary.

In regulation: Kinship and nonrelative prospective foster and adoptive parents are subject to the same licensing process, including screening, interview, home study, training, and background checks.

In assessing a kinship care home, issues of child safety and well-being are of utmost importance. The assessment must include particular attention to the following areas:

- The history of involvement with DCYF or another child protective agency
- The history of criminal charges
- The child's comfort level with the kinship caregiver
- The caregiver's commitment to protecting the child's health and safety and willingness and ability to protect the child from abuse and neglect, whether by the parents or others
- The nature of the relationship between the caregiver and the parent
- The kinship caregiver's understanding of the temporary nature of foster placement, the need for permanency planning, and willingness to care for the child as long as may be needed

Requirements for Placement of Siblings

Citation: Code of Rules § 03-009-001

It is the policy of the department to provide the child with an out of home placement that is least disruptive to the child and family, including the placement of siblings together unless the serious specific needs of one or more child justifies separation. The department must make reasonable efforts to place siblings together in the same kinship foster home unless it is contrary to the safety or well-being of any of the siblings.

If siblings cannot be placed together because it is contrary to the safety or well-being of any of the siblings, the department must make reasonable efforts to facilitate visitation or ongoing contacts with siblings that cannot be placed together.

Relatives Who May Adopt

Citation: Gen. Laws §§ 14-1-27; 15-7-2

Whenever the court determines that permanent placement or adoption is in the best interests of a child, a fit and willing relative who has been awarded placement of the child shall be given priority over a nonrelative, provided that the placement or adoption is in the best interests of the child.

Whenever a parent places his or her child for adoption with a person other than a father, brother, sister, aunt, uncle, grandparent, or stepparent, the person with whom the child has been placed shall, within 15 days of the placement, notify DCYF of the placement.

Requirements for Adoption by Relatives

Citation: Gen. Laws §§ 15-7-2.1; 15-7-11

The requirement for a preplacement report on the child does not apply to a stepparent adoption or the adoption of a child related to the petitioner by marriage, blood, or adoption.

Upon the filing of a petition for adoption, the court shall notify DCYF. It shall then be the duty of the department to conduct the appropriate investigation to determine whether the proposed adoptive home is a suitable home for the child. If the child was placed for adoption by a licensed child-placing agency, the court may accept the home study report of the agency as long as the study includes any criminal record of the prospective adoptive parent and any household member age 18 and older.

The home study report shall include a nationwide criminal records check. This requirement may, in the discretion of the court, be waived in the case of a petition for the adoption of a child where the child is the natural child of one of the parties petitioning for the adoption and resides with the petitioning parties.

South Carolina

Current Through January 2018

Relative Placement for Foster Care and Guardianship

Citation: Ann. Code §§ 63-7-2320; 63-7-1680

When a child has been removed from his home and is in the care, custody, or guardianship of the Department of Social Services, the department shall attempt to identify a relative who would be appropriate for placement of the child.

Relatives within the first, second, or third degree to the parent or stepparent of a child who may be related through blood, marriage, or adoption may be eligible for licensing as a kinship foster parent.

In the absence of good cause to the contrary, preference must be given to placement with a relative or other person who is known to the child and has a constructive and caring relationship with the child.

Requirements for Placement With Relatives

Citation: Ann. Code § 63-7-2320

If the department determines that it is in the best interests of a child requiring out-of-home placement that the child be placed with a relative for foster care, or if a relative advises the department that he or she is interested in providing placement for the child and the relative is not already licensed to provide foster care, the department shall inform the relative of the procedures for being licensed as a kinship foster parent, assist the foster parent with the licensing process, and inform the relative of availability of payments and other services to kinship foster parents. If the relative is licensed by the department to provide kinship foster care services, the relative may receive payment for the full foster care rate for the care of the child and any other benefits that might be available to foster parents, whether in money or in services.

The kinship foster parent must be age 21 or older, except that if the spouse or partner of the relative is 21 or older and living in the home, and the relative is between 18 and 21, the department may waive the age requirement.

A person may become a kinship foster parent only upon the completion of a full kinship foster care licensing study performed in accordance with rules and regulations. Residents of the household who are age 18 or older must undergo the state and federal fingerprint review procedures. The department shall apply the screening criteria in § 63-7-2350 to the results of the fingerprint reviews and the licensing study.

The department shall determine, after a thorough review of information obtained in the kinship foster care licensing process, whether the person is able to care effectively for the foster child.

Requirements for Placement of Siblings

Citation: Ann. Code § 63-7-1680

The case plan must address visits or other contact with siblings, other relatives, and other persons important to the child. The plan shall provide for as much contact between the child and these persons as is reasonably possible and consistent with the best interests of the child.

Relatives Who May Adopt

Citation: Ann. Code § 63-9-1110

Any person may adopt a child to whom he or she is related by blood or marriage.

Requirements for Adoption by Relatives

Citation: Ann. Code § 63-9-1110

For the adoption of a child by his or her relative:

- No investigation or report is required unless otherwise directed by the court.
- No accounting of all disbursements is required unless ordered by the court.
- Upon good cause shown, the court may waive the requirement, pursuant to § 63-9-750, that the final hearing must not be held before 90 days after the filing of the adoption petition.
- Upon good cause shown, the court may waive the requirement for the appointment of independent counsel for an indigent parent.
- Upon good cause shown, the court may waive the requirement that the adoption proceeding must be finalized in this state.

South Dakota

Current Through January 2018

Relative Placement for Foster Care and Guardianship

Citation: Ann. Laws §§ 26-7A-19; 26-7A-19.1

If the child is an apparent, alleged, or adjudicated abused or neglected child, the court may continue the temporary custody of the child after the temporary custody hearing under the terms and conditions for a duration and placement that the court requires, including placement of temporary custody of the child with the Department of Social Services, in foster care, or shelter.

The court and the department shall give placement preference to a relative or custodian who is available and who has been determined by the department to be qualified, provided that placement with the relative or custodian is in the best interests of the child.

As used in this section, the term 'relative' means an adult who is related to the child by blood, adoption, or marriage, and who is the child's grandparent, aunt, uncle, sibling, brother-in-law, sister-in-law, niece, nephew, great-grandparent, great-uncle, great-aunt, first cousin, second cousin, stepparent, or stepsibling. The term 'custodian' means an adult who is the biological parent, adoptive parent, or guardian of the child's sibling or half-sibling.

Subsequent to a temporary custody hearing, if a placement is made of an apparent, alleged, or adjudicated abused or neglected child, placement preference shall be given to a relative entitled to placement under § 26-7A-19.

Requirements for Placement With Relatives

Citation: Ann. Laws § 26-7A-19.2

If a family service specialist employed by the Division of Child Protection Services within the department is contacted by a relative about the relative's desire to take temporary or permanent placement of an alleged or adjudicated abused or neglected child who has been removed from the child's parent, guardian, or custodian, the division shall document the contact in the child's file. The division shall send information to the relative within 5 business days informing the relative of the steps required in order for the relative to be considered for placement. The information shall be sent by first-class mail to the last known address of the relative. Nothing in this section prohibits the division from contacting any other person or agency regarding placement of the child.

Requirements for Placement of Siblings

Citation: Admin. Code § 67:42:05:04

The family foster parent may provide care for up to six children, including the foster parent's own children who are under age 18 and residing in the home. There may be no more than two children under age 2, including the foster parent's own children. Exceptions to this requirement may be made by the department to keep siblings together.

Relatives Who May Adopt

This issue is not addressed in the statutes and regulations reviewed.

Requirements for Adoption by Relatives

This issue is not addressed in the statutes and regulations reviewed.

Tennessee

Current Through January 2018

Relative Placement for Foster Care and Guardianship

Citation: Ann. Code §§ 37-2-403; 37-2-414

Whenever a child is removed from his or her home and placed in the custody of the Department of Children's Services, the department shall seek to place the child with a fit and willing relative if such placement provides for the safety and best interests of the child. Whenever a return of a child to his or her parent is determined not to be in the best interests of the child, then the relative with whom the child has been placed shall be given priority for permanent placement or adoption of the child prior to pursuing adoptive placement of such child with a nonrelative.

When a child has been removed from his or her home and is in the care, custody, or guardianship of the department, the department shall attempt to place the child with a relative for kinship foster care.

Relatives within the first, second, or third degree to the parent or stepparent of the child through blood, marriage, or adoption may be eligible for approval.

Requirements for Placement With Relatives

Citation: Ann. Code § 37-2-414

If the relative is approved to provide foster care services, he or she may receive payment for the full foster care rate for the care of the child and any other benefits that might be available to foster parents, whether in money or in services.

The department shall establish, in accordance with the provisions of this section, eligibility standards for becoming a kinship foster parent. These standards include:

- The kinship foster parent must be age 21 or older, except that if the spouse or partner of the relative is age 21 or older and living in the home, and the relative is between age 18 and 21, the department may waive the age requirement.
- A person may become a kinship foster parent only upon the completion of an investigation to ascertain if there is a state or federal record of criminal history for the prospective kinship foster parent or any other adult residing in the prospective parent's home.
- A prospective kinship foster parent shall supply fingerprint samples and submit to a criminal history records check to be conducted by the Tennessee Bureau of Investigation and the Federal Bureau of Investigation.

Requirements for Placement of Siblings

This issue is not addressed in the statutes and regulations reviewed.

Relatives Who May Adopt

Citation: Ann. Code §§ 36-1-102(44); 36-1-115

A person may seek to adopt a child who is related to him or her. The term 'related' means grandparents or any degree of great-grandparents, aunts or uncles or any degree of great-aunts or great-uncles, stepparent, cousins of the first degree, any siblings of the whole or half degree, or any spouse of the above listed relatives.

If the child becomes available for adoption while in foster care, the foster parents shall be given first preference to adopt the child if the child has resided in the foster home for 12 or more consecutive months immediately preceding the filing of an adoption petition.

Requirements for Adoption by Relatives

Citation: Ann. Code §§ 36-1-115; 36-1-116

In the case of an adoption by relatives, the requirement to have been a resident of the state for at least 6 months shall not apply if the petitioner is an actual resident of this state at the time the petition is filed.

In becoming adoptive parents, the foster parents shall meet all requirements otherwise imposed on persons seeking to adopt children in the custody of the department.

The court may waive the requirement for postplacement supervision when the child is to be adopted by related persons.

Texas

Current Through January 2018

Relative Placement for Foster Care and Guardianship

Citation: Fam. Code §§ 264.751; 264.752; 262.0022

In this subchapter:

- A 'designated caregiver' is an individual who has a longstanding and significant relationship with a child for whom the Department of Family and Protective Services (DFPS) has been appointed managing conservator and who:
 - » Is appointed to provide substitute care for the child, but is not verified by a licensed child-placing agency to operate an agency foster home
 - » Is subsequently appointed permanent managing conservator of the child after providing care for the child
- A 'relative caregiver' is a relative who:
 - » Provides substitute care for a child for whom DFPS has been appointed managing conservator, but who is not verified by a licensed child-placing agency to operate an agency foster home
 - » Is subsequently appointed permanent managing conservator of the child after providing the care for the child

DFPS shall develop and procure a program to:

- Promote continuity and stability for children for whom the department is appointed managing conservator by placing those children with relative or other designated caregivers
- Facilitate relative or other designated caregiver placements by providing assistance and services to those caregivers

At each hearing under this chapter, the court shall review the placement of each child in the temporary or permanent managing conservatorship of DFPS who is not placed with a relative caregiver or designated caregiver. The court shall include in its findings a statement on whether DFPS has the option of placing the child with a relative or other designated caregiver.

Requirements for Placement With Relatives

Citation: Fam. Code §§ 264.753; 264.754

DFPS shall expedite the completion of the background and criminal history check and home study so that the child is placed with a qualified relative or caregiver as soon as possible after the caregiver is identified.

Before placing a child with a proposed relative or other designated caregiver, DFPS must conduct an assessment to determine whether the proposed placement is in the child's best interests. If DFPS disqualifies a person from serving as a relative or other designated caregiver for a child on the basis that the person has been convicted of a low-risk criminal offense, the person may appeal the disqualification.

DFPS shall develop the following:

- A list of criminal offenses DFPS determines are low-risk criminal offenses
- A procedure for appropriate regional administration of DFPS to review a decision to disqualify a person from serving as a relative or other designated caregiver that includes the consideration of:
 - » When the person's conviction occurred
 - » Whether the person has multiple convictions for low-risk criminal offenses
 - » The likelihood that the person will commit fraudulent activity in the future

In this section, the term 'low-risk criminal offense' means a nonviolent criminal offense, including a fraud-based offense, that DFPS determines has a low risk of impacting a child's safety or well-being or the stability of a child's placement with a relative or other designated caregiver.

Requirements for Placement of Siblings

Citation: Fam. Code § 263.008; Admin. Code Tit. 40, §§ 700.1309; 700.1327

It is the policy of this state that each child in foster care be informed of the child's right to placement with the child's siblings and contact with members of the child's family.

In regulation: Siblings removed from their home should be placed together, unless such placement would be contrary to the safety or well-being of any of the siblings.

When siblings are not placed together, DFPS must provide for frequent visits or other ongoing interaction between siblings, unless:

- The court has ordered otherwise.
- DFPS has determined and documented in the service plan that frequent visits or other ongoing interaction would be contrary to the safety or well-being of any of the siblings, and the court has not ordered that visits or contact between the siblings occur.

Relatives Who May Adopt

Citation: Fam. Code § 162.005

The following relatives have standing to adopt a child:

- A grandparent
- An aunt or uncle by birth, marriage, or former adoption
- A stepparent

Requirements for Adoption by Relatives

Citation: Fam. Code §§ 162.005; 162.0085

The report on health, social, educational, and genetic history of the child is not required when the child is being adopted by a relative.

The court shall order each person seeking to adopt a child to obtain his or her own criminal history record information. The person must request the information from the Department of Public Safety, as provided by Government Code § 411.128.

Utah*Current Through January 2018***Relative Placement for Foster Care and Guardianship****Citation: Ann. Code § 78A-6-307**

When the court orders that a child be removed from the custody of the child's parent, the court shall first determine whether there is another natural parent with whom the child is not residing who desires to assume custody of the child. If that parent requests custody, the court shall place the child with that parent unless it finds that the placement would be unsafe or otherwise detrimental to the child.

For purposes of this section, 'natural parent' includes only a birth or adoptive mother, an adoptive father, or a birth father who was married to the child's birth mother at the time the child was conceived or born, or who has strictly complied with the provisions of §§ 78B-6-120 through 78B-6-122 prior to removal of the child or voluntary surrender of the child by the custodial parent.

If a child is removed from the custody of the child's parent and is not placed in the custody of his or her other parent, the court shall determine whether there is a relative of the child or a friend of a parent of the child who is able and willing to care for the child. This section may not be construed as a guarantee that an identified relative or friend will receive custody of the child. However, preferential consideration shall be given to a relative's or a friend's request for placement of the child if it is in the best interests of the child and the provisions of this section are satisfied.

The term 'relative' means an adult who is:

- A grandparent, great-grandparent, aunt, great-aunt, uncle, great-uncle, brother-in-law, sister-in-law, stepparent, first cousin, stepsibling, sibling of the child, or a first cousin of the child's parent
- An adult who is an adoptive parent of the child's sibling

In the case of a child identified as an Indian under the Indian Child Welfare Act (25 U.S.C. § 1903), 'relative' includes an extended family member. A 'friend' is an adult the child knows and is comfortable with.

Requirements for Placement With Relatives**Citation: Ann. Code § 78A-6-307**

The court shall make a specific finding regarding the fitness of the noncustodial parent to assume custody and the safety and appropriateness of the placement. The court shall, at a minimum, order the division to visit the parent's home, perform criminal background checks, and check for any previous reports of abuse or neglect received by the division regarding the parent at issue.

If a willing relative or friend is identified, the court shall make a specific finding regarding the fitness of that relative or friend to assume custody and the safety and appropriateness of placement with that relative or friend. In order to be considered a 'willing relative or friend,' the relative or friend shall be willing to cooperate with the child's permanency goal.

The court shall, at a minimum, order the division to conduct criminal background checks, visit the relative's or friend's home, and check for any previous reports of abuse or neglect regarding the relative or friend at issue. The division must report its findings to the court so that the court may determine whether:

- The relative or friend has any history of abusive or neglectful behavior toward other children that may indicate or present a danger to this child.
- The child is comfortable with the relative or friend.
- The relative or friend recognizes the parent's history of abuse and is committed to protect the child.
- The relative or friend is strong enough to resist inappropriate requests by the parent for access to the child, in accordance with court orders.
- The relative or friend is committed to caring for the child as long as necessary.
- The relative or friend can provide a secure and stable environment for the child.

Requirements for Placement of Siblings**Citation: Ann. Code § 78A-6-312; Admin. Code R512-300-4**

When a court conducts a permanency hearing for a minor under § 78A-6-314, the court shall attempt to keep the minor's sibling group together if keeping the sibling group together is practicable and in accordance with the best interests of the minor.

In regulation: The child and family plan shall include a visiting plan for the child, parents, and siblings, unless prohibited by court order.

Placement decisions are based upon the child's needs, strengths, and best interests. The following factors are considered in determining placement:

- The age, special needs, and circumstances of the child
- The least restrictive placement consistent with the child's needs
- Placement of siblings together
- Proximity to the child's home and school
- Sensitivity to cultural heritage and needs of a minority child
- The potential for adoption

The child has a right to purposeful and frequent visits with a parent or guardian and siblings, unless the court orders otherwise. The right to visits is not a privilege to be earned or denied based on behavior of the child or the parent or guardian. Visits may be supplemented with telephone calls and written correspondence.

Relatives Who May Adopt

Citation: Ann. Code § 78B-6-128

The following relatives may adopt the child:

- A stepparent
- A sibling or half-sibling by birth or adoption
- A grandparent, aunt, uncle, or first cousin

Requirements for Adoption by Relatives

Citation: Ann. Code §§ 78B-6-118; 78B-6-128; 78B-6-129

A person adopting a child must be at least 10 years older than the child.

The requirement for a preplacement or postplacement adoptive evaluation does not apply if a preexisting parent has legal custody of the child to be adopted and the prospective adoptive parent is related to that child or the preexisting parent as a stepparent, sibling by half-blood or whole-blood or by adoption, grandparent, aunt, uncle, or first cousin, unless the court otherwise requests the preplacement adoptive evaluation.

The prospective adoptive parent shall obtain the following information:

- A criminal history background check regarding each prospective adoptive parent and any other adult living in the home
- A report containing all information regarding reports and investigations of child abuse, neglect, and dependency, with respect to each prospective adoptive parent and any other adult living in the home

A home study that is conducted by an adoption service provider is not required.

Vermont

Current Through January 2018

Relative Placement for Foster Care and Guardianship

Citation: Ann. Stat. Tit. 33, §§ 5307; 5308

At a temporary care hearing, the Department for Children and Families shall provide to the court information about the identity and location of a noncustodial parent, a relative, or person with a significant relationship with the child known to the department who may be appropriate, capable, willing, and available to assume temporary legal custody of the child. If the noncustodial parent cannot be located, the department shall provide to the court a summary of the efforts made to locate the parent.

The department shall provide information to relatives and others with a significant relationship with the child about options to take custody or participate in the care and placement of the child, about the advantages and disadvantages of the options, and about the range of available services and supports.

At the temporary custody hearing, the court may issue orders related to the legal custody of the child as it deems necessary and sufficient to protect the welfare and safety of the child, including:

- A conditional custody order returning or granting legal custody of the child to the custodial parent, guardian, custodian, noncustodial parent, relative, or a person with a significant relationship with the child, subject to such conditions and limitations as the court may deem necessary and sufficient
- An order transferring temporary legal custody of the child to a noncustodial parent or to a relative

- An order transferring temporary legal custody of the child to a person with a significant relationship with the child
- An order transferring temporary legal custody of the child to the commissioner

Requirements for Placement With Relatives

Citation: Ann. Stat. Tit. 33, §§ 5307; 5308; 5318

With respect to any person who the department has identified as a potential placement for a child pursuant to this subdivision, the department shall conduct an assessment of the suitability of the person to care for the child. The assessment shall include consideration of the person's ability to care for the child's needs, a criminal history record, and a check of allegations of prior child abuse or neglect by the person or by other adults in the person's home.

In considering the suitability of a relative, the court may order the department to conduct an investigation and file a written report of its findings with the court. The court may place the child in the temporary custody of the department, pending such investigation.

Whenever the court orders the transfer of legal custody to a noncustodial parent, a relative, or a person with a significant relationship with the child, such orders shall be supported by findings regarding the suitability of that person to assume legal custody of the child and the safety and appropriateness of the placement.

Requirements for Placement of Siblings

This issue is not addressed in the statutes and regulations reviewed.

Relatives Who May Adopt

Citation: Ann. Stat. Tit. 15A, § 1-101

A relative is a grandparent, great-grandparent, sibling, first cousin, aunt, uncle, great-aunt, great-uncle, niece, or nephew of a person, whether related to the person by the whole-blood or the half-blood, affinity, or adoption. The term does not include a person's stepparent.

Requirements for Adoption by Relatives

Citation: Ann. Stat. Tit. 15A, §§ 2-201; 2-203

A preplacement evaluation is not required if a parent or guardian places a minor directly with a relative for purposes of adoption, but an evaluation of the relative is required during the pendency of a proceeding for adoption.

The evaluation shall indicate whether the person has been:

- Subject to an abuse prevention order
- Charged with or convicted of domestic assault
- The subject of a substantiated complaint filed with the department
- Subject to a court order restricting the person's parental rights and responsibilities or parent-child contact with a child
- Convicted of a crime other than a minor traffic violation

Virgin Islands

Current Through January 2018

Relative Placement for Foster Care and Guardianship

Citation: Ann. Code Tit. 5, §§ 2549; 2550

If a child is found to be abused or neglected at a disposition hearing, the court may make any of the following orders of disposition:

- Permit the child to remain with his or her parents, guardian, or other person responsible for his or her care, subject to such conditions as the court may prescribe
- Place the child under protective supervision
- Transfer legal custody to any of the following:
 - » A relative or other individual
 - » A public or private agency responsible for the care of abused or neglected children

The term 'relative' means a grandparent, great-grandparent, sibling, first cousin, aunt, uncle, great-aunt, great-uncle, niece, or nephew, whether related by the whole-blood or half-blood, by affinity, or by adoption; or a stepparent.

Requirements for Placement With Relatives**Citation: Ann. Code Tit. 5, § 2549**

The relative or other individual who receives custody of a child must be found by the court to be qualified and willing to receive and care for the child, based on a study by the Department of Social Welfare.

Requirements for Placement of Siblings

This issue is not addressed in the statutes reviewed.

Relatives Who May Adopt

This issue is not addressed in the statutes reviewed.

Requirements for Adoption by Relatives

This issue is not addressed in the statutes reviewed.

Virginia

Current Through January 2018

Relative Placement for Foster Care and Guardianship**Citation: Ann. Code §§ 16.1-281; 63.2-900.1**

If the Department of Social Services concludes that it is not reasonably likely that the child can be returned to his or her prior family within a practicable time, consistent with the best interests of the child, it shall design a placement plan to lead to the child's successful placement with a relative if a subsequent transfer of custody to the relative is planned.

The local board shall determine whether the child has a relative who is eligible to become a kinship foster parent, in accordance with regulations adopted by the State Social Services Board.

Requirements for Placement With Relatives**Citation: Ann. Code §§ 16.1-281; 63.2-900.1**

Any order transferring custody of the child to a relative other than the child's prior family shall be entered only upon a finding, based upon a preponderance of the evidence, that the relative is one who, after an investigation as directed by the court:

- Is found by the court to be willing and qualified to receive and care for the child
- Is willing to have a positive, continuous relationship with the child
- Is committed to providing a permanent, suitable home for the child
- Is willing and has the ability to protect the child from abuse and neglect

The court's order transferring custody to a relative should further provide for, as appropriate, any terms or conditions that would promote the child's interests and welfare, ongoing provision of social services to the child and the child's custodian, and court review of the child's placement.

Kinship foster care placements shall be subject to all requirements of, and shall be eligible for all services related to, foster care placement contained in this chapter. Subject to approval by the commissioner, a local board may grant a waiver of the state board's standards for foster home approval set forth in regulations that are not related to safety. Waivers granted pursuant to this subsection shall be considered and, if appropriate, granted on a case-by-case basis and shall include consideration of the unique needs of each child to be placed.

The kinship foster parent shall be eligible to receive payment at the full foster care rate for the care of the child.

Requirements for Placement of Siblings**Citation: Ann. Code § 63.2-900.2**

All reasonable steps shall be taken to place siblings entrusted by a parent to the care of a local board or licensed child-placing agency; committed to the care of a local board or agency by any court of competent jurisdiction; or placed with a local board or public agency through an agreement between a local board or a public agency and the parent, parents, or guardians, where legal custody remains with the parent, parents, or guardian, together in the same foster home.

When siblings are placed in separate foster homes, the local department, child-placing agency, or public agency shall develop a plan to encourage frequent and regular visits or communication between the siblings. The visiting or communication plan shall take into account the wishes of the child and shall specify the frequency of visits or communication; identify the party responsible for encouraging that visits or communication occur; and state any other requirements or restrictions related to such visits or communication, as may be determined necessary by the local department, child-placing agency, or public agency.

Relatives Who May Adopt

Citation: Ann. Code § 63.2-1242.1

A 'close relative placement' shall be an adoption by the child's grandparent, great-grandparent, adult nephew or niece, adult brother or sister, adult uncle or aunt, or adult great-uncle or great-aunt.

In a close relative placement, the court may accept the written and signed consent of the birth parent(s) that is signed under oath and acknowledged by an officer authorized by law to take such acknowledgments.

Requirements for Adoption by Relatives

Citation: Ann. Code §§ 63.2-1242.2; 63.2-1242.3

When the child has continuously resided in the home or has been in the continuous physical custody of the prospective adoptive parent who is a close relative for less than 3 years, the adoption proceeding, including court approval of the home study, shall commence in the juvenile and domestic relations district court pursuant to the parental placement adoption provisions of this chapter, with the following exceptions:

- The birth parent's consent does not have to be executed in juvenile and domestic relations district court in the presence of the prospective adoptive parents.
- The simultaneous meeting specified in § 63.2-1231 is not required.
- No hearing is required for this proceeding.

When the child has continuously resided in the home or has been in the continuous physical custody of the prospective adoptive parent who is a close relative for 3 or more years, the parental placement provisions of this chapter shall not apply and the adoption proceeding shall commence in the circuit court.

For close relative adoptive placement:

- An order of reference, an investigation, and a report shall not be made if the home study report is filed with the court unless the court, in its discretion, requires an investigation and report to be made.
- The court may omit the probationary period and the interlocutory order and enter a final order of adoption when the court is of the opinion that the entry of an order would otherwise be proper.
- If the court determines that there is a need for an additional investigation, it shall refer the matter to the licensed child-placing agency that drafted the home study report for an investigation and report. The report shall be completed within such times as the court designates.
- The court may waive appointment of a guardian ad litem for the child.

Washington

Current Through January 2018

Relative Placement for Foster Care and Guardianship

Citation: Rev. Code §§ 13.34.130; 13.34.060; 74.15.020(2)(a)

Placement of the child with a relative or other suitable person shall be given preference by the court.

Unless there is reasonable cause to believe that the health, safety, or welfare of the child would be jeopardized or that the efforts to reunite the parent and child will be hindered, priority placement for a child in shelter care, pending a court hearing, shall be with a relative or other suitable person. If a child is not initially placed with a relative or other suitable person requested by the parent, the supervising agency shall make an effort within available resources to place the child with a relative or other suitable person requested by the parent on the next business day after the child is taken into custody. The supervising agency shall document its effort to place the child with a relative or other suitable person requested by the parent.

A relative includes a person related to the child in any of the following ways:

- Any blood relative, including those of half-blood, and including first cousins, second cousins, nephews or nieces, and persons of preceding generations as denoted by prefixes of 'grand,' 'great,' or 'great-great'
- Stepfather, stepmother, stepbrother, and stepsister
- A person who legally adopts a child or the child's parent as well as the natural and other legally adopted children of such persons and other relatives of the adoptive parents in accordance with state law
- Spouses of any persons named above, even after the marriage is terminated
- The relatives of any half-sibling of the child
- Extended family members, as defined by the law or custom of the Indian child's tribe or, in the absence of such law or custom, a person who has reached age 18 and who is the Indian child's grandparent, aunt or uncle, brother or sister, brother-in-law or sister-in-law, niece or nephew, first or second cousin, or stepparent who provides care in the family abode on a 24-hour basis to an Indian child

Requirements for Placement With Relatives

Citation: Rev. Code § 13.34.130; Admin. Code § 388-25-0445

Unless there is reasonable cause to believe that the health, safety, or welfare of the child would be jeopardized or that efforts to reunite the parent and child will be hindered, the child shall be placed with a person who is willing, appropriate, and available to care for the child, and who is:

- Related to the child as defined above and with whom the child has a relationship and is comfortable
- A suitable person if the child or family has a preexisting relationship with that person, and the person has completed all required criminal history background checks and otherwise appears to the department or supervising agency to be suitable and competent to provide care for the child

The court shall consider the child's existing relationships and attachments when determining placement.

If the relative or other person appears otherwise suitable and competent to provide care and treatment, the criminal history background check need not be completed before placement but as soon as possible after placement. Any placements with relatives or other suitable persons shall be contingent upon cooperation by the relative or other suitable person with the agency case plan and compliance with court orders related to the care and supervision of the child, including, but not limited to, court orders regarding parent-child contacts, sibling contacts, and any other conditions imposed by the court.

In regulation: Relatives who are licensed as foster parents may choose to receive foster care payments. A relative who is not a licensed foster parent at the time of placement may apply to become a foster parent.

Requirements for Placement of Siblings

Citation: Rev. Code § 13.34.130

The department may consider placing the child, subject to review and approval by the court, with a person with whom the child's sibling or half-sibling is residing or a person who has adopted the sibling or half-sibling, as long as the person has completed all required criminal history background checks and otherwise appears to the department or supervising agency to be competent to provide care for the child.

If the court has ordered a child removed from his or her home, the court shall consider whether it is in a child's best interest to be placed with, have contact with, or have visits with siblings. There shall be a presumption that such placement, contact, or visits are in the best interests of the child provided that:

- The court has jurisdiction over all siblings subject to the order of placement, contact, or visits or the parents of a child for whom there is no jurisdiction are willing to agree.
- There is no reasonable cause to believe that the health, safety, or welfare of any child subject to the order of placement, contact, or visits would be jeopardized or that efforts to reunite the parent and child would be hindered by such placement, contact, or visits. In no event shall parental visiting time be reduced in order to provide sibling visits.

The court also may order placement, contact, or visits of a child with a stepbrother or stepsister provided that, in addition to the factors listed above, the child has a relationship and is comfortable with the stepsibling.

Relatives Who May Adopt**Citation: Admin. Code § 388-27-0035**

The department prefers to place a child for adoption with a fit and willing relative who is known to the child and with whom the child is comfortable. The department shall:

- Conduct searches for relatives who are fit and willing to adopt the child, who are known to the child, and with whom the child is comfortable
- Ask the relatives to be considered as a potential adoptive family

Requirements for Adoption by Relatives

This issue is not addressed in the statutes and regulations reviewed.

West Virginia

Current Through January 2018

Relative Placement for Foster Care and Guardianship

This issue is not addressed in the statutes and regulations reviewed.

Requirements for Placement With Relatives

This issue is not addressed in the statutes and regulations reviewed.

Requirements for Placement of Siblings**Citation: Ann. Code § 49-4-111**

When a child is in foster care or becomes eligible for adoption, and a sibling has previously been placed in foster care or been adopted, the Department of Health and Human Resources shall notify the foster or adoptive parents of the sibling of the child's availability for foster placement or adoption to determine if the foster or adoptive parents want to seek a foster placement or adoption of the child.

When a child is in foster care and is living separately from a sibling who is in another foster home or who has been adopted by another family, and the parents with whom the sibling resides want to adopt or provide foster care so that the child may be reunited with a sibling, the department shall place the child in the household with the sibling upon a determination of the fitness of all household members and if the placement is in the best interests of the children. If, however, the department finds that residing in the same home would have a harmful physical, mental, or psychological effect on one or more of the siblings; the child has a physical or mental disability that the existing foster home can better accommodate; or if the department can document that the reunification of the siblings would not be in the best interests of one or all of the children, the department may petition the court to allow the separation of the siblings to continue. If the child is age 12 or older, the department shall provide the child the option of remaining in the existing foster care placement if remaining is in the best interests of the child.

When two or more siblings are in separate foster care placements and the foster parents of the siblings have applied to provide foster care for a sibling not in their home or two or more adoptive parents seek to adopt a sibling of a child they have previously adopted, the department's determination as to placing the child in a foster or adoptive home shall be based solely upon the best interests of the siblings.

Relatives Who May Adopt

This issue is not addressed in the statutes and regulations reviewed.

Requirements for Adoption by Relatives

This issue is not addressed in the statutes and regulations reviewed.

Wisconsin

Current Through January 2018

Relative Placement for Foster Care and Guardianship

Citation: Ann. Stat. § 48.57

The terms 'kinship care relative' and 'long-term kinship care relative' mean a relative other than a parent.

The Department of Children and Families shall make payments in the amount of \$238 per month beginning on January 1, 2018, and \$244 per month beginning on January 1, 2019, to a kinship care relative or a long-term kinship care relative who is providing care and maintenance for a child.

Requirements for Placement With Relatives

Citation: Ann. Stat. § 48.57

To receive a kinship care payment, all of the following conditions must be met:

- The relative applies to the department for payments and a license to operate a foster home.
- The department determines that there is a need for the child to be placed with the relative and that the placement is in the best interests of the child.
- The department conducts a background investigation of the kinship care relative, any employee and prospective employee of the relative who has regular contact with the child, and any other adult resident of the home to determine if the kinship care relative, employee, prospective employee, or adult resident has any arrests or convictions that could adversely affect the child or the relative's ability to care for the child.
- The relative cooperates with the department in the application process, including applying for other forms of assistance for which the child may be eligible.

The long-term kinship care relative must apply for payments, provide proof that he or she has been appointed as the guardian of the child, and apply for a license to operate a foster home. The department will:

- Inspect the relative's home
- Interview the relative to determine that long-term placement with the relative is in the best interests of the child
- Conduct a background investigation of the relative, any employees, or adult resident who would have regular contact with the child

Requirements for Placement of Siblings

Citation: Ann. Stat. § 48.33(4)(d)

If the child has one or more siblings who have been removed from the home or for whom an out-of-home placement is recommended, the department must provide the court with specific information showing that the department has made reasonable efforts to place the child in a placement that enables the sibling group to remain together, unless the department recommends that the child and his or her siblings not be placed in a joint placement. In such a case, the report shall include specific information showing that a joint placement would be contrary to the safety or well-being of the child or any of those siblings.

If a recommendation is made that the child and his or her siblings not be placed in a joint placement, the report must include specific information showing that the department has made reasonable efforts to provide for frequent visits or other ongoing interaction between the child and the siblings, unless the department recommends that such visits or interaction not be provided. In such a case, the report shall include specific information showing that such visits or interaction would be contrary to the safety or well-being of the child or any of those siblings.

Relatives Who May Adopt

Citation: Ann. Stat. § 48.02

The term 'relative' means a parent, stepparent, brother, sister, stepbrother, stepsister, half-brother, half-sister, brother-in-law, sister-in-law, first cousin, second cousin, nephew, niece, uncle, aunt, stepuncle, steppaunt, or any person of a preceding generation as denoted by the prefix of 'grand,' 'great,' or 'great-great,' whether by blood, marriage, or legal adoption, or the spouse of any person named in this subsection, even if the marriage is terminated by death or divorce. For purposes of the application of § 48.028 and the federal Indian Child Welfare Act, 25 U.S.C §§ 1901 to 1963, 'relative' includes an extended family member, whether by blood, marriage, or adoption, including adoption under tribal law or custom.

The term 'extended family member' means a person who is defined as a member of an Indian child's extended family by the law or custom of the Indian child's tribe or, in the absence of such a law or custom, a person who is age 18 or older and who is the Indian child's grandparent, aunt, uncle, brother, sister, brother-in-law, sister-in-law, niece, nephew, first cousin, second cousin, or stepparent.

Requirements for Adoption by Relatives

Citation: Ann. Stat. §§ 48.834; 48.835

Before placing a child for adoption, the department or child welfare agency making the placement shall consider the availability of a placement for adoption with a relative of the child who is identified in the child's permanency plan or who is otherwise known by the department or agency.

If a child who is being placed for adoption has one or more siblings who have been adopted or who have been placed for adoption, the department or agency making the placement shall make reasonable efforts to place the child for adoption with an adoptive parent of that sibling who is identified in the child's permanency plan under § 48.38 or 938.38 or who is otherwise known by the department or agency, unless the department or agency determines that a joint placement would be contrary to the safety or well-being of the child or any of those siblings. In such case, the department or agency shall make reasonable efforts to provide for frequent visits or other ongoing interaction between the child and the siblings, unless the department or agency determines that such visits or interaction would be contrary to the safety or well-being of the child or any of those siblings.

A parent may place a child in the home of a relative for adoption without a court order.

If the child's parent has not filed a petition for the termination of parental rights, the relative with whom the child is placed shall file a petition for the termination of the parent's rights at the same time the petition for adoption is filed. The court may hold the hearing on the adoption petition immediately after entering the order to terminate parental rights.

Wyoming

Current Through January 2018

Relative Placement for Foster Care and Guardianship

Citation: Ann. Stat. § 14-3-208

When a child is taken into temporary protective custody, the local Department of Family Services office shall:

- Make reasonable efforts to inform the parent, noncustodial parent, or other person responsible for the child's welfare that the child has been taken into temporary protective custody, unless otherwise ordered by a court of competent jurisdiction
- Arrange for care and supervision of the child in the most appropriate and least restrictive setting necessary to meet the child's needs, including foster homes or other child care facilities certified by the department or approved by the court

When it is in the best interests of the child, the department shall place the child with the child's noncustodial birth parent or with the child's extended family, including adult siblings, grandparents, great-grandparents, aunts, or uncles.

Requirements for Placement With Relatives

Citation: Ann. Stat. § 14-3-208

Prior to approving placement with the child's noncustodial birth parent or extended family, the department shall determine whether anyone living in the home has been convicted of a crime involving serious harm to children or has a substantiated case listed on the central registry established pursuant to § 14-3-213.

Requirements for Placement of Siblings

This issue is not addressed in the statutes and regulations reviewed.

Relatives Who May Adopt

This issue is not addressed in the statutes and regulations reviewed.

Requirements for Adoption by Relatives

This issue is not addressed in the statutes and regulations reviewed.



U.S. Department of Health and Human Services
Administration for Children and Families
Administration on Children, Youth and Families
Children's Bureau

