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STATE
STATUTES
SERIES

Current Through
July 2013

Placement of Children With Relatives

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 placement for a child, provided that the relative caregiver meets all relevant State child protection standards.”¹ Title IV-E further requires States to exercise due diligence to identify and provide notice to all grandparents and other adult relatives of the child (including any other adult relatives suggested by the parents) regarding (1)

¹ 42 U.S.C. § 671(a)(19) (LexisNexis 2013). 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.

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



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Giving Preference to Relatives for Out-of-Home Placements

the fact that 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.²

Each State defines “relative” differently, including relatives by blood, marriage, or adoption ranging from the first to the fifth degree. Generally, preference is given to the child’s grandparents, followed by aunts, uncles, adult siblings, and cousins. For Indian children, nine States allow members of the child’s Tribe to be considered “extended family members” for placement purposes.³

Approximately 45 States and Puerto Rico give preference or priority to relative placements in their statutes.⁴ Massachusetts, Ohio, Wyoming, and the District of Columbia require child-placing agencies to give preference to placements with relatives in regulation. In 17 States and Guam, State agencies are required to make reasonable efforts to identify and locate a child’s relative when out-of-home placement is needed.⁵ New Hampshire, American Samoa, Guam, and the U.S. Virgin Islands use statutory language such as “may consider” placement with relatives. West Virginia and the Northern Mariana Islands do not address the issue of the placement of children for foster care with relatives in their statutes.

In all cases, 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

² 42 U.S.C. § 671(a)(29) (LexisNexis 2013), as amended by the Fostering Connections to Success and Increasing Adoptions Act of 2008.

³ Minnesota, Missouri, Nebraska, New Mexico, North Carolina, Oklahoma, Oregon, Utah, and Washington.

⁴ The word “approximately” is used to stress the fact that States frequently amend their laws. This information is current only through July 2013. Alabama, Alaska, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Jersey, New Mexico, New York, North Carolina, North Dakota, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Washington, and Wisconsin address preference for relative placements in their statutes.

⁵ Arkansas, California, Connecticut, Florida, Georgia, Illinois, Indiana, Iowa, Massachusetts, Minnesota, Missouri, Nevada, New Jersey, New York, Oregon, Pennsylvania, and South Carolina.

suitable placement for the child, able to ensure the child's safety, and able to meet the child's needs. Approximately 28 States and the District of Columbia require relatives to undergo a criminal background check that may include all adult members of the household.⁶

Placement Options

In 18 States, American Samoa, and the Virgin Islands, the court may transfer legal custody of the child to the relative as an alternative to a foster care placement.⁷ In the remaining States, custody is given to the State social services department, and the department then assumes responsibility for making an appropriate placement for the child. In 19 States and the District of Columbia, the relative providing out-of-home care must be licensed or certified as a foster family home,⁸ although 10 of these States allow temporary or provisional approval while the relative works to complete the requirements for full licensure.⁹ In seven States, licensure is not required, but relative care providers may elect to be certified.¹⁰ In four States, kin care providers are not licensed.¹¹

Financial Support

Relative caregivers who are licensed as foster care providers receive the same foster care board payments as other licensed foster care homes. Approximately 13 States have kinship care or relative caregiver programs to provide relatives with benefits and services to help them better care for a child placed in their home.¹² Services can include counseling, respite care, and assistance with applying for any forms of public assistance for

⁶ Alabama, Alaska, Arizona, Arkansas, California, Colorado, Connecticut, Florida, Illinois, Indiana, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Minnesota, Mississippi, Montana, New Jersey, North Dakota, Ohio, Rhode Island, South Carolina, Tennessee, Texas, Utah, Washington, and Wisconsin.

⁷ California, Colorado, Delaware, Iowa, Kansas, Kentucky, Nevada, New Hampshire, New Mexico, North Carolina, Oklahoma, Oregon, Pennsylvania, South Dakota, Utah, Vermont, Virginia, and Washington.

⁸ Alabama, Alaska, Arkansas, Connecticut, Hawaii, Louisiana, Maryland, Massachusetts, Minnesota, Missouri, Montana, Nebraska (except for placements with grandparents), New Jersey, New York, North Dakota, Rhode Island, South Carolina, Tennessee, and Wisconsin.

⁹ Arkansas, Connecticut, Maryland, Massachusetts, Minnesota, Montana, Nebraska, New Jersey, North Dakota, and Rhode Island.

¹⁰ Arizona, Illinois, Indiana, Michigan, Nebraska (for placements with grandparents only), Virginia, and Washington.

¹¹ Florida, Kansas, Kentucky, and Texas.

¹² Arizona, Colorado, Connecticut, Delaware, Florida, Georgia, Iowa, Mississippi, Nevada, North Dakota, Ohio, Texas, and Wisconsin.

Placement of Siblings

which the child is eligible, such as Medicaid. Benefits can include monthly stipends for child care, clothing, transportation, and other expenses and one-time payments to cover the purchase of furniture and other items needed to accommodate the child.

The Fostering Connections to Success and Increasing Adoptions Act of 2008 (P.L. 110-351) amended title IV-E State plan provisions to require that State 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.¹³

Approximately 35 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.¹⁴ In 29 States and Puerto Rico, siblings who cannot be placed together must be given opportunities for visits and/or other contact or communication.¹⁵

Adoption by Relatives

In approximately 10 States, State agencies must give preference to relatives when making adoptive placements for children in their custody.¹⁶ However, in four 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

¹³ 42 U.S.C. § 671(a)(31) (LexisNexis 2013).

¹⁴ Alaska, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Georgia, Hawaii, Illinois, Iowa, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, Texas, Virginia, Washington, West Virginia, and Wisconsin.

¹⁵ Arizona, California, Connecticut, Florida, Georgia, Hawaii, Indiana, Iowa, Maine, Maryland, Massachusetts, Minnesota, Missouri, Nebraska, New Hampshire, New Jersey, New Mexico, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, Texas, Utah, Virginia, Washington, and Wisconsin.

¹⁶ Arkansas, California, Illinois, Massachusetts, Minnesota, Nebraska, Ohio, Oregon, Washington, and Wisconsin.

or she becomes available for adoption, the nonrelative foster parent may be given first preference to adopt.¹⁷

In approximately 33 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.¹⁸ In 14 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.¹⁹ Approximately 23 States require a criminal records check of the adopting relatives and other adult household members.²⁰

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.

Suggested Citation

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¹⁷ California, Missouri, New York, and Tennessee.

¹⁸ Alabama, Alaska, Arizona, Arkansas, California, Colorado, Florida, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Michigan, Mississippi, Montana, New Hampshire, New Jersey, New Mexico, North Carolina, North Dakota, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Utah, Vermont, and Virginia.

¹⁹ Alabama, Alaska, California, Colorado, Delaware, Florida, Louisiana, Missouri, New Hampshire, New Mexico, New York, North Dakota, Tennessee, and Virginia.

²⁰ Arkansas, California, Colorado, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maine, Massachusetts, Minnesota, Missouri, Nebraska, New Hampshire, New Jersey, New Mexico, North Carolina, North Dakota, Ohio, Rhode Island, Texas, Utah, and Vermont. For more information on the requirements for criminal background checks for foster and adoptive parents, see Information Gateway's *Criminal Background Checks for Prospective Foster and Adoptive Parents* at https://www.childwelfare.gov/systemwide/laws_policies/statutes/background.cfm.

Alabama

Relative Placement for Foster Care and Guardianship

Citation: Ala. Code § 38-12-2

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.

Requirements for Placement With Relatives

Citation: Ala. Code §§ 38-12-2; 38-12-3; 38-12-14

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

Relative Placement for Foster Care and Guardianship

Citation: Alaska Stat. § 47.14.100

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

- 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

Requirements for Placement With Relatives

Citation: Alaska Stat. § 47.14.100; Admin. Code Tit. 7, § 50.055

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.

In regulation: An abbreviated procedure may be applied in granting a variance for a requirement contained in this chapter for a foster home headed by a relative of a child. This procedure applies only for the specific relative child or children. If a different relative or a nonrelative child is to be received in the home, any variance granted must be reviewed and approved by the division.

In evaluating a relative applicant for a license, the licensing representative will discuss with the applicant and document any recommended variance from a requirement. The supervisor will review the evaluation to ensure the health, safety, and well-being of the child is protected and, if approved, will forward the license for issuance under regular procedures.

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

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

The Department of Economic Security may place a child with a parent or relative. 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 Economic Security 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.

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

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 a child only for 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 care
- 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

Relative Placement for Foster Care and Guardianship

Citation: Ann. Code §§ 9-28-105; 9-28-107

In all custodial placements for foster care made by the Department of Human Services, preferential consideration shall be given to an adult relative over a nonrelated caregiver.

The department shall exercise due diligence to identify and provide notice to all grandparents and other adult relatives of a child transferred to the custody of the department. The notice shall:

- Be given within 30 days after the child is transferred to the custody of the department
- Include grandparents or adult relatives suggested by the parent or parents of the child

The required notice shall state:

- That the child has been or is being removed from the parent
- The option to participate in the care of the child, placement with the child, and visits with the child
- That failure to respond to the notice may result in loss of options listed above
- The requirements to become a provisional foster home and the additional services and supports that are available for children in a foster home
- How the relative could enter into a kinship guardianship agreement with the department if kinship guardianship is available

The department may provide notice of a child transferred to the custody of the department to persons who have a strong, positive emotional tie to the child and have a positive role in the child's life but are not related by blood, adoption, or marriage.

Requirements for Placement With Relatives

Citation: Ann. Code §§ 9-28-105; 9-28-107; Code of Rules 016 15 017, § 1

The relative caregiver must meet all relevant child protection standards, and it must be in the child's best interests to be placed with the relative caregiver.

The department is not required to give notice to a grandparent or other adult relative if the grandparent or other adult relative has:

- A pending charge, past conviction, or plea of guilty or nolo contendere for family or domestic violence
- A true finding of child maltreatment in the child maltreatment central registry

In regulation: A relative is a person who is within the fifth degree of kinship to the child by virtue of blood, adoption, or marriage. The department may place a child in foster care with a relative if one has been identified and is appropriate. This type of placement is classified as a provisional foster home. A provisional foster home enables the department to make a quick placement for a child with a relative with whom a bond already exists. Provisional foster homes must meet certain requirements, including an expedited central registry check, an expedited criminal record check, a vehicle safety check, and a visual inspection of the home to verify that the relative and the home meet standards.

Once opened as a provisional foster home, the provisional foster parents must work to bring the home into full compliance with foster licensing requirements within 6 months. Provisional foster homes that are not in full compliance at the end of 6 months must be closed and the children removed, unless the relative has been granted permanent custody by the court. Provisional foster homes will not be paid a board payment until the relative meets all of the licensing requirements and standards and is reclassified as a regular foster home.

Requirements for Placement of Siblings**Citation: Ann. Code § 9-28-108**

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 not related to a child by blood or marriage but who has a strong positive emotional tie to a child and has a positive role in the child's life, such as a godparent, neighbor, or family friend.
- '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 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 home of the relative or fictive kin is not fully licensed as a foster home after 6 months, the department shall remove the child and any siblings or stepsiblings from the home, or the court shall remove custody of the child and any siblings or stepsiblings from the department and grant custody to the relative or fictive kin.

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 and older, excluding children in foster care
- A child maltreatment central registry check for all household members age 10 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

Relative Placement for Foster Care and Guardianship

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

In any case in which a child is removed from the physical custody of his or her parents pursuant to § 361, preferential consideration shall be given to a request by a relative of the child for placement of the child with the relative, 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. However, only the following relatives shall be given preferential consideration for the placement of the child: an adult who is a grandparent, aunt, uncle, or sibling.

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, 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)

In determining whether placement with a relative is appropriate, the county social worker and 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

For a relative to be considered appropriate to receive placement of a child, the relative's home shall first be approved pursuant to the process and standards described in § 309(d). An assessment of the relative's suitability 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
- The results of a criminal records check
- 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 been convicted of a crime for which an exemption cannot be granted, the child shall not be placed in the home. If the criminal records check indicates that the person has been convicted of a crime for which an exemption may be granted, the child shall not be placed in the home unless an exemption has been granted by the county based on substantial and convincing evidence to support a reasonable belief that the person with the conviction is of good character and does not present a risk of harm to the child.

Requirements for Placement of Siblings**Citation: Welf. & Inst. Code §§ 306.5; 358.1**

In any case in which 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 are also detained. 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.

Each social study or evaluation made by a social worker shall include, but not be limited to, a factual 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 the sibling relationships
- If the siblings are not placed together in the same home, why the siblings 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, the frequency and nature of the visits between siblings
- The impact of the sibling relationships on the child's placement and planning for legal permanence

The report shall include a discussion of indicators of 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**

If the prospective adoptive parent of a child is a foster parent with whom the child has lived for a minimum of 6 months or a relative caregiver who has had an ongoing and significant relationship with the child, an assessment or home study of the prospective adoptive parent may require only the following:

- A criminal records check
- A determination that the prospective adoptive parent has sufficient financial stability to support the child and ensure that any 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 prospective adoptive parent has not abused or neglected the child while the child has been in his or her care and will likely not abuse or neglect the child in the future
- A determination that the prospective adoptive parent can address racial and cultural issues that may affect the child's well-being
- Interviews with the relative caregiver or foster parent, each individual residing in the home, and the child to be adopted

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, county adoption agency, or licensed adoption 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**Relative Placement for Foster Care and Guardianship****Citation: Rev. Stat. §§ 19-3-508(b)(I); 19-3-605; 12 Code of Regs. 2509-4, § 7.304**

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.

In regulation: When the county department has assumed legal authority for placement or taken legal custody of a child and out-of-home placement is necessary, the county department shall determine whether there are available and willing kin to provide for the child. If kin are available and willing, the county department shall assess the suitability of kin in accordance with the foster care certification requirements found at Sections 7.500 and 7.708.

Requirements for Placement With Relatives**Citation: Rev. Stat. §§ 19-3-403; 19-3-406; 12 Code of Regs. 2509-4, § 7.304**

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.

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

In regulation: Requirements for approving kinship care services when the department has not assumed legal authority for placement or taken legal custody include:

- When the child's parents do not pose an ongoing threat to the child, the department shall enable the family to make voluntary arrangements for temporary custody or guardianship by kin.
- The department is not required to complete the kinship care or foster care certification process in these cases. A family assessment may be completed to determine the character and suitability of the family, appropriateness of the home, and child care practices.
- The department shall complete a background check in all cases for each adult living in the home for the following:
 - » Child abuse/neglect records in every State where the adult has resided in the preceding 5 years
 - » Fingerprint-based criminal history checks

In the decision-making process, funding and support options that encourage kinship care as a form of family preservation rather than a placement service shall be a primary consideration. If the kinship caregivers meet all of the standards for family foster home certification, they may choose to be certified as a family foster home. Kinship providers for title IV-E eligible children are entitled to the same level of reimbursement as nonrelated providers.

Relative kinship care providers shall be informed about the relative guardianship assistance program.

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**Relative Placement for Foster Care and Guardianship****Citation: Ann. Stat. §§ 17a-126; 17a-101m**

A relative caregiver is a person related to and caring for a child because the parent of the child has died or has become otherwise unable to care for the child for reasons that make reunification with the parent and adoption not viable options within the foreseeable future.

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; 17a-98a**

No child shall be placed with any person unless such person is licensed for that purpose.

Each applicant for licensure and any person age 16 or older living in the household of such applicant must submit to State and national criminal history records checks prior to issuing a license.

The commissioner may place a child with a relative who is not licensed, an unlicensed nonrelative if the child is being placed with a sibling who is related to the caregiver, or, if the child is age 10 or older, with a special study foster parent for a period of up to 90 days when:

- The placement is in the best interests of the child.
- A satisfactory home visit is conducted.
- A basic assessment of the family is completed.
- The 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, nonrelative, or special study foster parent who accepts placement of a child shall be subject to licensure by the commissioner. The commissioner may grant a waiver from such regulations for a child placed with a relative on a case-by-case basis, including any standard regarding separate bedrooms or room-sharing arrangements, if such placement is otherwise in the best interests of such 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 such regulations.

The department shall establish a kinship navigator program to ensure that:

- The department informs the relative caregiver of the procedures to become licensed as a foster parent.
- Grandparents and other relatives caring for a minor child are provided with information on the array of State services and benefits for which they may be eligible.

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 of Children and Families 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

This issue is not addressed in the statutes reviewed.

Requirements for Adoption by Relatives

This issue is not addressed in the statutes reviewed.

Delaware**Relative Placement for Foster Care and Guardianship****Citation: Ann. Code Tit. 10, § 901; Tit. 31, § 356**

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.

The Department of Services for Children, Youth and Their Families (DSCYF) and the Department of Health and Social Services shall establish and operate the Kinship Care Program that promotes the placement of children with relatives when a child needs out-of-home placement, when such placement is in the best interests of the child, and the child is not in the custody or care of the State.

Requirements for Placement With Relatives**Citation: Ann. Code Tit. 31, § 356**

Guidelines for eligibility for benefits and services under the Kinship Care Program include:

- The caregiver must have guardianship of the child or actively pursue guardianship.
- The child must reside in the home of the caregiver.
- The caregiver must have income of no more than 200 percent of the Federal poverty level.
- The parent(s) of a child may not reside in the home of the kinship caregiver.

DSCYF, in cooperation with the Department of Health and Social Services, shall establish and administer an emergency fund for eligible kinship caregivers who may receive a one-time emergency financial subsidy, within the limits of available funding, to assist in purchasing clothes, furniture, and other items necessary to prepare the household to accommodate the child or children.

Requirements for Placement of Siblings**Citation: Admin. Code § 9-200-201 (Rule 118)**

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. 31, § 351(1)**

DSCYF shall not be required to give its consent, written or otherwise, for the placement of a dependent child if the child is placed in the home of an adult individual who is by marriage, blood, or adoption the child's great-grandparent, stepgrandparent, great-uncle or great-aunt, half-brother or half-sister, stepbrother or stepsister, stepparent, stepuncle or steppaunt, or first cousin once removed.

Requirements for Adoption by Relatives**Citation: Ann. Code Tit. 13, §§ 904; 912; 913**

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, but 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

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.

Requirements for Adoption by Relatives (Continued)**Citation: Ann. Code Tit. 13, §§ 904; 912; 913**

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**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**Relative Placement for Foster Care and Guardianship****Citation: Ann. Stat. §§ 39.401; 39.5085; 39.6231**

If the Department of Children and Family Services 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. The purpose of the review is 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.

If a court finds that reunification or adoption are not in the best interests of a child, the court may place the child with a fit and willing relative.

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.

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

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-15.021(3)(d); 65C-30.006(5)**

The child-placing agency shall select the most appropriate service for the child, consistent with the child's and family's need. When selecting care, the agency shall take into consideration a child's racial, cultural, ethnic, religious heritage, and sibling relationships and shall preserve them to the extent possible without jeopardizing the child's right to care or to a permanent family.

The caseworker 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

Relative Placement for Foster Care and Guardianship

Citation: Ann. Code §§ 15-11-2; 15-11-211; 15-11-212

Effective January 1, 2014: 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.

When the case plan requires a concurrent permanency plan, the court shall review the reasonable efforts of DFCS to recruit, identify, and make a placement in a home in which a relative of the child, a foster parent, or other person who has demonstrated an ongoing commitment to the child has agreed to provide a legally permanent home for such child in the event reunification efforts are not successful.

Requirements for Placement With Relatives

Citation: Ann. Code § 15-11-211

Effective January 1, 2014: 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)

Effective January 1, 2014: The term 'sibling' means a person with whom a child shares 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 the protective custody of DFCS, such 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 why such efforts are not appropriate. If siblings are not placed together, DFCS shall provide for frequent visits or other ongoing interaction between siblings, unless DFCS documents that such frequent visits 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**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 other 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

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

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

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, § 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

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

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**Relative Placement for Foster Care and Guardianship****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 of Child and Family Services or have been adopted and are subsequently returned to the temporary custody or guardianship of the department, a relative also may 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 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.

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 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.

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.

Whenever a child enters care or requires a new placement, the department shall consider the development and preservation of sibling relationships. 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.

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 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

Indiana**Relative Placement for Foster Care and Guardianship****Citation: Ann. Code §§ 31-34-3-4.5; 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 as required under 42 U.S.C. 671(a) (29)
- 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 by the department
- Set forth the options the relative may have under Federal, State, or local 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

If a child alleged to be a child in need of services is taken into custody under an order of the court, and the court orders out-of-home placement, 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 §§ 31-27-4-9; 31-34-4-2**

A person may operate a foster family home without a license if the person is providing care only for one or more individuals related to the person, although the person may choose to apply for licensure. If an applicant otherwise qualifies for a foster family home license, the department may issue a foster family home license to the applicant.

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 felony listed in § 31-27-4-13 or had a juvenile adjudication for an act that would be a felony 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 felony listed in § 31-27-4-13 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**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**Citation: Ann. Code § 232.102**

A person to whom custody of the child has been transferred pursuant to this section shall file a written report with the court at least every 6 months concerning the status and progress of the child.

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 such placement, 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**Relative Placement for Foster Care and Guardianship****Citation: Ann. Stat. §§ 38-2202(q); 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.

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.

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(aa)**

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**Relative Placement for Foster Care and Guardianship****Citation: Rev. Stat. §§ 620.090; 620.140**

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

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

Before a child can be placed in the home of a relative caregiver, a criminal background check of the relative and all adult household members must be completed.

To the extent that funds are available, the cabinet may establish a program for kinship care that provides a more permanent placement with a qualified relative for a child who would otherwise be placed in foster care.

Requirements for Placement of Siblings

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

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. Before a child can be placed in the home, the secretary will require a criminal background check of the relative and all adult household members.

Louisiana**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 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
- 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

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

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 a parent having parental rights.
- 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.

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.

Maine**Relative Placement for Foster Care and Guardianship****Citation: Rev. Stat. Tit. 22, § 4062**

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; 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. Each petitioner who is not a biological relative must undergo a State and Federal criminal records check that includes a screening for child abuse cases.

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

Maryland

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 placement 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 §§ 5-561; 5-534; Code of Regs. § 07.02.25.11

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

A kinship parent must be at least age 21. If the kinship parent is at least age 18 and married to a person who is at least age 21, the department may waive this requirement.

In regulation: 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.

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**Relative Placement for Foster Care and Guardianship****Citation: Ann. Laws Ch. 15D, § 6; Code of Rules Tit. 110, § 7.101**

The child may be placed with a relative or long-term friend of the child's family.

In regulation: The Department of Children and Families shall consider, consistent with the best interests of the child, the following placement resources in the following order:

- Placement with a kinship family
- Placement with a child-specific family
- Placement in a family foster care home where the child was previously placed
- Placement in family foster care
- Placement in a shelter/short-term program or group home
- Placement in community residential care

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
- The department's process for considering kin placements when more than one kin applies at the same time

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; 26; 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 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**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 § 722.118b; Admin. Code R 400.12404**

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 such a 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.

In regulation: In selecting an appropriate placement for a child, an agency shall consider the following factors:

- The permanency goal for the child
- The physical, emotional, and educational needs of the child
- The expressed preferences of the foster child
- Placement of the child with relatives
- Placement of the child with siblings
- The continuity of relationships, including relationships with parents, siblings, relatives, foster parents, and other persons significant to the child

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

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.

Requirements for Placement With Relatives (Continued)**Citation: Ann. Stat. §§ 245A.035; 260C.209**

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

Relative Placement for Foster Care and Guardianship

Citation: Ann. Code § 43-15-13

When the Department of Human 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 §§ 43-1-63; 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.

For a child placed in the care of the child's relative within the third degree by the State or a county Department of Human Services, 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 Tit. 67, §7315(G)(3)(d)

When selecting an adoptive family, placement of siblings as a family group is usually the preferred placement choice unless contraindicated by:

- Assessment of the nature of sibling relationships
- The likelihood that placement would be unduly delayed by waiting for a family who will accept all of the children in a sibling group
- The existence of significant affectionate attachment between a child and foster parents who wish to adopt only the member of the sibling group already placed in their home

The child-placing agency may agree to [separating siblings who are in different foster placements] when an assessment indicates that the child's psychological bond to the foster parents is so strong that it is more important to the child than the sibling relationship. In this situation, an assessment must be made of the foster parents' willingness to maintain sibling contact after finalization of the adoption.

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 §§ 93-15-107; 93-17-11; 93-17-13

For a child who is in the legal custody of the Department of Human Services and has been in the physical custody of a relative, the department may pay the costs of adoption proceedings initiated by relatives if they are unable to pay such costs.

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**Relative Placement for Foster Care and Guardianship****Citation: Ann. Stat. §§ 210.565; 453.325**

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 within the third degree. 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 and relatives
- A trusted adult that has a preexisting relationship with the child, such as a godparent, teacher, neighbor, or fellow parishioner who voluntarily agrees to care for the child
- 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, that 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**Relative Placement for Foster Care and Guardianship****Citation: Ann. Code § 43-1-101**

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.

Requirements for Placement With Relatives**Citation: Ann. Code § 43-1-101; 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

Requirements for Placement With Relatives (Continued)**Citation: Ann. Code § 43-1-101; Admin. Rules § 37.51.207**

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**Relative Placement for Foster Care and Guardianship****Citation: Ann. Stat. §§ 43-533; 43-1508**

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:

- A member of the Indian child's extended family
- A foster home licensed, approved, or specified by the Indian child's Tribe
- An Indian foster home licensed or approved by an authorized non-Indian licensing authority
- An institution 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

Requirements for Placement With Relatives**Citation: Ann. Stat. § 71-1904; Admin. Code Tit. 474, § 6-003.3A**

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, Public Law 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 With Relatives (Continued)**Citation: Ann. Stat. § 71-1904; Admin. Code Tit. 474, § 6-003.3A**

In regulation: Foster care services provided by grandparents to their grandchildren are not required by State law to be licensed, but the grandparents may voluntarily apply for a license.

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**

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:

- A member of the child's extended family
- Other members of the Indian child's Tribe
- Other Indian families

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, except that for 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 register for any history of the petitioner of behavior injurious to, or that may endanger the health or morals of, a child.

Nevada

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**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 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**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 § 10:122C-2.1**

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: An applicant seeking to provide kinship care may be approved by the department to care for a child prior to the issuance of a license, provided that all of the following conditions are met:

- A life/safety inspection of the home reveals no health, safety, or fire hazards in the physical facility of the home and the premises where the home is located.
- A check of the department's records of child abuse and neglect reveals that no adult residing in the home has been responsible for an incident of sexual abuse of a child, has been responsible for an incident of child abuse or neglect that caused serious injury or harm to a child, has caused death to a child through abuse or neglect, or has put a child at risk of serious injury or harm.
- A check of court records reveals that no person residing in the home has been convicted of a crime specified in Statutes § 30:4C-26.8.
- The applicant submits a Resource Family Parent Home Study/Licensing Application within 5 days following the placement of a child in the home.

The department shall begin the home study immediately after approving the application. If the application is denied, the department shall identify an appropriate alternative placement for the child.

Requirements for Placement of Siblings**Citation: Admin. Code §§ 10:46B-3.4; 10:122D-1.4**

When a child is placed outside his or her own home, he or she shall be placed with a relative whenever possible. To the extent possible, the child shall be placed with his or her siblings except where the child's medical condition or disability would make such a placement clinically inappropriate.

A written visiting 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 visiting plan is included in the case plan and 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**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 holding a dispositional hearing, the court shall direct that a predisposition study and report be submitted in writing to the court by the department. The predisposition study shall determine:

- Whether the child has a family member who, subsequent to study by the department, is determined to be 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 of 1978 [25 U.S.C. § 1901, et seq.] or the placement preferences of the child's Indian Tribe were followed and whether the child's treatment 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, provided that the Children, Youth and Families Department grants consent to the guardianship if the child is in the legal custody of the department. 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.

Relative Placement for Foster Care and Guardianship (Continued)**Citation: Ann. Stat. §§ 32A-4-21; 32A-4-27; 32A-4-31; 32A-4-9; 40-10B-3**

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-15-3**

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**Relative Placement for Foster Care and Guardianship****Citation: Fam. Ct. Act §§ 1017; 1055-b**

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 suitable relatives 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 commissioner shall inform the relatives of the pendency of the proceeding and of the opportunity for becoming foster parents or for seeking custody or care of the child.

At the conclusion of the dispositional hearing, the court may grant custody or guardianship of the child to a relative or other suitable person if:

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

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 remanded to or 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.

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**Relative Placement for Foster Care and Guardianship****Citation: Gen. Stat. §§ 7B-505; 7B-903**

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

- A licensed foster home
- A facility operated by the department
- Any other home or facility, including a relative's home approved by the court

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 does not place the child with a relative, the court may consider whether nonrelative kin is willing and able to provide proper care and supervision of the child in a safe home. Nonrelative kin is an individual having 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. 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 the placement is in the child's best interests.

In placing a child in out-of-home care, the court shall first consider whether a relative of the child is willing to provide care for the child.

Requirements for Placement With Relatives**Citation: Gen. Stat. §§ 7B-505; 7B-903**

The relative must be 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 the placement is contrary to the best interests of 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, 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 if the child is placed directly with a relative.

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**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, which relationship may derive from a marriage or former marriage
- 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 under chapter 50-11.3, and this person must be qualified under chapter 30.1-27 to act as legal guardian.

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.

Requirements for Placement With Relatives (Continued)**Citation: Cent. Code §§ 27-20-02; 50-11-01; Admin. Code § 75-02-01.2-02.2**

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 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.

Within the limits established by the department, supportive services may provide reimbursements for child care expenses, transportation, clothing, and activity fees.

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:

- 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, 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

These issues are not addressed in the statutes reviewed.

Ohio

Relative Placement for Foster Care and Guardianship

Citation: Rev. Code § 5101.85; 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

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.

The agency shall place children only in substitute care settings that are licensed, certified, or approved by the agency of the State that has responsibility for licensing, certifying, or approving facilities of the type in which the child is placed or in homes of relatives or nonrelatives.

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
- 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**

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**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 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.

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

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 413-120-0710(12)(a)-(c)
- A relative as defined in rule 413-120-0710(12)(d), or a current caretaker, or both
- A current caretaker and a general applicant, when a determination has been made under rule 413-120-0580(2)(b) (B)
- Except as provided above, a general applicant
- When identifying potential adoptive resources for a child, the child's caseworker may:
 - After discussion with his or her supervisor and on a case-by-case basis, consult with a birth parent to identify one to three potential adoptive resources
 - Provide a birth parent with nonidentifying information from the adoption home study of a potential adoptive resource who is a general applicant not known to the parent or child

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 of Human Services considers relatives among both maternal and paternal family members who have expressed an interest and chooses up to a total of three families for adoption home studies, to be conducted by either the department or another public or private agency.

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 be able to meet the current and lifelong needs of the child from:
 - » 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 under consideration for adoption
 - » Have the capacity to meet the current and lifelong safety, permanency, and well-being needs of the child

Pennsylvania

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.

When a child must be placed in foster care, first consideration shall be given to a relative of the child. A relative is an individual who is related within the fifth degree to the child or stepchild and who is at least age 21.

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 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. The county agency shall document that an attempt was made to place the child with a relative. If the child is not placed with a relative, 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**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**Relative Placement for Foster Care and Guardianship****Citation: Gen. Laws § 40-11-12.2; Code of Rules § 03-000-021; 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: A kinship foster parent is an adult head of household, also referred to as caregiver, who is granted a license by the Department of Children, Youth, and Families (DCYF) to provide foster care for a related child in care or a child with whom the adult has a kinship bond. The kinship foster parent may be a relative or a member of the child's family support system, such as a godparent, close family friend, or member of the child's community. There may be one or two kinship foster parents in the household.

DCYF gives utmost consideration to placing a child in a relative or kinship foster home prior to seeking a nonrelative placement.

Requirements for Placement With Relatives**Citation: Code of Rules § 03-000-021**

Prospective foster and adoptive parents are subject to the same licensing process, including screening, interview, home study, training, and background checks. The Foster Care and Adoption License allows a licensed caregiver to transition to or from the role of foster or adoptive parent without requiring a new home study or additional training. The application process is similar for both kinship and nonkinship providers.

DCYF provides monthly foster maintenance payments to kinship homes pending licensing as soon as background clearances, including nationwide fingerprint checks, are received for a period not to exceed 6 months from the date of placement. If the home is not licensed within this timeframe, the foster maintenance payment may be terminated. Foster care maintenance payments for a child in care may cover the cost of providing food, clothing, shelter, daily supervision, school supplies, a child's personal incidentals, liability insurance with respect to the child, reasonable travel to the child's home for visits with family or other caregivers, and reasonable travel for the child to remain in the school in which the child is enrolled at the time of placement.

Requirements for Placement of Siblings**Citation: Code of Rules § 03-007-001; 03-009-001**

Siblings who are placed in foster care should maintain contact with each other to have continuity in their relationships, as follows:

- Sibling visits should be seen as part of the overall case plan
- Sibling visits are an integral part of the assessment of family relationships and the determination of the feasibility of established goals.
- The determination of the appropriateness of continued sibling visits is independent of the proceeding for termination of parental rights.

It is the policy of DCYF to provide the child with an out-of-home placement that is least disruptive to the child and family, including placing siblings together, unless the serious specific needs of one or more child justifies separation. This policy offers the child the most familiar and familylike setting possible, and encourages and promotes stability and permanency for the child.

Relatives Who May Adopt**Citation: Gen. Laws § 15-7-2**

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.

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**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**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**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(42); 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**Relative Placement for Foster Care and Guardianship****Citation: Fam. Code §§ 264.751; 264.752**

In this subchapter:

- The term ‘designated caregiver’ means an individual who has a longstanding and significant relationship with a child for whom the department has been appointed managing conservator and who:
 - » Is appointed to provide substitute care for the child but is not licensed or certified to operate a foster home, foster group home, agency foster home, or agency foster group home
 - » Is subsequently appointed permanent managing conservator of the child after providing care for the child
- The term ‘relative caregiver’ means a relative who:
 - » Provides substitute care for a child for whom the department has been appointed managing conservator but who is not licensed or certified to operate a foster home, foster group home, agency foster home, or agency foster group home
 - » Is subsequently appointed permanent managing conservator of the child after providing care for the child

The Department of Family and Protective Services (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

Requirements for Placement With Relatives**Citation: Fam. Code §§ 264.753; 264.754; 264.755**

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

Before placing a child, DFPS must conduct an investigation to determine whether the proposed placement is in the child’s best interests.

DFPS, subject to the availability of funds, shall enter into a caregiver assistance agreement with each caregiver to provide monetary assistance and additional support services.

Upon initial placement of a child or sibling group, a one-time cash payment shall be made to assist the caregiver in purchasing essential child care items such as furniture and clothing. The amount of the cash payment may not exceed \$1,000 for each child.

Monetary assistance and additional support services may include:

- Case management services and training and information about the child’s needs
- Referrals to public benefits or assistance programs for which the child or the caregiver may qualify
- Family counseling, not provided under Medicaid, for the caregiver’s family for up to 2 years after the initial placement
- If the caregiver meets eligibility criteria, reimbursement of all child care expenses while the child is under age 13, or under age 18 if the child has a developmental disability
- If the caregiver meets eligibility criteria, reimbursement of 50 percent of child care expenses after the caregiver is appointed permanent managing conservator
- Up to \$500 per year for each child for other expenses

Each caregiver who seeks assistance for daycare first must attempt to find appropriate daycare services for the child through community services, including Head Start programs, prekindergarten classes, and early education programs offered in public schools.

Requirements for Placement of Siblings**Citation: Fam. Code § 263.008; Admin. Code Tit. 40, §§ 700.1309; 700.1327; 700.1109**

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.

A child must have a reasonable opportunity for sibling visits and contacts in an effort to preserve sibling relationships. The caseworker must address plans for sibling visits and contacts in the child's record.

If barriers to visits exist, such as unavoidable geographic distance and expense issues, the caseworker must make provisions for sibling contact through letters, telephone calls, or some other means.

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**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

Relative Placement for Foster Care and Guardianship (Continued)**Citation: Ann. Code § 78A-6-307**

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. In the case of a child identified as an Indian under the Indian Child Welfare Act (25 U.S.C. § 1903), 'relative' also means an extended family member as defined by that statute.

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: Admin. Code R512-300-4**

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 evaluation is otherwise requested by the court. The prospective adoptive parent shall obtain the following information:

- Criminal history record information 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

Vermont**Relative Placement for Foster Care and Guardianship****Citation: Ann. Stat. Tit. 33, §§ 5307; 5308**

The Department for Children and Families 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 to protect the welfare and safety of the child, including, in order of preference:

- Returning legal custody of the child to the custodial parent
- Transferring temporary legal custody to a noncustodial parent
- Transferring temporary legal custody of the child to a relative, provided:
 - » The relative seeking legal custody is a grandparent, great-grandparent, aunt, great-aunt, uncle, great-uncle, stepparent, sibling, or step-sibling of the child.
 - » The relative is suitable to care for the child.
- Transferring temporary legal custody of the child to a relative who is not listed above or to a person with a significant relationship with the child
- Transferring temporary legal custody of the child to the commissioner

Requirements for Placement With Relatives**Citation: Ann. Stat. Tit. 33, §§ 5308; 5318**

In determining suitability of a relative to care for the child, the court shall consider the relationship of the child and the relative and the relative's ability to:

- Provide a safe, secure, and stable environment
- Exercise proper and effective care and control of the child
- Protect the child from the custodial parent to the degree the court deems such protection necessary
- Support reunification efforts, if any, with the custodial parent
- Consider providing legal permanence if reunification fails

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**Relative Placement for Foster Care and Guardianship****Citation: Ann. Code Tit. 33, §§ 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. 33, § 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**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

Requirements for Placement With Relatives (Continued)**Citation: Ann. Code §§ 16.1-281; 63.2-900.1**

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. However, the department may grant a variance from such requirements and allow the placement of a child with a kinship foster care provider when it is determined that:

- The requirement would impose a substantial hardship on the kinship foster care provider.
- The variance would not adversely affect the safety and well-being of the 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.

Requirements for Adoption by Relatives (Continued)**Citation: Ann. Code §§ 63.2-1242.2; 63.2-1242.3**

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**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**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 § 49-2-14**

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, or 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**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 \$226 per month beginning on January 1, 2014, and \$232 per month beginning on January 1, 2015, to a kinship care relative who is providing care and maintenance for a child. The department shall make monthly payments for each child in the amount of \$220 per month to a long-term kinship care relative.

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.

A long-term kinship care relative must meet the conditions listed above and provide proof that he or she has been appointed as the guardian of the child. In addition, the relative will enter into a written agreement to provide care and maintenance for the child until the earliest of the following dates:

- The child reaches age 18, the date on which the child is granted a high school or high school equivalency diploma if on that date the child is a full-time student in good academic standing at a secondary school or its vocational or technical equivalent and is reasonably expected to complete his or her program of study and be granted a high school or high school equivalency diploma, or the child reaches age 19, whichever occurs first.
- The child dies.
- The child is placed outside the long-term kinship care relative's home under a court order or voluntary agreement.
- The child ceases to reside with the relative.
- The long-term kinship care guardianship terminates.
- The child moves out of the State.

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.

Relatives Who May Adopt (Continued)**Citation: Ann. Stat. § 48.02**

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**Relative Placement for Foster Care and Guardianship****Citation: Code of Rules § 049-241-002**

Youth who need placement shall:

- Be placed in the least restrictive setting that most clearly approximates a family environment and in which the youth's needs will be met
- Be placed within reasonable proximity to their home, taking into account any special needs of the youth and family and availability of the service resources needed for the youth and family
- Be placed in the home of a relative when the youth can benefit from the relationship among the parents, the relative, and the youth

Requirements for Placement With Relatives**Citation: Code of Rules § 049-241-002**

Relative home care shall be explored for all youth for whom the Department of Family Services is legally responsible who need a family-structured living arrangement. Placement shall be made only with relative caregivers approved by the department.

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

