



# 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.”<sup>1</sup> 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), that the child

<sup>1</sup> 42 U.S.C. § 671(a)(19) (LexisNexis 2010). 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.

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has been or is being removed from the custody of his or her parents, explains the options the relative has to participate in the care and placement of the child, and describes the requirements to become a foster parent to the child.<sup>2</sup>

Approximately 41 States and Puerto Rico give preference or priority to relative placements in their statutes.<sup>3</sup> In nine States, the statutes specifically require State agencies to make reasonable efforts to identify and locate a child's relative when out-of-home placement is needed.<sup>4</sup> Approximately four States, Guam, the Northern Mariana Islands, and the Virgin Islands do not address the issue of the placement of children for foster care with relatives in their statutes.<sup>5</sup> The remaining States use statutory language such as "may consider" placement with relatives.

## Preference to Relatives

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, eight States allow members of the child's Tribe to be considered "extended family members" for placement purposes.<sup>6</sup>

In most States, the placing agency must do an assessment to determine that the relative is "fit and willing" to provide a suitable placement for the child, able to ensure the child's safety, and able to meet the child's needs. Three States require the relative to complete requirements for licensure as a foster

<sup>2</sup> 42 U.S.C. § 671(a)(29) (LexisNexis 2010), as amended by the Fostering Connections to Success and Increasing Adoptions Act of 2008.

<sup>3</sup> The word *approximately* is used to stress the fact that States frequently amend their laws. This information is current only through July 2010. Alabama, Alaska, Arizona, Arkansas, California, Colorado, 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, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Utah, Virginia, Washington, and Wisconsin address preference for relative placements in their statutes.

<sup>4</sup> California, Illinois, Indiana, Iowa, Minnesota, Missouri, New Jersey, New York, and Oregon.

<sup>5</sup> South Dakota, Vermont, West Virginia, and Wyoming.

<sup>6</sup> Minnesota, Missouri, Nebraska, New Mexico, Oklahoma, Oregon, Utah, and Washington.

parent.<sup>7</sup> Illinois and Wisconsin require the relative to be licensed before he or she can receive foster care assistance payments. Approximately 21 States and the District of Columbia require relatives to undergo a criminal background check that may include all adult members of the household.<sup>8</sup>

## Financial Support

Approximately 15 States and the District of Columbia have established kinship care or relative caregiver programs to provide relatives with benefits to help offset the cost of caring for a placed child.<sup>9</sup> Statutes in 13 States address foster care payments and financial support for kin caregivers.<sup>10</sup> In these States, if a relative meets the qualifications for being a foster parent, he or she may receive payments at the full foster care rate and any other benefits available to foster parents, whether in money or services.

## Adoption by Relatives

In approximately seven States, State agencies must give preference to relatives when making adoptive placements for children in their custody.<sup>11</sup> 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 or she becomes available for adoption, the nonrelative foster parent may be given first preference to adopt.<sup>12</sup>

In approximately 31 States, when a parent makes a direct placement of the child with a relative, the laws provide for a streamlined adoption process, such as not requiring a preplacement assessment or home study unless specifically ordered by the court.<sup>13</sup> In 12 States, the child must have resided

<sup>7</sup> Connecticut, Minnesota, and South Carolina.

<sup>8</sup> Alabama, Alaska, Arizona, California, Colorado, Connecticut, Illinois, Indiana, Kentucky, Louisiana, Maryland, Massachusetts, Minnesota, Mississippi, North Dakota, South Carolina, Tennessee, Texas, Utah, Washington, and Wisconsin.

<sup>9</sup> Alabama, Arizona, Connecticut, Delaware, Florida, Kentucky, Louisiana, Maryland, Mississippi, Nevada, Oklahoma, South Carolina, Tennessee, Texas, and Wisconsin.

<sup>10</sup> Alabama, Arizona, Connecticut, Florida, Illinois, Louisiana, Mississippi, Nevada, Oklahoma, Pennsylvania, South Carolina, Tennessee, and Wisconsin.

<sup>11</sup> Arkansas, California, Illinois, Minnesota, Nebraska, Ohio, and Wisconsin.

<sup>12</sup> California, Missouri, New York, and Tennessee.

<sup>13</sup> Alabama, Alaska, Arizona, Arkansas, California, Delaware, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Michigan, Mississippi, Missouri, Montana, Nevada, New Hampshire, New Jersey, New Mexico, North Carolina, North Dakota, Oklahoma, Rhode Island, South Carolina, Tennessee, Texas, Utah, Vermont, Virginia, and Wisconsin.

with the relative for a period of time or have established a significant relationship with the relative in some other way.<sup>14</sup> Approximately 21 States require a criminal records check of the adopting relatives and other adult household members.<sup>15</sup>

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.

<sup>14</sup> Alabama, Alaska, California, Colorado, Delaware, Florida, Louisiana, Missouri, New Hampshire, New Mexico, North Dakota, and Virginia.

<sup>15</sup> Arkansas, California, Colorado, Illinois, Iowa, Kentucky, Louisiana, 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 [www.childwelfare.gov/systemwide/laws\\_policies/statutes/background.cfm](http://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**

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 during a home visit of the kinship foster parent with household members
- Interviewing the kinship foster parent

**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 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**

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 available under § 12.62. 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.

*Prima facie* 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. *Prima facie* evidence of good cause not to place a child with an adult family member or adult family friend does not include poverty or inadequate or crowded housing.

### 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.

### 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.

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## Arizona

### Relative Placement for Foster Care and Guardianship

**Citation: Rev. Stat. § §§ 8-501; 8-514.02; 9-514.03**

The department may place a child with a parent or relative. The term 'relative' means a grandparent, great-grandparent, brother or sister of whole 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. § 8-515.03**

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 shall determine if the applicant is able to meet the child's health and safety needs by conducting one or more home visits and interviewing the applicant.

The Department of Economic Security 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

**Requirements for Placement with Relatives (Continued)****Citation: Rev. Stat. § 8-515.03**

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

**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 of the whole 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 of the whole 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 for preadoption certification and report as required by § 8-105 to continue.

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.
- The person who intends to adopt the child is an uncle, aunt, adult sibling, grandparent, or great-grandparent of the child of the whole or half-blood or by marriage.

**Arkansas****Relative Placement for Foster Care and Guardianship****Citation: Ann. Code §§ 9-9-102**

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

**Requirements for Placement with Relatives****Citation: Ann. Code §§ 9-9-102**

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.



**Relatives Who May Adopt****Citation: Ann. Code §§ 9-9-102; 9-28-402**

In all custodial placements by the Department of Human Services, 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 16 and older
- A child maltreatment central registry check for all household members age 10 and older, if such a registry is available in their State of residence

Unless directed by the court, a detailed, written health history and genetic and social history of the child is 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 relationship.

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**California****Relative Placement for Foster Care and Guardianship****Citation: Welf. & Inst. Code § 361.3**

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.

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, within 30 days, an investigation 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 §§ 309(d); 361.3**

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.

**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 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 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 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 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.

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**Colorado****Relative Placement for Foster Care and Guardianship****Citation: Rev. Stat. §§ 19-3-508; 19-3-605**

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.

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

**Requirements for Placement with Relatives****Citation: Rev. Stat. §§ 19-3-403; 19-3-406**

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.

A relative who is not disqualified as an emergency placement and who authorizes a child to be placed with him or her on an emergency basis shall report to a local law enforcement agency for the purpose of providing fingerprints to the law enforcement agency no later than 5 days after the child is placed in the person's home. The local law enforcement agency shall obtain through the Colorado Bureau of Investigation a State and national fingerprint-based criminal history record check.

**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**

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.

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

A relative caregiver is a person who is caring for a child who is related to the person, 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 unlikely within the foreseeable future.

**Requirements for Placement with Relatives****Citation: Ann. Stat. §§ 17a-114; 17a-126; 71a-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.

The commissioner shall provide the subsidies for the child's care under the subsidized guardianship program, including a special-need subsidy, a medical subsidy, and a monthly subsidy equal to the prevailing foster care rate. The guardianship subsidy shall continue until the child reaches age 18 or age 21 if the child is in full-time attendance at a secondary school, technical school, college, or State-accredited job training program.

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.

**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. 31, § 356**

The Kinship Care Program promotes placement of children with relatives when a child needs out-of-home placement. The caregiver must be related to the child by blood or marriage within the fifth degree.

**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.

The department 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.

**Relatives Who May Adopt****Citation: Ann. Code Tit. 31, § 351(1)**

The Department of Services for Children, Youth, and Their Families 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 stepaunt, 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.

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.

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**District of Columbia****Relative Placement for Foster Care and Guardianship****Citation: Ann. Code §§ 4-251.01; 4-1301.02**

The term 'grandparent' means a grandparent, great-grandparent, great-aunt, and great-uncle of a child.

The term 'kinship caregiver' means an individual who is any of the following:

- A relative of the child by blood, marriage, or adoption
- A godparent of the child

The term 'godparent' means an individual identified by a relative of the child by blood, marriage, domestic partnership, or adoption, in a sworn affidavit, to have close personal or emotional ties with the child or the child's family that predated the child's placement with the individual.

**Requirements for Placement with Relatives****Citation: Ann. Code §§ 4-251.03; 4-251.04; 4-1301.02; 4-205.15**

A grandparent may be eligible to receive subsidy payments if:

- The grandparent has been the child's primary caregiver for at least the previous 6 months.
- The child has resided in the grandparent's home for at least the previous 6 months.
- The child's parent has not resided in the grandparent's home for at least the previous 6 months, unless the parent:
  - » Has designated the grandparent to be the child's standby guardian
  - » Is a minor enrolled in school
  - » Is a minor with a medically verifiable disability
- The grandparent and all adults residing in the grandparent's home have submitted to a criminal background check.
- The grandparent's household income is under 200 percent of the federally defined poverty level.
- The grandparent is a resident of the District.
- The grandparent has applied for Temporary Assistance for Needy Families (TANF) benefits for the child.
- The grandparent has entered into a subsidy agreement that includes a provision that no payments received under the agreement shall be to the benefit of the child's parent but shall be solely for the benefit of the child.
- The grandparent is not currently receiving a guardianship or adoption subsidy for the child.

The amount of a subsidy a grandparent is eligible to receive under this chapter shall be offset by any amount a grandparent receives as TANF or Supplemental Security Income for the child.

A kinship caregiver must be at least age 21, approved by the division to provide kinship care, and providing or willing to provide for the day-to-day care of a child.

**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. § 39.5085**

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 full-time as a result of a court's determination of child abuse, neglect, or abandonment.

**Requirements for Placement with Relatives****Citation: Ann. Stat. § 39.5085**

The Relative Caregiver Program shall offer financial assistance to caregivers who are relatives and who would be unable to serve without the relative caregiver payment because of financial burden, thus exposing the child to the trauma of placement in a shelter or in foster care.

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

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

Relatives who are caring for children placed with them by the court shall receive a special monthly relative caregiver benefit established by rule of the department. The statewide average monthly rate for children judicially placed with relatives who are not licensed as foster homes may not exceed 82 percent of the statewide average foster care rate, nor may the cost of providing the assistance to any relative caregiver exceed the cost of providing out-of-home care in an emergency shelter or foster care.

Within available funding, the Relative Caregiver Program shall provide relative caregivers with family support and preservation services, flexible funds in accordance with § 409.165, school readiness, and other available services in order to support the child's safety, growth, and healthy development. Children living with relative caregivers who are receiving assistance shall be eligible for Medicaid coverage.

**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**

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.

This section shall not apply if the placement for adoption is a result of the death of the child's parent, and a different preference is stated in the parent's will. This section also shall not apply in stepparent adoptions.

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**Georgia****Relative Placement for Foster Care and Guardianship****Citation: Ann. Code § 15-11-58(i)**

If the court has entered an order finding that reasonable efforts to reunify a child with his or her family would be detrimental to the child and if the court finds that referral for termination of parental rights and adoption is not in the best interests of the child, the court may, upon proper petition, enter one of the following custody orders that shall remain in effect until the child is age 18:

- Place the child in the custody of a relative of the child
- Place the child in the custody of any nonrelative individual
- Place the child in the custody of a suitable individual custodian in another State pursuant to § 15-11-89
- In the case in which the court has found a compelling reason that any of the above placements is not in the child's best interests, place the child in the custody of an agency or organization licensed or otherwise authorized by law to receive and provide care for the child



**Requirements for Placement with Relatives****Citation: Ann. Code § 15-11-58(i)**

Any relative receiving custody of the child must be found by the court to be willing and, after study by the probation officer or other person or agency designated by the court, is found by the court to be qualified to receive and care for the child.

Within 36 months of an order placing a child in the custody of a relative and every 36 months thereafter, a probation officer, judicial citizen review panel established by the court, or other person or agency designated by the court, after study or review, shall submit a report to the court addressing whether the custodian to whom custody of a child has been given continues to be qualified to receive and care for the child.

**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.

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**Guam****Relative Placement for Foster Care and Guardianship**

This issue is not addressed in the statutes reviewed.

**Requirements for Placement with Relatives**

This issue is not addressed in the statutes reviewed.

**Relatives Who May Adopt****Citation: Ann. Code Tit. 19, §§ 4206; 4202**

A relative of the child within the second degree, either by blood or affinity, including stepparents, sisters, brothers, grandparents, aunts, or uncles, may adopt.

**Requirements for Adoption by Relatives****Citation: Ann. Code Tit. 19, § 4206**

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

**Hawaii****Relative Placement for Foster Care and Guardianship****Citation: 2010 Hi. ALS 135, §§ 4, 9***Effective September 1, 2010*

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 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: 2010 Hi. ALS 135, §§ 9, 10, 11***Effective September 1, 2010*

When the Department of Human Services 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 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.

**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**

At any time the Department of Health and Welfare is considering 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.

**Requirements for Placement with Relatives**

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.

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**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, 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 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.

**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. 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

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**Indiana****Relative Placement for Foster Care and Guardianship****Citation: Ann. Code §§ 32-34-3-4.5; 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 § 31-34-4-2**

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

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

- Committed an act resulting in a substantiated report of child abuse or neglect
- Been convicted of a 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

**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.

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**Iowa****Relative Placement for Foster Care and Guardianship****Citation: Ann. Code §§ 232.84**

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, 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.

**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.

**Relatives Who May Adopt****Citation: Ann. Code § 600.8**

A relative within the fourth degree of relation 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.

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**Kansas****Relative Placement for Foster Care and Guardianship****Citation: Ann. Stat. §§ 38-2202(p); 38-2255***Effective April 6, 2010*

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
- The secretary 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.

**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 waiver by a relative of the child.

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**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.

**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**

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

The kinship foster parent shall cooperate with any activities specified in the case plan for the foster child, such as counseling, therapy, court sessions, or visits with the foster child's parents or other family members. The kinship foster parent shall also cooperate and assist in efforts to achieve a safe, permanent home for the child.

**Relatives Who May Adopt****Citation: Ch. C. Art. 1243**

A stepparent, stepgrandparent, great-grandparent, grandparent, aunt, great-aunt, uncle, great-uncle, sibling, or first, second, or third cousin 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 need not investigate the proposed intrafamily adoption except upon order of the court.

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

In the residential placement of a child, the department shall consider giving preference to an adult relative over a nonrelated caregiver.

**Requirements for Placement with Relatives****Citation: Rev. Stat. Tit. 22, § 4062**

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

**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**

An adult relative with whom a child is placed by the local Department of Social Services must submit to a criminal background check.

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

### 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, that requires the parent to petition the court for approval before placing the child for adoption, and § 5-3B-24, that 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.

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## Massachusetts

### Relative Placement for Foster Care and Guardianship

**Citation: Ann. Laws Ch. 15D, § 6**

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

### Requirements for Placement with Relatives

**Citation: Ann. Laws Ch. 15D, § 6**

Prior approval of the home by the Office of Child Care Services 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.

**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**

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

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**Michigan****Relative Placement for Foster Care and Guardianship****Citation: Comp. Laws § 710.22**

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

**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.

**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 under section 51 of this chapter with a stepparent or a relative.

**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.007**

The responsible 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 county agency shall consider placement with a relative without delay. The relative search shall be reasonable and comprehensive in scope and may last up to 6 months or until a fit and willing relative is identified. The search shall include both maternal relatives of the child and paternal relatives of the child, if paternity is adjudicated. The relatives must be notified:

- Of the need for a foster home for the child, the option to become a placement resource for the child, and the possibility of the need for a permanent placement for the child
- Of their responsibility to keep the agency informed of their current address in order to receive notice in the event that a permanent placement is sought for the child
- That the relative may participate in the care and planning for the child, and 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, how to request a variance from licensing standards that do not present a safety or health risk to the child, and supports that are available for relatives and children who reside in a family foster home

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.

**Requirements for Placement with Relatives****Citation: Ann. Stat. § 260C.209**

The responsible social services 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.
- The background study is required under § 259.53, subd. 2.
- The agency or the commissioner has reasonable cause to believe the relative or household member over age 13 has a criminal history that would not make transfer of permanent legal and physical custody to the relative in the child's best interests.

In cases involving the emergency relative placement of children, the social services agency or county attorney may request a name-based check of the National Criminal Records Repository. In those cases, fingerprints of the individual being checked must be forwarded to the Bureau of Criminal Apprehension for submission to the Federal Bureau of Investigation within 15 calendar days of the name-based check. If the subject of the name-based check does not provide fingerprints upon request, the child or children must be removed from the home.

The responsible social services agency may obtain household members' criminal histories and the history of maltreatment of a child or adult and use the histories to assess whether putting the child in the household would endanger the child's health, safety, or welfare and to assess the suitability of a relative prior to an emergency placement. This assessment does not substitute for the background study required under chapter 245C and does not supersede requirements related to emergency placement under § 245A.035.

**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. A relative is a person related to the child by blood, marriage, or adoption, or is 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.

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.

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**Mississippi****Relative Placement for Foster Care and Guardianship****Citation: Ann. Code § 43-15-13**

When the Department of Human Services is considering 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.

**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.

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**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.

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.

The Division of Family Services shall establish the Grandparents as Foster Parents Program. The program recognizes that:

- Raising a grandchild differs from when the grandparents raised their own children and requires different parenting skills.
- Caring for a grandchild often places additional financial, social, and psychological strain on grandparents.

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

- Grandparents need a support structure, including counseling, respite care, transportation assistance, and child care.
- The level of care provided by grandparents does not differ from nonrelative foster care, but reimbursement for such care is substantially less for grandparents.
- Grandparents are often unaware of the cash assistance alternatives to the Federal TANF block grant funds that are available to support the grandchildren placed in their care.

**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.

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.

A grandparent shall be eligible to participate in the Grandparents as Foster Parents Program if he or she:

- Is age 50 or older
- Is the legal guardian of a grandchild placed in his or her custody
- Has an annual household income of less than 200 percent of the Federal poverty level
- Participates in the training available through the division

If there are no grandparents who are willing to participate in the program, any other close relative who becomes the legal guardian or obtains legal custody of the child may participate.

**Relatives Who May Adopt****Citation: Ann. Stat. §§ 453.072; 453.070**

A relative is any grandparent, aunt, uncle, adult sibling of the child, or adult first cousin of the child.

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 .

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**Montana****Relative Placement for Foster Care and Guardianship****Citation: Ann. Code § 52-2-102**

When it is necessary to take charge of a child pursuant to a court order, 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 extended family, including adult siblings, grandparents, great-grandparents, aunts, and uncles, prior to placing the child in an alternative protective or residential facility.

**Requirements for Placement with Relatives****Citation: Ann. Code § 52-2-102**

The home of the extended family member must be approved by the agency.

**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 adoptee'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.

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**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**

The Department of Health and Human Services may waive, in whole or in part, foster care training requirements when a relative is the foster care provider. Such waivers shall be granted on a case-by-case basis upon assessment by the department of the appropriateness of the relative foster care placement.

**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.

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**Nevada****Relative Placement for Foster Care and Guardianship****Citation: Ann. Stat. § 128.110**

Preference may be given to placement of the child with any person related within the third degree of relation.

**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

**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.

**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**

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.

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**New Jersey****Relative Placement for Foster Care and Guardianship****Citation: Ann. Stat. §§ 30:4C-12.1; 30:4C-15.8**

The Division of Youth and Family Services 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 division 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**

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

**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-4-27; 32A-4-31; 32A-4-9; 40-10B-3**

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 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.

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; 40-7A-4; 40-10B-8**

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

Placement of a child in the home of a relative or guardian shall not require a license from the division.

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.

**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.

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**New York****Relative Placement for Foster Care and Guardianship****Citation: Fam. Ct. Act §§ 1017; 1005-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.

*Effective July 2, 2010*

At the conclusion of the dispositional hearing, the court may enter 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 §§ 1017; 1005-b**

The court shall determine:

- Whether there is a suitable nonrespondent parent or other person related to the child with whom such child may appropriately reside
- In the case of a relative, whether that relative seeks approval as a foster parent or wishes to provide free care and custody for the child during the pendency of any orders pursuant to this article

The commissioner, pursuant to regulations of the Department of Social Services, will perform an investigation of the home of the relative within 24 hours and approve such relative, if qualified, as a foster parent.

An order placing a child with a relative may not be granted unless the relative consents to the jurisdiction of the court.

*Effective July 2, 2010*

In determining whether the best interests of the child will be promoted by granting guardianship to a relative who has cared for the child as a foster parent, the court shall give due consideration to the permanency goal of the child and the relationship between the child and the relative.

The court shall hold age-appropriate consultation with the child, however, if the youth is age 14 or older, the court shall ascertain his or her preference for a suitable guardian. If the youth is over age 18, he or she shall consent to the appointment of a suitable guardian.

**Relatives Who May Adopt****Citation: Soc. Serv. Law §§ 383; 383-c**

Upon acceptance of a judicial surrender or approval of an extra-judicial 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 foster parent, relative, or other person seek 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.

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

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-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.

**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

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.

### 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.

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## Northern Mariana Islands

### Relative Placement for Foster Care and Guardianship

This issue is not addressed in the statutes reviewed.

### Requirements for Placement with Relatives

This issue is not addressed in the statutes reviewed.

### 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.

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**Ohio****Relative Placement for Foster Care and Guardianship****Citation: Rev. Code § 5101.85**

A kinship caregiver is a person, age 18 or older, related to the child by blood or marriage, 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

**Requirements for Placement with Relatives**

This issue is not addressed in the statutes reviewed.

**Relatives Who May Adopt****Citation: Rev. Code § 5103.161**

The agency shall consider giving preference to an adult relative over a nonrelative caregiver when determining an adoptive placement for the child.

**Requirements for Adoption by Relatives****Citation: Rev. Code § 5103.161**

The adult relative must satisfy all relevant child protection standards. In addition, the agency must determine that the placement is in the best interests of the child.

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**Oklahoma****Relative Placement for Foster Care and Guardianship****Citation: Ann. Stat. Tit. 10, § 22.1; Tit. 10A, § 1-7-106**

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.

The Department of Human Services shall establish and operate a relative support program that will divert children from the foster care program operated by the department. The relative support program shall provide assistance to relatives within the third degree of relationship to a child who are caring for the child on a full-time basis, regardless of whether there is a court order granting custody of the child to the relative.

When a child is placed into foster care, the child shall be placed with relatives, or other persons having a kinship relationship with the child, who are determined to be suitable, capable, and willing to serve as caregivers for the child.

If the child is determined to be an Indian child, as defined by the Federal and State Indian Child Welfare acts, the placement preferences specified by Title 25, § 1915 of the U. S. Code and Title 10, § 40.2 of the Oklahoma Statutes shall apply.

**Requirements for Placement with Relatives****Citation: Ann. Stat. Tit. 10, § 22.1; Tit. 10A, § 1-7-106**

Grandparents or other such relatives who qualify for and participate in the relative support program are not required to be certified as foster parents or to meet the foster care requirements but shall be capable of providing a physically safe environment and a stable, supportive home for the children under their care.

Upon request by grandparents or other relatives who are caring for a child on a full-time basis, the department shall complete a needs assessment on the grandparents or other relatives to determine the appropriate services and support needed by the child and the grandparents or other relatives.

A placement with relatives shall meet the treatment needs of the child, support the case plan goals for that child and the family of that child, and is in the best interests of the child.

**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 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.

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**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.

If the child has a sibling in need of placement, the department shall make diligent efforts to place the siblings together unless the court finds that placement of the siblings together is not in the best interests of the child or the child's siblings.

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.

**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.

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**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 third degree to the child or stepchild and at least age 21.

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.

**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.

**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.

**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.

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**Rhode Island****Relative Placement for Foster Care and Guardianship****Citation: Gen. Laws § 40-11-12.2**

Prior to the placement of a child in foster care, or to prevent or eliminate the need for removing the child from the child's home, the Department of Children, Youth, and Families shall explore placement of the child with a blood relative or other family member if such placement is in the best interests of the child.

**Requirements for Placement with Relatives**

This issue is not addressed in the statutes reviewed.

**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 the Department of Children, Youth, and Families 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 the Department of Children, Youth, and Families. 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.

### 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**

This issue is not addressed in the statutes reviewed.

**Requirements for Placement with Relatives**

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.

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**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.

**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, or stepparent, or cousins of the first degree or 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**

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.

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**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 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**

The department shall expedite the completion of the background and criminal history check, home study, and any other administrative procedure 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, the department must conduct an investigation to determine whether the proposed placement is in the child's best interests.

The department shall, subject to the availability of funds, enter into a caregiver assistance agreement with each caregiver to provide monetary assistance and additional support services. The monetary assistance and support services shall be based on a family's need.

A one-time cash payment of not more than \$1,000 shall be provided to the caregiver on the initial placement of a child or a sibling group to assist the caregiver in purchasing essential child care items such as furniture and clothing.

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 certain 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, and while the department is the child's managing conservator
- If the caregiver meets the eligibility criteria, reimbursement of 50 percent of child care expenses after the caregiver is appointed permanent managing conservator while the child is under age 13, or under age 18 if the child has a developmental disability
- Up to \$500 per year for each child for other expenses

**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 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, or sibling of the child. 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.

**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**

A person adopting a child must be at least 10 years older than the child.

A preplacement report, home study, and postplacement evaluation are not required if the prospective adoptive parent is a relative of the child as listed above, unless the evaluation is otherwise requested by the court.

Criminal history record information regarding each prospective adoptive parent and any other adult living in the prospective home, prepared by a law enforcement agency, based on a fingerprint criminal history check is required, no earlier than 18 months immediately preceding placement of the child.

A report prepared by the Department of Human Services 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 prospective home, must be obtained no earlier than 18 months immediately preceding placement of the child.

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**Vermont****Relative Placement for Foster Care and Guardianship**

This issue is not addressed in the statutes reviewed.

**Requirements for Placement with Relatives**

This issue is not addressed in the statutes reviewed.

**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 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 right to 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**

This issue is not addressed in the statutes reviewed.

**Requirements for Placement with Relatives**

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.

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**Virginia****Relative Placement for Foster Care and Guardianship****Citation: Ann. Code § 16.1-281**

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.

**Requirements for Placement with Relatives****Citation: Ann. Code §§ 16.1-281; 16.1-283**

Any order transferring custody of the child to a relative other than the child's prior family shall be entered only upon a finding, based upon a preponderance of the evidence, that the relative is one who, after an investigation as directed by the court:

- Is found by the court to be willing and qualified to receive and care for the child
- Is willing to have a positive, continuous relationship with the child
- Is committed to providing a permanent, suitable home for the child
- Is willing and has the ability to protect the child from abuse and neglect

The court's order transferring custody to a relative should further provide for, as appropriate, any terms or conditions which would promote the child's interest and welfare, ongoing provision of social services to the child and the child's custodian, and court review of the child's placement.

**Relatives Who May Adopt****Citation: Ann. Code § 63.2-1242.1**

A 'close relative placement' shall be an adoption by the child's grandparent, great-grandparent, adult nephew or niece, adult brother or sister, adult uncle or aunt, or adult great-uncle or great-aunt.

In a close relative placement, the court may accept the written and signed consent of the birth parent(s) that is signed under oath and acknowledged by an officer authorized by law to take such acknowledgments.

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

When the child has continuously resided in the home or has been in the continuous physical custody of the prospective adoptive parent who is a close relative for less than 3 years, the adoption proceeding, including court approval of the home study, shall commence in the juvenile and domestic relations district court pursuant to the parental placement adoption provisions of this chapter with the following exceptions:

- The birth parent's consent does not have to be executed in juvenile and domestic relations district court in the presence of the prospective adoptive parents.
- The simultaneous meeting specified in § 63.2-1231 is not required.
- No hearing is required for this proceeding.

When the child has continuously resided in the home or has been in the continuous physical custody of the prospective adoptive parent who is a close relative for 3 or more years, the parental placement provisions of this chapter shall not apply and the adoption proceeding shall commence in the circuit court.

For close relative adoptive placement:

- An order of reference, an investigation, and a report shall not be made if the home study report is filed with the court unless the court, in its discretion, requires an investigation and report to be made.
- The court may omit the probationary period and the interlocutory order and enter a final order of adoption when the court is of the opinion that the entry of an order would otherwise be proper.
- If the court determines that there is a need for an additional investigation, it shall refer the matter to the licensed child-placing agency that drafted the home study report for an investigation and report. The report shall be completed within such times as the court designates.
- The court may waive appointment of a guardian *ad litem* for the child.

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**Washington****Relative Placement for Foster Care and Guardianship****Citation: Rev. Code §§ 13.34.130; 74.15.020(2)(a)**

Placement of the child with a relative under this subsection shall be given preference by the court. 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**

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 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.

**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.

**West Virginia****Relative Placement for Foster Care and Guardianship**

This issue is not addressed in the statutes reviewed.

**Requirements for Placement with Relatives**

This issue is not addressed in the statutes reviewed.

**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.

**Wisconsin****Relative Placement for Foster Care and Guardianship****Citation: Ann. Stat. § 48.57**

A 'kinship care relative' or 'long-term kinship care relative' means a relative other than a parent.

**Requirements for Placement with Relatives****Citation: Ann. Stat. § 48.57**

The Department of Children and Families shall make payments of \$220 per month to a kinship care relative or long-term kinship care relative who is providing care and maintenance for a child if the following conditions are met:

- The relative applies to the department for payments and, if the child is placed in the home of the relative under a court order, for a license to operate a foster home.
- The department determines that there is a need for the child to be placed with the kinship care relative and that the placement is in the best interests of the child.
- The department conducts a background investigation of the relative, any employee of the relative who has regular contact with the child, and any other adult resident of the home to determine if the relative, 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 county department or department in the application process, including applying for other forms of assistance for which the child may be eligible.

In addition to the requirements listed above, a long-term kinship care relative must provide proof that he or she has been appointed as the guardian of the child.

**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, stepaunt, or any person of a preceding generation as denoted by the prefix of 'grand,' 'great,' or 'great-great,' whether by blood, marriage, or legal adoption, or the spouse of any person named in this subsection, even if the marriage is terminated by death or divorce. For purposes of the application of § 48.028 and the Federal Indian Child Welfare Act, 25 U.S.C §§1901 to 1963, 'relative' includes an extended family member, whether by blood, marriage, or adoption, including adoption under Tribal law or custom.

The term 'extended family member' means a person who is defined as a member of an Indian child's extended family by the law or custom of the Indian child's Tribe or, in the absence of such a law or custom, a person who is age 18 or older and who is the Indian child's grandparent, aunt, uncle, brother, sister, brother-in-law, sister-in-law, niece, nephew, first cousin, second cousin, or stepparent.

**Requirements for Adoption by Relatives****Citation: Ann. Stat. §§ 48.834; 48.835**

Before placing a child for adoption, the department or child welfare agency making the placement shall consider the availability of a placement for adoption with a relative of the child who is identified in the child's permanency plan or who is otherwise known by the department or agency.

If a child who is being placed for adoption has one or more siblings who have been adopted or who have been placed for adoption, the department or agency making the placement shall make reasonable efforts to place the child for adoption with an adoptive parent of that sibling who is identified in the child's permanency plan under § 48.38 or 938.38 or who is otherwise known by the department or agency unless the department or agency determines that a joint placement would be contrary to the safety or well-being of the child or any of those siblings. In such case the department or agency shall make reasonable efforts to provide for frequent visitation or other ongoing interaction between the child and the siblings unless the department or agency determines that such visitation 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**

This issue is not addressed in the statutes reviewed.

### **Requirements for Placement with Relatives**

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.