

Policy Brief

SAFETY

TANF for Fictive Kin Providers

2017

When a child is removed from his/her home, the child welfare agency must identify and notify all other adult relatives within the fifth degree of consanguinity of the child.¹ When blood relatives are not willing or able to take the child, the preference for placement is then given to fictive kin – those who have a family-like tie to the child. Relatives and fictive kin caregivers provide kinship care, which allows a child to grow to adulthood in a family environment and maintain connections to their family, community and identity².

Kinship caregivers differ from foster parents because they are “unlicensed” when they first accept children into their home, which means they are not entitled to the financial support that non-kin foster parents receive. For most kinship caregivers, having a child placed in their care can become financially burdensome: many of these caregivers are retired and living on fixed incomes; more than one-third are already living at the poverty line³; and some may be in poor health⁴.

In Nevada, there are two main sources of financial support for qualified kinship families.

1. **Title IV-E of the Social Security Act** –Relative and fictive kin families may become licensed as foster parents and receive the same foster care reimbursement that foster parents receive. The process is managed by the child welfare agency and can take months, leaving many families struggling to pay the bills while they are working to become licensed while caring for the new children in their home.
2. **Temporary Assistance for Needy Families (TANF)** – During the time relatives are working to become licensed, many families may be eligible for a smaller form of financial support from the TANF grant offered through the Division of Welfare and Supportive Services (DWSS). Child- only TANF, also known as Non-Needy Relative Caregiver TANF⁵, is available to individuals caring for dependent children,⁶ other than their own biological children, who meet specified conditions. These include:
 - I. Providing proof of relation to the child(ren) by birth, marriage or adoption within the 5th degree of consanguinity^{7,8}.
 - II. Proof the biological parents do not reside in the home⁹, or if they are in the home, have been declared by the court to be mentally or physically incapable of caring for children¹⁰.

In Nevada, the FY2014 monthly average number of children in Foster Care was 4,955.

- 36% of children in foster care in Nevada live in a kinship placement.
- 68% of foster children living in a kinship placement are in an unlicensed home.
- Between 20-30% of kinship placements are with a fictive kin caregiver.

¹ Fostering Connections Act, 2008

² Child Welfare League of America [CWLA] & Generations United [GU], 2011

³ Nelson et al., 2010; Alliance for Children's Rights, 2014.

⁴ Sakai, Lin, & Flores, 2011; Stein et al, 2014

⁵ NV DWSS Manual 1010.2.3 Non-Needy Relative Caregiver A Non-Needy Relative Caregiver (NNRC) is a relative, other than a legal parent, who is not requesting assistance for themselves and only requesting assistance for a relative child(ren). Only one non-parent caregiver may be included as a needy caregiver and they must be a relative of specified degree (see manual section A-300). See manual section A-2600 for eligibility requirements and C-140 for payment amounts.

⁶ NV DWSS Manual 323 DEPENDENT CHILD

⁷ NV DWSS Manual 321 CAREGIVER

⁸ NV DWSS Manual RELATIONSHIP

⁹ NV DWSS Manual 1010.2 TANF Cash Programs

- III. The gross household income must not exceed 275% of the Federal Poverty Guidelines for household size¹¹.

Due to a lack of coordinated information for families, an application process that can be complicated, and the stigma families may feel is associated with applying for a welfare benefit; few eligible households receive the child-only TANF grants¹². In addition, there are policies that prevent some kinship families from accessing the TANF grant at all.

- Paternal relatives may find they are unable to receive help if the biological father is not listed on the child's birth certificate¹³.
- If the caregiver does not share a blood relationship to all kinship children in their home, the case will be denied for the children with whom there is a blood relationship because the sibling set is considered an assistance unit¹⁴.
- Relatives must also agree to have child support enforcement officers pursue the biological parents for child support to repay the state¹⁵, a requirement that deters some families.
- Due to relationship requirements, fictive kin families are not eligible for any financial support from TANF.
- Finally, even if the family meets all the criteria to apply, some relative families are denied at the welfare office, potentially related to the fact that child-only applications are relatively rare. Relative families would often have to request an appeal to correct the decision.

Recommendations:

The Children's Advocacy Alliance recommends that Nevada:

1. Expand child-only TANF to allow payments to fictive kin caregivers of children in foster care – who meet all other requirements. Based on the number of children per fictive kin placement, the financial impact would be between \$127K-\$225K per month.¹⁶
2. Ensure child welfare workers are informed of the child-only TANF program so that relative families are encouraged to apply when they first get placement of a child. Increase the number of TANF training hours for welfare eligibility specialists, with a focus on child-only TANF.



702-228-1869

5258 S. Eastern Ave. #151 Las Vegas, Nevada 89119
3500 Lakeside Ct. #209 Reno, Nevada 89509

www.caanv.org

¹⁰ NV DWSS Manual 330 WHO IS INCLUDED

¹¹ NV DWSS Manual A 2620.1.1

¹² Mauldon, Speiglmán, Sogar, & Stagner, 2012; Nelson, 2010; AECF, 2012

¹³ NV DWSS MANUAL 323.3 Children Living With Relatives of the Biological Father

¹⁴ NV DWSS MANUAL A 2630.2

¹⁵ NV DWSS MANUAL 1600 PURPOSE, 1610 ASSIGNMENT OF SUPPORT, 1611 GOOD CAUSE FOR NON-COOPERATION WITH CSEP

¹⁶ One child per placement: (Total number of children in foster care*.36 kinship placements)*.3 fictive placements *\$417. Two children per placement: ((Total number of children in foster care*.36 kinship placements)*.3 fictive placements)/2 *\$476