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Ms. Kathleen McHugh, Director  
Policy Division, Children's Bureau  
Administration for Children and Families  
U.S. Department of Health and Human Services  
330 C Street, SW  
Washington, DC 20201

Re: Comments Regarding Separate Licensing Standards for Relative or Kinship Foster Family Homes  
Notice of Proposed Rulemaking (RIN 0970-AC91) Published February 14, 2023, in the *Federal Register*.

Please accept the comments from [Include Name of Tribe or Organization Here] regarding the notice of proposed rulemaking published on February 14, 2023, in the *Federal Register* (RIN 0970-AC91).

*[Provide a brief overview of the work your tribe or organization is doing to support children and relative/kinship families in your community and why this is important to the well-being of Native children and families in your community.]*

### Proposed Regulation Changes

We appreciate the opportunity and flexibility that the following proposed rule changes give tribal and state child welfare agencies to support relative and kinship families.

- Revising the definition of “foster family home,” to give tribes and states the option to establish a set of foster family home licensing or approval standards for relative or kinship foster family homes that are different than the standards used to license or approve non-relative foster family homes, is essential to supporting relative and kinship families and their relative children. Removing licensing standards that create barriers for relative and kinship families can help streamline the licensing process so that more relatives and kin can care for their relative children and have access to more financial resources that support child safety and healthy development.
- Ensuring relative and kinship foster family homes receive equal financial assistance as non-relative foster family homes is a necessity. No relative or kinship caregiver foster family should be compromised in their ability to support a child’s needs to grow up safe, nurtured, and socially, emotionally, physically, and spiritually strong.
- We acknowledge these rule changes are another opportunity to increase support for effective tribal-state partnerships. Working together at the state level to develop standards that prioritize the licensing of relative and kinship foster family homes will increase the likelihood a child is placed in relative care and that the state is following the foster care placement preferences that give priority to extended family members under the Indian Child Welfare Act.
- We recognize the important role tribal sovereign authority plays in the protection of Native children and families. Many tribal communities have already developed licensing or approval standards that prioritize relative care or informal nurturing networks of family and kin that care for their relative children. For tribal communities that have not developed licensing or approval standards or want to revisit existing standards, they now have an opportunity to adopt licensing standards that more completely align with their individual histories, values, and traditions that keep children safe and families together.
- These changes also benefit urban Indian organizations and communities that work closely with state or local child welfare authorities. In these communities, advocates for Native children and families will have greater leverage and opportunity to promote state licensing standards that are in alignment with Native community values and promote placement with relative and kinship families.

We suggest the following changes be made to the proposed language:

- We recommend expanding the definition of relative and kin to include “...individuals related to a child by blood, marriage, **tribal custom**, or adoption” and “...other individuals who have an

emotionally significant relationship with the child **and/or the child's family**, including fictive kin.” We recognize the importance of honoring tribal sovereign authority and tribal custom in the development of relative and kinship definitions.

- We also recommend that Title IV-E agencies be allowed to claim reimbursement upon initiation of national criminal background checks and full completion of statewide background checks for foster homes. This change could benefit Native children and their relative and kinship caregivers by ensuring receipt of financial assistance sooner as well as supporting tribes in running their Title IV-E programs and eliminating the need for tribes to pull from limited tribal funds.

We appreciate the opportunity to provide comments on these proposed changes and look forward to continued collaborative efforts to support the safety and healing of our Native children and families.

Sincerely,

*[sign here]*

DRAFT