

Policy Toolkit – Part 2

Guidance for Policy Language: Kinship Services in Tribal Child Welfare

Materials developed by the National Indian Child Welfare Association

The National Indian Child Welfare Association (NICWA) works to support the safety, health, and spiritual strength of Native children along the broad continuum of their lives. NICWA promotes building tribal capacity to keep children safe in their families and communities. As an organization, we engage with tribal and state child welfare agencies to elevate the role of relatives and kin in caring for their relative children. For more information, visit www.nicwa.org.

The Grandfamilies & Kinship Support Network: A National Technical Assistance Center (Network) helps government agencies and nonprofits in states, tribes, and territories work across jurisdictional and systemic boundaries to improve supports and services for families in which grandparents, other relatives, or close family friends are raising children whose parents are unable to do so. For more information, please visit www.GKSNetwork.org.

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Note: The contents listed below are all links, so you can view a specific section of this toolkit with a simple click!

Contents

Guidance for Policy Language: Kinship Services in Tribal Child Welfare.....	1
Glossary.....	3
Notes on This Toolkit.....	4
Prevention, Family Support, and Early Intervention.....	5
Supplemental Services/Voluntary In-Home Services.....	7
Family Preservation/Involuntary In-Home Services.....	10
Substitute Care—Voluntary and Involuntary Placement.....	12
Relative/Kinship Searches.....	13
Placement With Siblings.....	15
Foster Care Licensing.....	16
Relative Placement Services.....	17
Permanency Plans and Services.....	19
Family Group Meetings.....	21
Customary Adoption.....	22
Guardianship.....	24
Working With Substance-Affected Families.....	25
Safe Contact/Visitation.....	26
Funding.....	28

Glossary

Note: The definitions listed below are for clarifying purposes only. Terms may be crafted and revised to fit how your community views and experiences them.

Concurrent Planning: Concurrent planning is a practice technique used by social workers that takes place when the worker and the family simultaneously plan for reunification and an alternate permanent placement if reunification is not possible.

Custodial Parent: A custodial parent is a parent that lives with and cares for their minor child either all (sole physical custody) or most (primary physical custody) of the time.

Customary Adoption: Customary adoption gives a child a legally recognized permanent parent-child relationship with a person other than the child's biological parent without a requirement for termination of parental rights (a common practice used in conventional adoption). Customary adoption occurs through a practice, ceremony, or process conducted in a manner that is long-established, continued, reasonable, certain, and considered by the people of a tribe to be binding or found by the tribal court to be authentic.

Early Intervention: Early intervention engages families before adverse conditions turn into child abuse or neglect. Services may be directed at addressing behaviors or conditions before any allegations of abuse and neglect have been made and where screening indicates conditions exist that are known to contribute to safety concerns if not addressed.

Family Preservation: Family preservation often refers to a program that provides services specifically identified for families in crisis whose children are at risk of out-of-home placement. Family preservation actively seeks to obtain or directly provide the critical services needed to enable the family to remain together in a safe and stable environment.

Guardianship / Guardian: A guardianship is an out-of-home placement designated by a court between a child and caregiver (guardian) which, in most cases, is intended to be permanent. This is often a permanency approach that avoids completely cutting off ties between the child and their parents by not requiring that Termination of Parental Rights occur.

Indian Custodian: As defined in the Indian Child Welfare Act (25 U.S.C. § 1903(5)), an Indian custodian is “any Indian who has legal custody of an Indian child under applicable Tribal law or custom or under applicable State law, or to whom temporary physical care, custody, or control has been transferred by the parent of such child.”

Kinship Care: Kinship care is when a non-parent relative provides parental care and supervision to a child.

Kinship Navigator Programs: Federal law 42 U.S.C. 627(a)(1) defines kinship navigator programs as services to assist kin caregivers in learning about, finding, and using programs and services to meet the needs of the children they are raising and their own needs, and to promote effective partnerships among public and private agencies to ensure kinship families are served.

Non-Custodial Parent: A non-custodial parent is a parent who cares for their child on a limited basis or has scheduled visitation with their child.

Permanency Planning: In Indian child welfare practice, permanency planning is planning for the maintenance of a child's sense of belonging to their extended family, their tribe, and their caretakers in a permanent and stable home. This planning includes carrying out a set of goal-directed activities designed to help the child live in such a home, offering the child the opportunity to establish and maintain life-long relationships with their caregivers, extended family, and tribe.

Primary Prevention: Activities directed at all members of a community to prevent child abuse or neglect are known as primary prevention. Primary prevention is usually directed at a population in general through the provision of information, education, and social marketing, rather than being designed for a specific family or situation. Primary prevention might include education about traditional tribal ways of knowing and being, traditional cultural values, and the role of the community in protecting and nurturing children and families.

Notes on This Toolkit

This policy resource is part two of a two-part toolkit. Part one examines several issues that tribal child welfare programs might want to consider in drafting policies and procedures to support relatives and kin caregivers. Part two provides sample policy language to support the development of tribally specific child welfare policy to address the issues outlined in part one.

There are a number of approaches, services, and issues to consider when forming policies around kinship services in tribal child welfare. Among these are prevention, family support, and early intervention; in-home services; substitute care – voluntary and involuntary placement; relative/kinship searches; placement with siblings; foster care licensing; relative placement services; permanency services; family group meetings; customary adoption; guardianship; working with substance-affected families; safe contact/visitation; and funding sources for the provision of services.

For each of the topic areas mentioned above, this guidance document includes questions to guide decision-making about what will best meet the needs of the tribe and sample policies and procedures for tribal child welfare programs to consider.

For the purpose of this guidance document, “tribal child welfare program,” or *TCWP*, and *tribe* are used as placeholders in sample policies. When developing policies and procedures for your community, use the name of your child welfare program and tribe.

Prevention, Family Support, and Early Intervention

Prevention and early intervention efforts are often influenced by resource availability, agency capacity, and community need. Prevention, family support, and early intervention are essential to reaching families before conditions in the home worsen and child safety becomes an increasing concern that requires agency intervention. Tribal child welfare programs can create policies that outline how staff collaborate across departments and programs to support children and families before removal ever becomes an option. Tribal child welfare programs can also craft policies that build upon natural support systems, including the roles of relatives/kin in family safety and healing.

Policy Questions

- ▶ What types of prevention services will be prioritized? Who is eligible to receive them? Who will provide them? How will they be delivered?
- ▶ Are prevention services aimed at the whole extended family or just parents? What role can family group meetings play?
- ▶ How does the tribal child welfare department link with other services, such as Head Start, behavioral health, housing, Temporary Assistance for Needy Families (TANF), and vocational rehabilitation?
- ▶ What policies are needed to ensure collaboration and communication across departments and programs?
- ▶ What role does tribal community services have in identifying the need for early intervention services for families? What cross-training needs exist, if any?
- ▶ How can relatives be partners in prevention? Are they asked to participate in early intervention as a matter of policy?
- ▶ What role might relatives play in planning or providing support? Are relatives routinely involved in family meetings or recommending early intervention services? If so, who decides who gets to be involved?

- ▶ What services might be provided to relatives experiencing adverse conditions that are limiting their ability to be of support to the child and their parents? How is eligibility for these services handled?
- ▶ How are services funded? How can administrators and service providers employ a “braided and blended”¹ funding approach to creatively maximize available funding and expand services?

Items to Consider

- ▶ Eligibility and screening requirements, including Indian Child Welfare Act (ICWA) eligible families
- ▶ Utilization of primary prevention strategies, such as events or social marketing campaigns that promote general awareness raising and encourage desired behaviors
- ▶ Types of population-specific services available to families
- ▶ Process for incorporating cultural and social supports into informal services
- ▶ Development and maintenance of collaborative partnership agreements with internal programs and departments and/or external agencies to address family needs
- ▶ Engaging relatives as partners in prevention and early intervention

¹ “Braided and blended” funding is holistic, integrated (across systems), supports a broad array of services and natural supports, and allows for individualized care. The *Primer* defines a system of care as “a broad flexible array of effective services and supports for a defined multi-system involved population, which is organized into a coordinated network, integrates care planning and care management across multiple levels, is culturally and linguistically competent, builds meaningful partnerships with families and with youth at service delivery, management and policy levels, has supportive management and policy infrastructure, and is data-driven”

Pires, S. A. (2010). *Building Systems of Care: A Primer* (2nd ed.). Washington, DC: Georgetown University Center for Child and Human Development, National Technical Assistance Center for Children's Mental Health, 8. https://gucchd.georgetown.edu/products/PRIMER2ndEd_FullVersion.pdf

Sample Policies and Procedures

Eligibility: To decrease the number of children who need safety-oriented child welfare service interventions, any child and family eligible for *TCWP* services as outlined in the agency's service eligibility chart or any ICWA-eligible family who needs prevention, family support, parenting education, parenting capacity development, and/or behavioral health support will have access to such services unless *TCWP* determines there is a safety threat that requires a child abuse and neglect response.

Primary prevention: *TCWP* strives to incorporate cultural knowledge, practices, and supports into all aspects of prevention and early intervention. To accomplish this, *TCWP* maintains relationships with cultural knowledge holders as advisors, consultants, and contractors both informally and formally. *TCWP* seeks advice and direction from knowledge holders on incorporating cultural knowledge into prevention services.

Care coordination: Whenever a family is identified for prevention and early intervention services, they must be informed that they may request that *TCWP* develop a care coordination plan with them to specifically identify a set of prevention activities and providers responsive to their situation. *TCWP* will work with the parents and child to identify all relatives/kin who may be included in the support plan.

Collaboration and agreements: It is the policy of *TCWP* to enter into written agreements and/or informal partnerships with other programs, departments, divisions, and agencies to

- ▶ Assess and refer families for prevention services.
- ▶ Provide population-specific services such as early childhood home visiting, early childhood mental health care, support groups, or other primary prevention services or events.
- ▶ Provide families an array of cultural materials and resources, including but not limited to literature, art, technology, regalia, and language access.
- ▶ Seek grants or contracts in collaboration with partners.
- ▶ Create teams or committees to organize prevention activities or services for whole families, including relatives/kin who provide family support or informal childcare.

Supplemental Services/Voluntary In-Home Services

Voluntary in-home services are a supplemental service that engages families in relationship-based assistance to increase protective factors and prevent family separation. Voluntary in-home services typically occur in the absence of court involvement or formal agreements. Relatives often provide informal family support but

do not have access to services or resources that could increase their capacity to be a resource to the child and their parents. Tribal child welfare programs may consider outlining in policy the roles of relatives in providing respite care for the child or additional support to parents (custodial and non-custodial), the strategies used to build family capacity to provide safe care, and services available to relatives in their varying roles.

Policy Questions

- ▶ Can a relative or Indian custodian receive supplemental services if they are an informal caregiver?
- ▶ Will all relatives providing family support receive services or will the policy outline restrictions or stipulations around eligibility?

Items to Consider

- ▶ Role of relatives in providing support to their relative children and families
- ▶ Formality of services or partnership agreements in voluntary cases
- ▶ Utilization of collaborative approaches to support relative caregiver capacity
- ▶ Any cultural programs the tribe has available to support relatives in their various roles
- ▶ Periodic review to assess family progress and need for ongoing services

Sample Policies and Procedures

Protective factors: TCWP staff will assist families in developing and enhancing their capacity to keep their children safely in the home where possible by developing skills, relationships, living conditions, behaviors, and access to resources that support the physical, mental, and emotional well-being of the family unit and the safety of the children.

Procedure: Through care coordination, TCWP staff may

1. Assist the child's parents and their relatives in developing a safety plan for their child to remain in the home whenever possible.
2. Assist the child's parents and their relatives in achieving independent functioning and fulfilling family responsibilities.
3. Assist the child's parents and their relatives in developing parenting and social skills.
4. Assist families in the development and maintenance of healthy relationship skills.

5. Assist the child's parents and their relatives in recognizing and dealing with family crisis effectively.
6. Assist families in establishing a community-based support system.
7. Assist the child's parents and their relatives in achieving meaningful employment, subsistence activities, or educational activities.
8. Engage new parents and their relatives in cultural teachings about children and parenting.
9. Engage families in culturally based activities that enhance [tribe] identity, teach cultural knowledge and values, and instill a sense of cultural pride.

Eligibility: Voluntary in-home services are provided at the discretion of TCWP staff. Voluntary in-home services may be provided to families who are considered members of the [tribe] community without regard to enrollment, descentance, income, or legal status when:

1. There has been a child abuse or neglect report that does not rise to the level of TCWP intervention or state/county Child Protective Services intervention, if authorized by [tribe] code.
2. The safety of the child is not threatened by present or impending danger.
3. The TCWP staff or local service provider has identified that children are likely to become at risk of abuse, neglect, or exploitation based on current conditions of the family.
4. The family seeks to engage voluntarily in services available in the community to strengthen their capacity to protect their children.

Screening and Safety Assessment: TCWP staff will work collaboratively with internal and external departments and programs to assess for conditions that can contribute to threats to safety of children, as outlined in [tribe] policy, and identify families where early intervention and support can help decrease the number of children needing safety-oriented child welfare service interventions.

Voluntary in-home service plans: In coordination with the child's parents and their relatives, TCWP may develop informal service plans that describe activities and helping techniques that promote the restoration of nurturing family systems.

Periodic review: TCWP will review voluntary in-home services and assess family progress at least monthly. TCWP staff will hold family meetings with the child, their parents, and all relatives providing respite care for the child or other support to the parents to determine whether the level of services is appropriate and identify the need

for ongoing services or transition to prevention services. At the end of each meeting, *TCWP* staff will determine the need to collaborate with other cultural knowledge holders or service providers to address the family's needs.

Family support and primary prevention plans: Families that successfully complete voluntary in-home services may choose to continue to receive family support services, or primary prevention services, in a step-down approach to ensure a safe transition to parenting without intensive child welfare supports.

Family Preservation/Involuntary In-Home Services

There may be situations in which safety concerns can be mitigated through frequent contact and intensive services as an alternative to placement or as a transitional step to reunification. Tribal child welfare programs should consider outlining in policy the roles of relatives in mitigating threats of harm to children, strengthening relationships, enhancing family capacity to keep their children safe, and providing supplemental care when needed.

Policy Questions

- ▶ Will relative placements that occur without child welfare involvement be subject to involuntary family preservation services?
- ▶ How will relatives be involved in services or activities that aim to mitigate threats of harm?
- ▶ Will relatives be involved as part of a team monitoring safety or as participants in family group meetings?

Items to Consider

- ▶ Process for assessing and planning for safety
- ▶ Use of involuntary service agreements
- ▶ Role of relatives in providing care or family support
- ▶ Clarification of any services that might be required for relative placements initiated outside of child welfare involvement

Sample Policies and Procedures

Assessment: *TCWP* staff will address the needs of individual family members by conducting a thorough assessment of the family, including threats to the safety of children as well as the needs and concerns of parents and relatives. Involuntary in-home services (i.e., family preservation, court-ordered and supervised in-home or trial

home visits) may be used to maintain children safely in their homes or to reduce the duration of out-of-home care.

Agreements: TCWP staff may recommend to the court an involuntary service agreement with families to reduce safety threats. Involuntary safety plans for vulnerable children must be approved and ordered by the court. The child, their parents, and their relatives will have input into the plan recommendation to the court, which may include voluntary placement with relatives.

Care coordination: TCWP will assist families in developing and enhancing their safety capacity to become a safer and more stable and independent living unit. TCWP aims to enhance family capacity to keep children safe by developing skills, relationships, living conditions, behaviors, and access to resources that reasonably mitigate threats of harm to vulnerable children under the protection of the court and TCWP. Enhancing family capacity includes support to relatives providing child placement or family support.

Procedure: TCWP staff will assist parents and relative caregivers in

1. Developing safe parenting and caregiving capacity.
2. Developing and maintaining positive relationships with relatives, family friends, and service providers.
3. Recognizing and dealing with family crisis effectively.
4. Establishing a community-based support system.
5. Accessing and utilizing culturally based programs and activities that enhance [tribe] identity, teach cultural knowledge and values, and instill a sense of cultural pride.

Procedure: To meet the goal of providing quality services that are sensitive and responsive to the cultural values of [tribe] parents and their relatives, TCWP acts to

1. Promote active participation among parents and relatives in the development of a service plan.
2. Develop a culturally responsive service plan that will assist the child and family to function at the maximum level of their physical, emotional, spiritual, and social ability.
3. Coordinate care across all other involved tribal, state/county, and local community agencies to provide services.
4. Assist the child's parents and their relatives to utilize appropriate community resources for prevention, maintenance, and treatment of various needs.

5. Ensure continuity and consistency of care through coordination and utilization of partnerships and/or referral systems.

Monitoring: When services are provided in the home, a plan for in-person monitoring of the child's safety shall set the frequency of in-home visits. Frequency may decrease based on a team decision as safety threats diminish and protective factors increase. Close monitoring may be accomplished by a team of representatives who may be service providers, informal helpers, and relative caregivers who agree to participate in team meetings and sign confidentiality agreements.

Substitute Care—Voluntary and Involuntary Placement

Substitute care may be necessary when a report of child abuse or neglect has been substantiated and a child needs out-of-home placement. Relatives or an Indian custodian may step in as a placement resource, either temporarily or permanently. Tribal child welfare programs may consider developing policy and procedures around substitute care that aim to minimize the trauma and loss associated with family separation, increase the likelihood siblings will live together or remain connected, preserve cultural identity and a sense of belonging to community, and positively influence placement stability and behavioral outcomes in out-of-home care.

Policy Questions

- ▶ Who can be considered a relative caregiver?
- ▶ What are the roles of relative caregivers in supporting child safety and family healing?
- ▶ Will the child be involved in important decisions about their safety and well-being?
- ▶ How will an emergency involuntary placement be initiated? Will law enforcement or social workers remove the child? Will tribal policy designate relatives as a preferred placement?

Items to Consider

- ▶ Forms of substitute care and when they apply, including informal arrangements, formal voluntary arrangements by a placement agreement, and formal involuntary placements by a court order
- ▶ Rights and responsibilities of relative caregivers in supporting child safety and family healing
- ▶ Use of [family group meetings](#) as a strategy to promote shared decision making around placement planning

- ▶ Licensing of relative caregivers based on established tribal foster care licensing standards
- ▶ Support services and resources available to licensed and unlicensed relative caregivers
- ▶ Establishing tribal placement preferences that prioritize tribal culture, values, and teachings around relative placement and foster care, including any exceptions or variances

Sample Policies and Procedures

Placement preferences: TCWP staff will follow placement preferences as outlined in [tribe] policy and code or as prioritized by [tribe] government.

Collaboration with the state/county: TCWP supports state/county child welfare in finding ICWA-compliant placements for [tribe] children as well as relative placements for non-[tribe] children on or near the reservation in a way that will help ensure the future safety and well-being of the child. In the event that [tribe] develops a resolution with a different order of preference than ICWA, TCWP staff will share this information with the state/county caseworker.

Caregiver responsibilities: Caregivers who have a formal relationship with TCWP are expected to cooperate with TCWP staff regarding visitation while maintaining the child's relationship with their parents and other significant relations, attending family meetings, and supporting the case plan.

Caregiver support: TCWP recognizes the challenges that caregivers face and offers support in several forms. Caregivers, whether voluntary or designated by the agency or court, may attend foster parent training events offered by TCWP, participate in caregiver support groups when held, and receive care coordination to secure services that will support a safe and stable placement.

Relative support: Other relatives may also provide family support to the parents, relative caregivers, or children in ways other than becoming a caregiver. This may include but is not limited to providing childcare, respite care, transportation to appointments, housekeeping, cooking, financial support, and emotional support or advocacy. TCWP will assess the needs of relatives providing family support and assist in strengthening the interdependent nurturing network caring for the children.

Relative/Kinship Searches

To support tribal preferences for placing children with relatives, a tribal child welfare program may already know of suitable relatives within their tribe or they may need a diligent search to be conducted to identify relatives willing and able to provide care.

Relative/kinship searches can help engage relatives in the placement process and reduce placements of children with families outside of the child's extended family network.

Policy Questions

- ▶ When will relative/kinship searches be initiated? Who will conduct them?
- ▶ Will program staff assist the state/county with its relative search efforts under ICWA?

Items to Consider

- ▶ Formalizing relative/kinship searches under tribal code and policy
- ▶ A diligent search for relatives is a federal requirement under Title IV-E of the Social Security Act
- ▶ Tribes may provide diligent search assistance to the state/county voluntarily or under written agreement or contract

Sample Policies and Procedures

Placement preferences: It is the policy of *TCWP* to follow the order of placement preferences as outlined in *[tribe]* policy and code. It is also the policy of *TCWP* to locate and facilitate placement with relative caregivers whenever possible. When relatives are not available, *TCWP* will provide tribally licensed foster homes, if applicable and available.

Partnerships and agreements: Relative/kinship searches will be provided in collaboration with state/county child welfare to promote the safety and stability of children where threats of harm to the child require temporary removal from their parents. Relative/kinship searches aim to assist state/county child welfare in developing and maintaining relationships with relative caregivers. *TCWP* will assist and advocate for appropriate relative/kinship searches as a service to eligible families. *TCWP* may develop an agreement with the state/county to provide home-finding assistance.

TCWP will perform relative/kinship searches in a manner that exercises due diligence to identify all adult relatives and extended family members, verbally communicates all available placement options and the responsibilities of being a placement resource, describes the requirements for foster care licensing, and discusses services and supports available for children placed in licensed homes. (Note: Title IV-E agencies are required to follow similar requirements for relative/kinship searches under the Fostering Connections to Success and Increasing Adoptions Act, 42 U.S.C. § 671(a)(29).)

Procedure: *TCWP* staff will take the following actions in a relative/kinship search:

1. Ask the parents (custodial and non-custodial), child (if developmentally appropriate), extended family, and community members about possible placement options that best meet the needs of the child, and employ other methods available to search for, locate, and contact relatives.
2. Utilize various approaches to contact relatives, such as in-person meetings, phone calls, written communication, or social media outreach (where appropriate), document those efforts, and indicate the need for follow up.
3. Inform relatives that there may be financial support available to assist in providing care for the child, as well as opportunities to provide other (non-placement) types of support.
4. Provide clarification that a relative who is not currently willing or able to be a placement resource may request placement at a later time.

Placement With Siblings

Prioritizing placements of siblings together recognizes the importance of sibling relationships in minimizing the trauma, loss, and disruption associated with family separation.

Policy Questions

- ▶ How does the tribe define “sibling”?
- ▶ Will siblings as potential caregivers be included in the tribe’s placement preferences?
- ▶ When a joint placement is contrary to the safety of any of the siblings, will there be other opportunities for regular contact between sibling groups?

Items to Consider

- ▶ Process for recruiting and training relatives to care for sibling groups
- ▶ A child’s developmental capacity may influence their level of participation in placement decisions
- ▶ Services available to siblings who become caregivers for their siblings

Sample Policies and Procedures

When placing a child in out-of-home care, *TCWP* staff will prioritize the placement of siblings together, consider the strength of attachment between the children, and work to minimize the trauma and loss associated with the placement of siblings apart.

For the purpose of this policy manual, sibling refers to any individual considered by tribal law or custom or state law to be a sibling of the child. *TCWP* staff will treat half, step, adoptive, and fictive siblings the same as birth siblings when it comes to joint placement. Siblings who are of an age appropriate under tribal custom, who are capable of providing safe care to younger siblings, and who meet all other placement standards outlined by [tribe] may be considered as potential caregivers for their younger siblings.

TCWP will facilitate outreach to the child's extended family network, including siblings, to recruit and train relatives interested in caring for sibling groups. *TCWP* will consider the specific challenges and needs that may be associated with keeping sibling groups in the same placement and actively work to ensure that caregivers have the capacity and resources needed to provide care.

When siblings are removed from their home and are not jointly placed, *TCWP* will provide for ongoing interaction between siblings unless *TCWP* determines that continued contact is contrary to the safety or well-being of any of the siblings.

Foster Care Licensing

Foster care licensing is usually an opportunity for caregivers, whether a placement is voluntary or involuntary, to receive a higher level of service from the tribal child welfare agency, access training opportunities, regulate relationships with the child's parents, and access financial resources to cover the costs of caring for a relative. Tribal child welfare programs may consider developing foster care licensing standards that contain language that is inclusive to relative caregivers and provides some flexibility in meeting licensure requirements.

Policy Questions

- ▶ How will foster care licensing standards be crafted to align with the tribe's cultural practices and values as well as meet conditions associated with funding sources?
- ▶ Will unlicensed relative caregivers have the opportunity to participate in services and trainings offered to licensed families?
- ▶ Will policy explicitly name non-safety standards that may be considered for waiver, outline the level of flexibility it will permit, and describe how the agency might work collaboratively to develop solutions to address any non-safety related concerns?

Items to Consider

- ▶ Relative caregivers may be accepting responsibilities that they had not foreseen and may need guidance on whether or not to become licensed and coaching to address the challenges of caring for a relative in need of services

- ▶ Standards may be influenced by agency funding sources, conditions associated with that funding, and safety concerns for the child in placement
- ▶ Recognition of a child’s need for permanency consistent with tribal culture and teachings around foster care, guardianship, or customary adoption
- ▶ When working with state or county courts, state/county child welfare may need assistance in developing and maintaining relationships with current or potential relative caregivers

Sample Policies and Procedures

The *TCWP* recognizes that Native children need to remain close to their immediate and extended family and their community. In accordance with tribal code and policy, *TCWP* strives to recruit, license, and place children in relative homes that provide safe, secure, and loving care during times when parents are unable to provide care.

Procedure: *TCWP* staff are encouraged to conduct outreach to members of the *[tribe]* community and people with strong ties to the community as part of a regular and periodic effort to recruit tribally licensed homes.

Placement preference: Relatives will be given preference for placement if the prospective caregiver is of an age appropriate under tribal custom and otherwise meets the qualifications and requirements for licensure under *[tribe]* policy and when placement is important to maintaining a child’s relationship with their family.

Licensed caregivers: Relative caregivers who decide to pursue a foster license must meet licensing safety standards set by *TCWP* policy, including criminal and child abuse background checks, with a clear waiver process for non-safety licensing standards. Relative caregivers who choose to become licensed will receive equitable foster care maintenance payments to those provided to non-relative licensed foster homes as described in *[tribe]* code, *TCWP* policy, or tribal-state agreement.

Unlicensed caregivers: Unlicensed relative caregivers will receive peer support services and be invited to participate in foster care training offered to licensed families. Voluntary relative caregivers are not required to participate in training, but they may benefit from tailored training, in addition to support groups and virtual discussion groups with other caregivers.

Relative Placement Services

To address the unique needs of children and their relative caregivers, timely and routine support is necessary. Services and supports can help mitigate barriers that may impact placement with relatives and promote placement stability.

Policy Questions

- ▶ When will services be provided?
- ▶ What types of services will be provided?
- ▶ What funding sources are available to support the provision of services?
- ▶ What collaborative approaches are in place to address the unique needs of relative caregivers?

Items to Consider

- ▶ Relative caregivers often need services whether the placement is voluntary or involuntary
- ▶ Staff capacity and agency resources can influence how assistance is provided
- ▶ Services may be contingent on having a funding source
- ▶ Collaborate with Title VI aging programs and tribal TANF agencies to help financially support caregivers and the children in their care

Sample Policies and Procedures

Support and Training: TCWP will identify, coordinate, and deliver services to support relatives in their caregiving and family support roles, whether the placement is voluntary or involuntary. Whenever funding or staff capacity create challenges to providing services to relatives, TCWP will provide care coordination services to identify other community resources or service providers who can provide supplemental support.

Housing Assistance: Relative caregivers who need to add space or make repairs in their home to accommodate the placement of a child, whether voluntary or involuntary, will receive care coordination services that help them identify housing resources and navigate applications or provide advocacy to obtain the service. TCWP coordinates with [tribe] housing programs and advocates for caregiving families that need housing in order to provide care.

Legal Assistance: Relative caregivers frequently need legal assistance to address a variety of care issues, whether voluntary or involuntary, including education, medical care and information, youth employment, travel/transportation, and Social Security, among other needs. TCWP will assist the caregiver with finding legal assistance as part of the care coordination process.

Assisting caregivers with licensure: TCWP will assist relatives in obtaining their foster care license to care for a child in the legal custody of TCWP. Assistance may include waiving non-safety licensing standards and purchasing cribs, beds, and other goods to

facilitate licensure. Through licensure, the caregiver will be eligible for foster care maintenance payments. *TCWP* may assist licensed caregivers in accessing other available services and resources through federal, tribal, and/or state/county programs.

Unlicensed caregivers: Relative caregivers of children in the legal custody of *TCWP* who choose not to become licensed will receive assistance from *TCWP* to secure financial support for which they may be eligible through [*tribe*], the state/county, and/or federal sources, including but not limited to Temporary Assistance for Needy Families (TANF) child-only grants; the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC); and the Supplemental Nutrition Assistance Program (SNAP), among other sources.

Permanency Plans and Services

A child's relationship with their loved ones should be respected and protected at all points of child welfare intervention. These connections represent reference points for belonging for children to grow into healthy and whole individuals. Fostering a sense of belonging to and with a family, extended family, clan, community, and tribe over time can help a child form a sense of identity, security, and well-being.

Policy Questions

- ▶ When will permanency plans for children be initiated?
- ▶ Will concurrent permanency plans be developed?
- ▶ How will relative caregivers be engaged in concurrent plans and permanency actions?
- ▶ Will post-permanency services and supports be available to support the child and caregiver?

Items to Consider

- ▶ Use of [family group meetings](#) and/or permanency team meetings as a strategy to promote shared decision making around permanency planning
- ▶ Formalization of placement agreements to help clarify what is expected of placement families as permanency decisions are made
- ▶ Use of permanency or care coordination teams to support family engagement, child safety, and family healing
- ▶ Post-permanency support services available to relative caregivers
- ▶ Services available to relatives who foster, adopt, or become a guardian through Title IV-E agreements or other tribal court custody agreements

- ▶ Resources available to ensure children with special needs and their caregivers are adequately supported

Sample Policies and Procedures

Concurrent planning: Children in *TCWP* placement need a sense of belonging (culturally, emotionally, and legally) over time. In order to prepare for the possibility that a permanency option other than returning to their parents might be needed, *TCWP* begins permanency planning whenever a child is placed outside of their home and routinely engages families in developing concurrent plans. Concurrent planning is the process of developing a permanency option, such as customary adoption or guardianship, in addition to reunification. Concurrent plans provide a guiding contingency that can be legally activated should parents be unable to raise their child. A relative or group of relatives might be designated as the permanency option by the *TCWP*.

Permanency teams: For every child in need of permanency services, *TCWP* will create a permanency team that will review and provide guidance on concurrent plans and permanency options. A permanency team will include the child (if developmentally appropriate), the parents, the relative caregiver or placement person, other relatives, *TCWP* staff, internal and external agency partners, service providers, and community advisors/healers, and it will be focused on the child's sense of belonging and safety, parent and caregiver capacity to provide safe care, and family healing.

Family meetings: Permanency decisions and actions are facilitated with the involvement of the child's extended family, including the relatives of both parents. *TCWP* will identify relatives of any non-custodial parent to determine their interest in being involved in family meetings or other activities to support the child and their parents. *TCWP* uses a family group conference approach to help inform permanency decisions and implement permanency plans.

Agreements: Whether the placement is voluntary or involuntary, *TCWP* will facilitate the development of an agreement between the parents and relative caregivers or placement home regarding items that may include visitation plans; decision-making regarding the child's physical, spiritual, or cultural needs; contact with non-placement relatives and friends; and roles in case plans and safety plans. Such plans will center the child's needs for safety and well-being while considering the needs and preferences of the adults.

Care coordination: *TCWP* may support a child's special needs and relatives in their caregiving roles through care coordination, such as supporting relatives in accessing and utilizing specialized trainings, identifying local peer support activities, exploring financial assistance options, and finding and using other resources consistent with [tribe] culture and teachings.

Post-permanency support services: Relative caregivers who become a permanency placement will be provided post-permanency support, including care coordination, to maintain continuity of care.

Family Group Meetings

Family group meetings can help families build capacity to make informed decisions, recognize their abilities and strengths, increase protective factors, and identify placement resources or other support people who can contribute to the family's safety needs and case plan goals.

Policy Questions

- ▶ How frequently will family group meetings be convened?
- ▶ What techniques will be used to facilitate the meetings?
- ▶ Who will facilitate the meetings?
- ▶ Who will be required or invited to participate in family meetings? How will non-custodial parents and their relatives be engaged in these meetings?
- ▶ What is the role of relatives/kin during these meetings?

Items to Consider

- ▶ Specialized tribal child welfare workers may plan and facilitate meetings through a variety of techniques
- ▶ Techniques can be adapted to the culture and values of the tribal community
- ▶ Service providers working directly with the family may be present to provide support to the family and to obtain more clarity about their role in helping the family meet case plan goals
- ▶ Decisions made during these meetings may be included in an agreement
- ▶ The role of relatives in providing supplemental support and substitute care, and in the maintenance of the parent-child relationship

Sample Policies and Procedures

Eligibility: Families whose children are placed in care, whether voluntarily or involuntarily, will be engaged in a family group conference as soon as possible, unless doing so would represent a threat to the safety of the child or *TCWP* staff.

Family Group Meetings: To restore family capacity and responsibility for the safety of their children, *TCWP* staff will conduct family meetings (e.g., family group conferences,

family group decision making, etc.) to engage the family, including the child, their parents, and their relatives who can provide family support or be a placement option for the child, in the decision-making and safety planning process. Family conferences will be convened and facilitated by *TCWP* staff and supported by other service providers and informal helpers based on individual family needs.

Procedure: Family meetings will

1. Include all relatives who can contribute to the safety of a child in need of care.
2. Seek to resolve the safety threats and increase protections available to the child through a family-led decision-making process.
3. Identify relatives as placement resources when needed.
4. Identify service needs for the whole family, including relatives providing family support or child placement.
5. Contribute to safety plans.
6. Generate goals for case plans.
7. Facilitate a working relationship between parents and relatives or other placement resources.
8. Address behavior standards for the family with regard to child safety.

Agreements: All forms of permanency decisions made by the family during meetings, including primary and concurrent plans, may be incorporated in a placement agreement by *TCWP*. Such agreements may be required in some circumstances. Agreements may include ongoing service needs, safety plans, placement arrangements, visitation agreements, post-permanency support, and the specific roles and responsibilities of the parents, relatives, service providers, and *TCWP* staff, where appropriate.

Customary Adoption

Customary adoption is a process or ceremony that creates a parent-child relationship that aligns with tribal tradition and values. Customary adoption and other alternative permanent placement arrangements can help children maintain their connection to family, community, and culture.

Policy Questions

- ▶ Who is eligible to become a customary adoptive placement?
- ▶ What financial assistance and services will be available to relatives who fulfill this role?

- ▶ Will parental rights be modified or suspended?
- ▶ How will family time between the child, their parents, and their relatives (including siblings) be arranged, and who will arrange it?

Items to Consider

- ▶ Services available to relative caregivers who care for children in this capacity
- ▶ Recognition of permanency consistent with tribal culture and teachings around adoption
- ▶ Use of family group meetings and/or permanency team meetings as a strategy to promote shared decision making around permanency planning

Sample Policies and Procedures

TCWP places a high priority on cultural recognition of permanency through customary adoption when children cannot return to their parents. Customary adoption is achieved through a customary action that is then recognized as a legal relationship by the tribal court. Customary adoption is recognized by the court as having the full standing of conventional adoptions. This arrangement is consistent with *[tribe]* culture and teachings about adoption. Customary adoption may be voluntary on the part of the parents or involuntarily imposed by the court through modification or suspension of parental rights. Modification of parental rights spells out the specific rights of the parties and is accomplished by a court-approved plan that is similar to a custody order in a divorce proceeding. Suspension of parental rights simply puts parental rights on hold until the child reaches the age of majority. All inheritance rights and familial relationships are restored upon the lifting of the suspension.

TCWP will be a full partner in the placement process, including participating in placement decisions, developing and implementing service plans, identifying resources and culturally appropriate services, and coordinating ongoing training opportunities for relative caregivers.

Similar to conventional adoptions, tribal customary adoptions are eligible for Title IV-E adoption assistance. See the [Children's Bureau Child Welfare Policy Manual](#) to determine a child's eligibility for Title IV-E adoption assistance. Adoptive relative caregivers may also receive support from *TCWP* to help sustain the permanency of the adoption. For example, if an adoption is being considered or may take place, and the child is Title IV-E eligible, *TCWP* will inform the individual of potential eligibility for a federal tax credit under section 23 of the Internal Revenue Code of 1986.

Guardianship

Guardianship is a permanency option intended to promote a sense of belonging, increase stability, and help a child stay connected to their family and culture by allowing relatives to provide a permanent home for the child without terminating parental rights.

Policy Questions

- ▶ Who is eligible to become a relative guardian?
- ▶ What financial assistance and services will be available to relative guardians?
- ▶ How will family time between the child, their parents, and their relatives (including siblings) be arranged, and who will arrange it?
- ▶ Will post-permanency services be available?

Items to Consider

- ▶ Recognition of permanency consistent with tribal culture and teachings around the interdependence of family and fostering of a child's connection to family, community, and culture
- ▶ Services available to relative guardians who care for children in this capacity
- ▶ Use of agreements to help clarify what is expected of placement families, including the naming of a successor guardian and the conditions of their role, and other permanency plans
- ▶ Use of [family group meetings](#) and/or permanency team meetings as a strategy to promote shared decision making around permanency planning

Sample Policies and Procedures

TCWP staff will coordinate and facilitate family group meetings to support the creation of an agreement that's steered by and works for the whole family. Agreements may include the outlining of the roles and responsibilities of the child's relative caregiver and parents as well as any ongoing need for support services.

TCWP staff will make known to relative guardians their potential eligibility for Title IV-E guardianship assistance and provide care coordination support to relatives in obtaining payments. *TCWP* will provide post-permanency services, where funds and resources are available. Relative caregivers may also be eligible for the TANF Non-Needy Relative (NNR) grant that provides cash assistance to relatives caring for nieces, nephews, grandchildren, siblings, or cousins. Tribes that operate TANF may use funds to support relative placement.

Working With Substance-Affected Families

Working with substance-affected families includes supporting the needs of the child, their parents (custodial and non-custodial), and their relative caregivers. A participating relative may become a caregiver for the child, or they may provide other types of support to the child and their parents, such as childcare, respite care, transportation, emotional support, financial support, and advocacy. To support whole family healing, relatives may also need treatment services or resources, including treatment for mental health and substance use disorders, to enhance their capacity to be a caregiver to the child and to provide support to the parents.

Policy Questions

- ▶ How are relatives engaged in supporting the child's parents?
- ▶ Will treatment services and/or resources be available to relatives so they can enhance their capacity to provide support to the parents and care for the child?

Items to Consider

- ▶ Engaging children and relatives in case planning and family meetings to promote shared decision making
- ▶ Utilizing care coordination teams, agreements, and partnerships with internal and external programs/agencies to address the needs of substance-affected families
- ▶ Collaborative approaches that align with cultural practices, teachings, and values

Sample Policies and Procedures

When parents suffer from substance use disorders (SUD), the time needed for recovery can far exceed the timeframes associated with the child's need for permanency. *TCWP* supports parents in their parenting roles at any stage of the recovery process. In some cases, this support will help parents become active non-custodial parents. *TCWP* will use collaborative approaches when working with substance-affected families, and this may include the use of relatives as a resource for family healing.

When time for recovery exceeds the child's need for permanency, *TCWP* implements alternative permanency plans for the child, which may include placement with relatives, while helping the child retain connections to their parents. *TCWP* will provide care coordination to engage the child, their parents, and their relatives in treatment planning, including the need for SUD treatment for parents and relative caregivers, family counseling to address mental health challenges, and other necessary resources to support child safety and family healing. (Note that a potential relative caregiver who has a SUD and is willing to participate in treatment is treated similarly to a parent who might

need treatment. Potential caregivers should be considered on the basis of safety and existing attachments and, meeting those criteria, be supported in recovery from a SUD.)

When the child's parents or relative caregivers are identified as experiencing SUD symptoms, behavioral health services will be coordinated and provided in a collaborative approach with *TCWP* and community service providers, where appropriate.

Procedure: *TCWP* staff will provide the following collaborative services to support behavioral health services, contingent upon a funding source:

1. Supportive case management and care coordination,
2. Routine screening for SUDs,
3. Assistance securing SUD assessments,
4. Help securing appropriate SUD treatment when needed,
5. Motivational interviewing and family meetings to promote treatment options,
6. Assistance to the parent or relative caregiver in developing a care plan for their children during treatment, for consideration and approval by the court when needed,
7. Post-treatment support and parenting planning,
8. Routine screening for trauma and mental health disorders,
9. Mental health first aid and suicide prevention,
10. Assistance securing mental health assessments,
11. Mental health counseling and rehabilitative mental health services and coordination thereof,
12. Help securing and supporting mental health treatment when needed,
13. Coordination of family preservation services with behavioral health providers, and
14. Assistance engaging the *[tribal court]* in addressing behavioral health issues where appropriate.

Safe Contact/Visitation

Family time is essential for preserving a child's right to have a lifelong relationship with their parents and relatives (including siblings) as well as the child's sense of belonging to family, community, and culture.

Policy Questions

- ▶ Will policy support regular and routine visitation?
- ▶ Who will be in attendance during visits?
- ▶ When will visitation agreements be required?
- ▶ Will children have contact with non-placement relatives, including siblings?
- ▶ Will policy outline any visitation restrictions or stipulations in which a child cannot have contact with their parents or relatives?

Items to Consider

- ▶ Factors that may influence or determine frequency of contact
- ▶ Use of family group meetings to promote shared decision making around visitation
- ▶ Level of structure or formality of contact, such as supervised visitation and collaborative agreements
- ▶ Developmental and therapeutic needs or other circumstances that may impact how visitation is supported
- ▶ How to provide visitation in the least restrictive, most family-like environment, including activities for families that tribes provide

Sample Policies and Procedures

A child in *TCWP* placement has a right to safe visits with their parents, relatives (including siblings), and other people they care about and who care about them. *TCWP* regularly makes plans for safe visitation for children in care. Visitation plans will be reviewed regularly at family meetings to reassess family needs and progress toward case plan goals, make any necessary adjustments that promote safe and frequent family time, and enhance the partnership between parents and relative caregivers whenever possible. *TCWP* examines every situation for safety concerns and plans accordingly, including utilizing relatives as a family support resource.

TCWP will consider a variety of factors that may influence the frequency and structure of family time, including but not limited to the developmental age of the child, family culture, the social and emotional needs of the child or parents, the capacity of relatives to provide support, and the type of maltreatment that the child experienced.

Agreements: *TCWP* may utilize visitation agreements, whether the placement is voluntary or involuntary, to engage parents, relative caregivers, and the agency in a common understanding around visitation. Such agreements may be developed during

family meetings in which visitation plans are discussed. Agreements may outline roles and responsibilities of all participants, frequency of family time, monitoring or supervision needs, and frequency of follow-up meetings to gauge family progress and adjust visitation plans as needed to ensure more meaningful opportunities for children to connect with their parents, relatives, and other loved ones. Supervised visitation may be required on a case-by-case basis and outlined in a visitation agreement.

Safe contact: When reunification with their parents is not in the best interest of the child, *TCWP* will continue to provide active efforts to determine opportunities for safe contact that aid in supporting and maintaining the child’s connection to their parents, relatives, and culture.

Funding

Flexible funding is essential to ensuring relatives receive the services they need to be of support to the parents and caregivers of children. *TCWP* may need to develop policies and procedures that outline how the agency will provide services and support to relative caregivers with existing funding sources or through partnerships with other agencies.

Flexible funding offers the possibility that the caregiver and the agency can support a strengths-based approach. For example, the agency or caregiver might use flexible funding to pay for classes that support the development of a skill, talent, or interest that helps the child heal, grow, and thrive.

Policy Questions

- ▶ What financial resources are available through the tribe, state/county, and federal sources that support the capacity of relatives to be a resource to children and their parents?
- ▶ Is there a budget for primary prevention activities, partnerships, and program development?
- ▶ Are there funds to support strengths-based work with youth and families?
- ▶ Do available funds support culturally appropriate programs and services and tribal sovereignty or do they require compromises that undermine these?

Items to Consider

- ▶ Tribal funding for strengths-based approaches
- ▶ Access to prevention, foster care, adoption, and post-permanency support services under tribal programs and Title IV-E (if applicable)

- ▶ Tribes that directly operate a Title IV-E program may be eligible to apply for Title IV-B kinship navigator funding to develop [kinship navigator programs](#). (Note: This [Program Instruction](#) provides guidance to tribal Title IV-E agencies on the actions required to apply for Title IV-B, subpart 2 funding to support the development, enhancement, or evaluation of kinship navigator programs. This is an example for tribes that may be interested in applying for funding in the future but keep an eye out for the most current guidance. A new Program Instruction is typically available each year around March. For more specific information, contact your [regional ACF office](#).)

Sample Policies and Procedures

Services will be determined based on child, family, and caregiver needs and tribal resources available. Some ongoing services may be provided to children and families, including relative caregivers, based on the eligibility criteria of certain grants or programs funded by *[tribe]*, the state/county, the federal government, or private funding sources.

TCWP may seek sponsorships, grants, or contracts for specific services and activities that support relative caregivers, including resources that prioritize culturally based programs and activities that bring strength, support cultural identity, and prioritize physical, social, emotional, and spiritual wellness.