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Achieving Permanency Goal Custody Transfer to Relatives

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Achieving Permanency Goal: Custody Transfer to Relatives

10.1 Introduction

The permanency goal of *Custody Transfer to Relatives* establishes permanent, life-long connections for children and youth in foster care. When the child or youth cannot be returned to his parents or previous custodian, the LDSS, through a Family Partnership Team should explore transferring custody of the child or youth to a relative. The service worker, with the assistance of the team, determines whether the permanency goal of Adoption or this option is in the *best interests of the child or youth*. When adoption by the relatives is not feasible, transferring custody of the child or youth to relatives often allows the child or youth to experience continuity in family relationships and cultural traditions. Relatives may also be willing to accept placement and custody of siblings.

10.2 Framework

The local department of social services (LDSS) should use the following framework to help guide decision-making regarding establishing permanency for children and youth in foster care through *Transfer of Custody to a Relative*. The LDSS shall comply with federal and state legal requirements and should use the following practice principles and desired outcomes when making decisions.

10.2.1 Practice principles

Two fundamental principles in Virginia's Children's Services System Practice Model provide the philosophical basis and guide practice on achieving permanency through Transfer of Custody to a Relative.

First, we believe children and youth do best when raised in families.

- Children and youth should be reared by their families whenever possible.

- When children *and youth* cannot live safely with their families, the first consideration for placement should be with kinship connections capable of providing a safe and nurturing home. We value the resources within extended family networks and are committed to seeking them out.
- *The needs of children and youth* are best served in a family that is committed to the child *and youth*.

Second, we believe that all children and youth need and deserve a permanent family.

- Lifelong family connections are crucial for children, *youth*, and adults. It is our responsibility to promote and preserve kinship, sibling, and community connections for each child *and youth*. We value past, present, and future relationships that consider the hopes and wishes *of the child and youth*.
- Permanency is best achieved through a legal relationship such as parental custody, adoption, kinship care or guardianship. Placement stability is not permanency.
- Planning for children *and youth* is focused on the goal of preserving their family, reunifying their family, or achieving permanency with another family.

10.2.2 Legal excerpts

The legal framework for transferring custody to relatives and for providing foster care services and funding to prevent or eliminate the need for foster care placement are delineated in federal and state law. Key excerpts are provided below. See the law for complete language by clicking on the citation.

10.2.2.1 Permanency goal of custody transfer to relative

(§ [63.2-906](#)). A. Each child who is committed or entrusted to the care of a local board ... shall have a foster care plan prepared by the local department.

B. Each child in foster care shall be assigned a permanent plan goal to be reviewed and approved by the juvenile and domestic relations district court having jurisdiction of the child's case. Permissible plan goals are to:...

2. Transfer custody of the child to a relative other than his prior family;...

10.2.2.2 Placing child or youth with relatives

(§ [63.2-900](#)). The local board shall first seek out kinship care options to keep children out of foster care and as a placement option for those children in foster care, if it is in the child's best interests, pursuant to § [63.2-900.1](#).

(§ [63.2-100](#)). "Kinship care" means the full-time care, nurturing, and protection of children by relatives.

(§ [63.2-900.1](#)). Kinship foster care.

A. The local board shall, in accordance with regulations adopted by the Board, determine whether the child has a relative who is eligible to become a kinship foster parent.

B. Kinship foster care placements pursuant to this section shall be subject to all requirements of, and shall be eligible for all services related to, foster care placement contained in this chapter.

C. The kinship foster parent shall be eligible to receive payment at the full foster care rate for the care of the child.

10.2.2.3 Transfer of custody to relative or other interested individual

(§ [16.1 278.2](#)). A1. Any order transferring custody of the child to a relative or other interested individual pursuant to subdivision A 5 a shall be entered only upon a finding, based upon a preponderance of the evidence, that the relative or other interested individual is one who, after an investigation as directed by the court, (i) is found by the court to be willing and qualified to receive and care for the child; (ii) is willing to have a positive, continuous relationship with the child; (iii) is committed to providing a permanent, suitable home for the child; and (iv) is willing and has the ability to protect the child from abuse and neglect; and the order shall so state. The court's order transferring custody to a relative or other interested individual 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.

10.2.2.4 Providing foster care services

(§ [63.2-900](#)). The Board shall adopt regulations for the provision of foster care services by local boards, which shall be directed toward the prevention of unnecessary foster care placements and towards the immediate care of and permanent planning for children in the custody of or placed by local boards and that shall achieve, as quickly as practicable, permanent placements for such children.

(§ [63.2-100](#)). "Foster care placement" means placement of a child through (i) an agreement between the parents or guardians and the local board where legal custody remains with the parents or guardians or (ii) an entrustment or commitment of the child to the local board or licensed child-placing agency.

(§ [63.2-905](#)). Foster care services are the provision of a full range of casework, treatment and community services, including but not limited to independent living services, for a planned period of time to a child who is abused or neglected as defined in § [63.2-100](#) or in need of services as defined in § [16.1-228](#) and his family when the child (i) has been identified as needing services to prevent or eliminate the need for foster care placement,....

10.2.2.5 Funding foster care services

(§ [2.2-5211](#)) State pool of funds for community policy and management teams

...B. The state pool shall consist of funds that serve the target populations identified in subdivisions 1 through 5 of this subsection...: 3. Children for whom foster care services, as defined by § [63.2-905](#), are being provided to prevent foster care placements... for purposes of placement in suitable family homes, child-caring institutions, residential facilities or independent living arrangements, as authorized by § [63.2-900](#);...

C. The General Assembly and the governing body of each county and city shall annually appropriate such sums of money as shall be sufficient to (i) provide special education services and foster care services for children identified in subdivisions B 1, B 2 and B 3 and (ii) meet relevant federal mandates for the provision of these services.

(§ [2.2-5212](#)) B. For purposes of determining eligibility for the state pool of funds, "child" or "youth" means (i) a person less than eighteen years of age and (ii) any individual through twenty-one years of age who is otherwise eligible for mandated services of the participating state agencies including special education and foster care services.

10.2.3 Outcomes

LDSS shall strive to achieve the following permanency outcomes required in the federal Child and Family Services Review:

- Permanency Outcome 1: Children and youth have permanency in their living situations.

- *Permanency Outcome 2: The continuity of family relationships and connections is preserved for children and youth.*

The transfer of custody to a relative helps achieve the following child and youth outcomes:

- *Increase the number of children and youth who exit foster care and enter permanent family arrangements.*
- *Decrease the number of children and youth who age out of foster care without connections to a permanent family.*
- *Increase the number of children and youth placed with prospective relative custodians.*
- *Reduce the number of children and youth who experience subsequent abuse or neglect.*
- *Reduce rates of re-entry into foster care among children and youth who exit out-of-home placements.*
- *Reduce the number of children and youth in foster care with the goal of Permanent Foster Care in response to federal requirements.*
- *Increase the use of appropriate community-based services.*

10.3 Benefits of children and youth living permanently with relatives

Relative placement promotes timely reunification, and placement stability, as children *and youth* placed with relatives experience fewer placement disruptions than children *and youth* placed with non-related foster parents. Preserving existing connections and relationships *with familiar adults for the child or youth* is achieved *through* relative placement. In many instances, relative placement preserves the continuity of care, relationships, culture, and environment that are essential to the overall well-being of *the child or youth*. Relative placement maintains the family system as day-to-day decisions continue to be made by adults that the child *or youth* already knows and understands to be their family. The child *or youth* continues to participate in family celebrations, traditions, vacations, and activities.¹

Relative placement facilitates the development of positive self-image, self-esteem, identity, and consequently, may help *the child or youth* to avoid the double jeopardy of

¹ Source: U.S. Department of Health and Human Services Administration for Children and Families, 2001-2004 Children and Family Service Review Findings.

feeling abandoned by both parents and family. *The child or youth placed in relative care continue to feel a sense of belonging, worth, history and value to others.*²

*National research identifies numerous benefits for children and youth who live with relatives permanently.*³ *These benefits include:*

- *More children achieve permanency, especially older youth.*
- *More youth emancipate from foster care with permanent connections to family and other supports.*
- *More children and youth are placed with relatives.*
- *Children and youth are as safe in relative placements as children and youth in other permanency options.*
- *Children and youth experience fewer placement changes in relative placements as children and youth in other placements.*
- *Children and youth spend fewer days in out-of-home care than children and youth in other settings.*
- *Relatives are more likely to accept sibling groups than other placements.*
- *Fewer children and youth in relative placements report changing schools (63 percent) than do children and youth in non-relative foster care (80 percent) or those in group care (93 percent).*
- *More children and youth experience continuity of cultural traditions.*
- *Children and youth placed with relatives early in their care have fewer behavior problems after three years than children and youth placed in non-relative foster care.*
- *Children and youth fare as well, if not better, in school performance, physical and mental health, and family functioning than their peers in other placements.*

² *Excerpts from Relatives Raising Children: An Overview of Kinship Care, Joseph Crumbley & Robert L. Little, (1997), Child Welfare League of America.*

³ *Sources: Summary of Subsidized Guardianship Waiver Demonstrations (James Bell Associates, July 2009); Center for Law and Social Policy.*

10.4 Services to achieve goal of Transfer of Custody to Relatives

10.4.1 Focus of services

Services to maintain the child's or youth's connections to relatives often begins prior to the child or youth entering foster care and may continue until after a permanent family is achieved for the child or youth. If foster care placement cannot be averted through arranging for relatives to care for the child or youth who cannot live with his parents, the service worker should continue to diligently search and thoroughly examine all viable relative options with a sense of urgency throughout the child's or youth's involvement with the child welfare system.

- *The service worker shall notify all family members in writing within thirty (30) days of the child's or youth's placement in foster care, informing them of their options to provide care and support for the child or youth (see [Section 2.3](#) for required language to be included in the written notice). Documentation of all contacts shall be made in the OASIS contacts screen, including the date sent, the response from the relative, and the reasons why specific relatives were not notified. Copies of any correspondence sent to relatives shall be placed in the foster care paper case file. The LDSS has discretion in determining if it is not in the best interest of the child or youth to notify relatives involved in family or domestic violence or listed on the Virginia State Policy Sex Offender Registry. Relatives who have barrier crimes as listed in § [63.2-1719](#) shall not be considered for the placement of the child or youth (§ [63.2-901.1 E](#)).*
- *When it is determined that placement with relatives is an appropriate permanency goal for the child or youth, the service worker should discuss with any interested relatives, the options available to them for supporting and providing care for the child or youth (see [Section 10.4.2](#)).*
- *Once a relative has been identified for placement of the child or youth, the primary focus of services for the service worker and family may shift from reunification with the parents or prior custodians to preparing the child or youth for placement with the relative willing to assume custody. In the case of a concurrent plan of reunification and transfer of custody to a relative, services to achieve both goals shall be provided until the goal of reunification is ruled out.*
- *The service worker should assist the parent, child or youth, and prospective relative custodians to adjust to the change in family dynamics by clarifying and reducing role conflicts. This may be accomplished by the service worker discussing new roles and responsibilities with everyone involved, including the child or youth. This may also be achieved by the service worker recommending family counseling and referring the family to community*

services that would support the child or youth, relative, and extended family in supporting the changing family dynamics.

- *The service worker should assist the prospective relative custodians with finding resources to meet the child's or youth's educational, social, physical health, and mental health needs, including accessing independent living services for youth age 14 and over.*

10.4.2 Informing relatives of options

The child or youth may be placed in the care of relatives when he cannot stay at home with his parents and a relative placement is the best alternative for the child or youth. When the LDSS decides to remove the child or youth from his home, the LDSS shall notify relatives of the removal and invite the relatives to discuss ways to be involved in the child's or youth's life, including the possibility of becoming a resource parent for the child or youth (see [Section 2.3](#)). The LDSS shall inform and discuss with the relatives other roles, resources, and supports (e.g., mentoring, respite care) they may provide the child or youth (see [Section 2.4](#)).

When the LDSS determines that the child or youth will not return home to his parents, there are three options for prospective relative providers that the LDSS shall discuss with interested relatives:

- *The relatives could become fully approved resource parents with the LDSS maintaining custody of the child or youth.*
- *The relatives could adopt the child or youth, if the court terminates the parental rights.*
- *The court could transfer custody to the relatives.*

The LDSS shall fully inform and discuss with the relatives:

- *All known information about the child's or youth's background and needs, including non-identifying information about the birth family on the [Full Disclosure of Child Information Form](#) (see [Section 9.10.4](#)).*
- *The long term needs of children and youth who have experienced trauma.*
- *The services and supports the child or youth currently requires, and to the extent possible, the services the child or youth will need.*

When the LDSS determines that the plan for reunification has not been successful, a Family Partnership Meeting should be scheduled (see [Section 2.7](#)). At this meeting, a change in the permanency goal should be discussed, including the permanency

options of Adoption and transfer of legal custody to the relative. This meeting should be scheduled before a change in goal occurs.

10.4.3 Assessing prospective relative custodians

Before a decision is made to file a petition for transfer of custody to the relatives, the service worker should consider the long term safety, permanency, and well being for the child or youth when assessing the relatives as the potential legal custodians for the child or youth. The LDSS shall document the relatives' appropriateness as the legal custodians for the child or youth in the paper case record and in a narrative summary in the OASIS contacts screen.

- *For the relatives who are assuming custody without becoming resource parents, the documentation shall be a written format determined by the LDSS.*
- *For the relatives who are being approved as resource parents, the documentation shall be the Mutual Family Assessment Report as defined in the [Local Department Resource, Foster, and Adoptive Family Home Approval Guidance](#) in Chapter D on Resource Families (See [Section 10.8](#)).*

Because the court will consider the appropriateness of the relatives as permanent custodians, the LDSS shall assess the prospective relative custodians and consider if they are:

- *Willing and qualified to receive and care for the child or youth.*
- *Willing to have a positive, continuous relationship with the child or youth.*
- *Willing to protect the child or youth from abuse and neglect and the ability to do so.*
- *Willing to remain in compliance with any protective order entered on behalf of the child or youth.*
- *Willing to participate in a court review of the child's or youth's placement with the relative.*

The service worker should assess the prospective relative custodians regardless of whether the relatives will:

- *Adopt the child or youth;*
- *Assume custody of the child or youth without becoming resource parents; or*
- *Become resource parents for the child or youth.*

The assessment should include observation of actions, discussion of concrete plans, and evidence of demonstrated commitment to the child or youth. The assessment of relatives as prospective custodians should address the areas described in the following sections.⁴

10.4.3.1 Motivation

Motivation may differ in a relative caregiver from what is traditionally observed in a non-relative caregiver. While it is not necessary to analyze the motivation of the relatives, it is important to determine whether or not the relatives are positively motivated to provide care for the child or youth (e.g., loyal to the family; attached to the child or youth; desire continuity of family relationships and traditions; want to maintain the child's or youth's identity with the family; and/or want to protect and nurture the child or youth.

10.4.3.2 Household configuration

The relatives' home may consist of permanent, temporary, and/or transient family members. The family may be a nuclear family or multigenerational family. Primary and secondary caregivers may be in the relatives' household due to its composition or as surrogate supports to the child or youth and the relatives. Assessment of both primary and secondary caregivers should include whether the caregivers are consistent in their approaches concerning discipline, nurturance, and supervision.

Criminal record checks shall be obtained on all adults in the relatives' home

Regardless of family composition and activities, the identified prospective relative custodians should be able to provide the child or youth with consistent routines, schedules, and care.

10.4.3.3 Birth parents' interaction with prospective relative custodian

It is important to determine that the prospective relative custodians, given any interaction with the birth parents, will be able to ensure the safety needs of the child or youth. Discussion with the prospective relative custodians should include, but is not limited to, the following family dynamics:

- The type and frequency of their contact with the birth parents.*
- Their relationship with the birth parents in the past and present.*

⁴ Adapted from competency-based curriculum developed by the National Resource Center for Family-Centered Practice and Permanency Planning, March 2002. Based on work of Dr. Joseph Crumbley and Robert Little. "Relatives Raising Children: An Overview of Kinship Care," CWLA Press, Washington, DC. 1997 and Dr. Joseph Crumbley's written materials, 2000.

- *Their ability to keep the child or youth safe, and when necessary, prevent contact with the birth parents.*
- *Their ability to negotiate roles and relationships with the birth parents when necessary, including who is responsible for decision-making, nurturing, discipline, support, and communication.*
- *Their willingness to involve both paternal and maternal birth family members in the life of the child or youth as appropriate.*

10.4.3.4 Prospective relative custodians' ability to provide care, safety, and protection

The service worker should assess the ability of the prospective relative custodians to provide a safe and stable environment for the child or youth, including, but are not limited to:

- *Housing, food, clothing, and education.*
- *Discipline, limit setting, nurturing, and protection.*
- *Sources of income to support the child or youth and family.*
- *Necessary agency and community supports to provide permanency for the child or youth.*

10.4.3.5 Prospective relative custodians' alternative plan for permanency

The prospective relative custodians should be encouraged to identify supports within the family should they become ill or need respite care for the child or youth. Often in families, the decision making is shared throughout the nuclear and extended family during a crisis. The service worker should assist the prospective relative custodians in indentifying the family members who should be involved in the planning and development of alternative plans.

10.4.4 Preparing prospective relative custodians for legal custody

To achieve permanency for the child or youth placed with appropriate prospective relative custodians, the planning process should be collaborative. The LDSS should involve the child or youth, birth parents, prospective relative custodians, Family Partnership team, and Family Assessment and Planning Team (FAPT), as appropriate. The service worker should convene a Family Partnership Meeting prior to the actual transfer of custody to assist in linking the child and family to available community resources.

The team should plan the transition to ensure permanency for the child or youth after custody has been transferred. The team should build upon the strengths of the child or youth and the family and respond to their unique needs, as identified through the comprehensive assessment process (see [Section 5](#)).

To prepare the prospective relative custodians to assume legal custody of the child or youth, the LDSS, the family, and the team should address the following areas, as appropriate:

- *Assisting the child or youth and the prospective relative custodians in identifying and addressing feelings of grief and loss and setting appropriate boundaries with the birth parent.*
- *Explaining, discussing, and responding to all questions about the legal process for transferring custody of the child or youth from the LDSS to the prospective relative custodians (see [Section 10.5](#)).*
- *Informing the prospective relative custodians who assume custody of the youth who exits foster care within 45 days after reaching his 17th birthday in federal fiscal years 2014, 2017, or any third year thereafter that:*
 - *The LDSS is required to ask the youth to participate in a survey during the 45 days after the youth's 17th birthday to collect and report baseline information on the youth as part of the National Youth in Transition Database (NYTD).*
 - *The youth may then be selected to participate in an outcomes survey when the youth turns age 19, and then again when the youth turns age 21.*
 - *The purpose of the survey is to assess the foster care system with regards to life outcomes for youth (e.g., increasing youth financial self-sufficiency, improving youth educational attainment, increasing youth connections with adults, reducing homelessness among youth, reducing high risk behavior among youth, and improving youth access to health insurance).*

For more information on NYTD, see [Section 14.15](#).

- *Informing key parties involved with the child or youth that custody has been transferred (e.g., school, health insurance).*
- *Developing a plan for visitation and communication between the child or youth, the birth parents, siblings if separated, appropriate family members, and other individuals who are significant to the child or youth. The plan shall take into account the wishes of the child or youth, consistent with the child's*

or youth's developmental level. The plan shall specify the frequency of visitation or communication, identify who is responsible for ensuring the visits or communication take place, and state any restrictions or limitations to the visits or communications. The communications may include, but are not limited to, face-to-face visits, telephone calls, email correspondence, and video conferencing.

10.4.5 Preparing child or youth for transfer of legal custody

In addition to preparing the prospective relative custodians for the custody transfer, it is important to prepare the child or youth for the change in custody.

The service worker should facilitate open and honest communication between the child or youth, the birth parents, extended family, and the potential relative custodians to address any issues that may arise as a result of the transfer of custody. The forums for this discussion may include both formal and informal activities, including but not limited to:

- *Family Partnership Meetings.*
- *Visitations with the child or youth.*
- *Conversations among the birth parents, child or youth, and the potential relative custodians.*
- *Formal family therapy.*

To prepare the child or youth for the transfer of custody, the service worker should, in collaboration with the birth parents, the relative custodian, and any other significant individuals (e.g., a therapist), determine how to:

- *Explain to the child or youth, consistent with his developmental level, why he will not be returning to his birth family home to live and what he can expect when living with his relative custodians.*
- *Discuss the child's or youth's concerns and feelings about the changes occurring and assist the youth in identifying questions he may want to have answered (e.g., will I be able to see my parents/siblings; how long do I have to live with my relative; what if I don't like living with my relative).*
- *Discuss with the child or youth the plan to allow continued visits, letters, and phone calls between siblings if the child or youth is not placed with his siblings.*

- *Discuss the court process with the child or youth; the time frames for the change in placement and/or custody and the possibility that the judge may ask him his wishes regarding living with a relative.*

Additionally, the child or youth's input should be obtained in order to assess the following decisions:

- *The plan for transfer of custody to the prospective relative custodians will meet the child's or youth's needs for a stable and permanent arrangement.*
- *The expectations of the relative for daily family living, (including but not limited to chores, house rules, curfews, and school expectations) are understood by the child or youth and to determine if the child or youth has any questions or concerns they want to address. This discussion should assist the child or youth in identifying, negotiating, and preparing for placement in the relatives' home.*
- *The ongoing plan for communication with birth parents, siblings, significant adults, and others important to the child or youth is clear and acceptable. This plan should be with the input of the child or youth and in compliance with his communication needs and wishes.*
- *The supports and services available to the child or youth to maintain educational success, engage in appropriate extracurricular activities, and meet his physical, social, and mental health needs.*
- *The plan to assist the youth in developing independence and adult living skills with the support of the prospective relative custodians is feasible and agreed to by all involved.*
- *The understanding and agreement of the older youth and the prospective relative custodians that the youth participate in the National Youth in Transition Database (NYTD) after leaving custody of LDSS, when applicable.*

10.5 Court procedures for transfer of legal custody to relative

LDSS shall follow all procedures for the transfer of legal custody of the child or youth to the prospective relative custodians. The LDSS shall:

- *Petition the Virginia Juvenile and Domestic Relations District Court to transfer legal custody of the child or youth to the prospective relative custodians. Thirty (30) days prior to the hearing, the LDSS shall submit to the court:*
 - *Permanency Planning Hearing Petition.*
 - *Foster Care Service Plan Transmittal Form.*

- *New Foster Care Service Plan Review Form.*
- *Recommend that custody transfer to the prospective relative custodians is in the best interest of the child or youth.*

The court order transferring custody to a relative may provide for, as appropriate, any terms or conditions which would promote:

- *The interest and welfare of the child or youth.*
- *Ongoing provision of social services to the child or youth, and the custodian.*
- *Court review of the child's or youth's placement ([§ 16.1 278.2 A1](#)).*

Based upon the finding by the judge of the Virginia Juvenile and Domestic Relations District Court that transfer of custody is in the best interest of the child or youth, the judge may approve the LDSS plan for the child or youth and enter the order transferring the legal custody of the child or youth from the LDSS to the relative custodians.

The LDSS shall document the hearing on the Court/Hearing Details screen and the Hearing Detail Results screen in OASIS.

A copy of the petition and signed court order shall be placed in the foster care paper case record, when relevant.

10.6 Relative assuming custody of child or youth

When transfer of custody to a relative is determined to be in the best interest of the child or youth and a relative has been identified who is willing and appropriate to care for the child or youth, the LDSS shall first ensure that the placement with the relative is safe and that the relative will keep the child or youth safe from any further maltreatment. The LDSS shall complete:

- *A criminal background check, including a central registry search on all adults residing in the home.*
- *A sworn statement or affirmation disclosing whether or not the individual has a criminal conviction or is the subject of any pending criminal charges within or outside of Virginia and whether or not the individual has been the subject of a founded complaint of child abuse or neglect within or outside of Virginia.*

Since the child or youth is in the legal custody of the LDSS, if the relative or any other adult residing in the home has a barrier crime, the child or youth shall not be placed in the home ([§ 63.2-901.1](#)).

The LDSS should document the reasons why they decided to place the child or youth with a relative in the OASIS contacts screen and maintain the results of the criminal background check in the relative custodians' file.

The LDSS should discuss with the relative as soon as possible the option of transferring legal custody of the child from the LDSS to the relative. The LDSS should inform, discuss, and examine with the relatives:

- *The benefits to the child or youth in leaving foster care to live permanently with the relatives.*
- *The impact to the child or youth of remaining in foster care. The longer the child or youth spends in foster care, the potential for trauma and difficulty in forming strong relationships increases. The effects of being in foster care can have life-long impact on the child or youth.*
- *The authority and responsibility of the relatives as legal custodians of the child or youth to ensure his protection and make all decisions for the child or youth (e.g., enrolling in school; approving medical procedures).*
- *The financial impact of the relatives assuming legal custody of the child or youth. Once all requirements are met for transferring legal custody from the LDSS to the relatives, the involvement of the child welfare system becomes limited and eventually ceases altogether.*
- *The availability of family, health insurance, community, government, and other resources to help meet the child's needs.*

Prior to transferring legal custody, the service worker should assist the relatives in accessing and initiating services, including filling out forms to establish eligibility for services. Depending on availability and eligibility, the following resources and/or services may be available and should be discussed with the relative:

- *Private health insurance coverage. The service worker should encourage the relatives to contact their private health insurance provider to see if the child or youth may be added to their existing policy. For example, health insurance coverage may include:*
 - *Employer-based health plan.*
 - *Self-employed health plan.*
 - [TRICARE](#) *for families of Uniformed Service members and retirees.*

- [Civilian Health and Medical Program of the Department of Veterans Affairs \(CHAMPVA\)](#) for certain dependents and survivors of Veterans and eligible Reservists and National Guard members.
- [Child support](#). Unless the court terminates parental rights, the birth parents remain financially responsible for their child or youth. The service worker should provide the prospective relative custodians [contact information for the local child support enforcement office](#). The relative caregivers may pursue obtaining child support for the child or youth in the home. The amount of support is based on the needs of the child or youth and on the resources and the abilities of the birth parents to pay. When the relatives are receiving TANF or Medicaid, the child support enforcement office will pursue child support on both birth parents to recoup the state's cost of providing services.
- [Social Security benefits](#) due to the retirement, death, or disability of a birth parent through the Social Security Administration (SSA). The child or youth raised by relatives may be eligible for benefits connected to the birth parents. Relative caregivers may apply for benefits on behalf of the child or youth based on the work record of the child's or youth's parents. If the child or youth is not receiving benefits from the parent record and is being raised by a grandparent, the child or youth may qualify for benefits from the grandparent's record. There are eligibility requirements that must be met and the grandparent will need to contact the SSA for additional information. The child or youth raised by relatives other than a grandparent may qualify for dependent benefits, but only if the child is legally adopted by the relative.
- The [Supplemental Security Income](#) (SSI) program administered by the SSA. SSI provides cash benefits for individuals who are blind or have certain disabilities. To qualify for benefits the child or youth must be under 18 years old and meet the SSI disability, income, and resources criteria.
- Other retirement or disability benefits (e.g. [Veterans benefits](#), [Railroad Retirement benefits](#)), life insurance benefits, and/or trust fund payments related to a birth parent.
- [Tax Credits](#). The working relative caregiver may qualify for several tax credits through the [Internal Revenue Service](#) (IRS). These include the Earned Income Tax Credit, the Child Tax Credit, and the Child and Dependent Tax Credit. Relatives may contact the IRS or their tax preparer for more information.
- [Women, Infant and Children Program](#) (WIC). Provides supplemental food and nutrition education. WIC accepts children who are under the age of five (5) years, income eligible, and have a nutritional risk.

- [School nutrition programs](#) for eligible children (e.g., Free and Reduced Price Lunches through the National School Lunch Program; School Breakfast Program). Application information may be obtained at the local school where the child or youth attends.
- Benefit programs. The service worker should provide a copy of the [Benefits Program Brochure](#) to inform the relatives of eligibility and the application process for TANF, Medicaid, and SNAP in Virginia.
 - [Temporary Assistance for Needy Families](#) (TANF) program. It is possible for the relative to apply for a Child Only TANF payment where only the child's or youth's income and resources are considered for eligibility. These benefits may be available until the child's or youth's 18th birthday.
 - Medical assistance through the [Medicaid](#) or [FAMIS](#) program for the eligible child or youth to receive support for medical, dental, and behavioral health expenses.
 - [Supplemental Nutrition Assistance Program](#) (SNAP). This program provides benefits to purchase food.
- Training for Relative Caregivers. Relatives may request, or a service worker may identify, an area in which the relative would benefit from gaining specific knowledge to understand and support the well-being of the child or youth in their care (e.g., parenting a teen, managing a specific disability). The service worker should provide any contact information for appropriate classes, support groups, or other training that would meet the needs of the relative caregiver and the child or youth.
- Early Intervention Services. The [Infant & Toddler Connection of Virginia](#) provides early intervention supports and services to infants and toddlers from birth through age two who are not developing as expected or who have a medical condition that can delay normal development. Early intervention supports and services focus on increasing the child's or youth's participation in family and community activities that are important to the family. In addition, supports and services focus on helping relative caretakers know how to find ways to help the child or youth learn during everyday activities. These supports and services are available for all eligible children or youth and their families regardless of the family's ability to pay. To determine eligibility, the child's or youth's development is evaluated by at least two professionals from different professions or areas of development. When eligible, the family and professionals develop an Individualized Family Service Plan (IFSP).
- [Community Services Boards](#) (CSBs). CSBs provide the point of entry for the publicly-funded mental health, intellectual disability and substance abuse services for the state. The CSB in the locality of the child or youth and the

relative provides 24 hour screening and emergency services and referrals for follow-up care.

- [Comprehensive Services Act for at Risk Youth and Families \(CSA\)](#). This is a system of services and funding that is community based and family focused to assist in providing services to at risk children, youth, and their families. The FAPT is the local team established through the CSA that identifies the complement of services to meet the needs of the child or youth in their local community. Should the relative caregivers identify the need for services, the service worker should refer the child or youth to the FAPT. The LDSS shall comply with all state and local policies for referring the child or youth to the FAPT and in assisting the FAPT in assessing and identifying the complement of services to be provided.
- [Virginia Department of Rehabilitation Services](#). This agency provides services for children and youth with significant disabilities to maximize their independence and inclusion in society. Services include vocational rehabilitation, brain injury service coordination, community rehabilitation, case management services, independent living services, personal assistance services and procurement of assistive technology services, devices and equipment.

10.7 Achieving permanency with goal of Custody Transfer to Relative

The goal of *Custody Transfer to Relative* is achieved when *the child or youth is placed with relatives* and *legal custody* of the child or youth is transferred to a relative.

10.8 Overview of relatives becoming foster parents

The service worker should discuss with the relatives the differences between assuming custody of a child or youth in foster care and becoming foster parents for that child or youth. Relatives need to understand that being a foster parent includes much more structured involvement from the child welfare system because the LDSS holds legal custody of the child or youth. The requirements to become a foster parent in Virginia are the same for a relative as a non-relative (see [Local Department Resource, Foster, and Adoptive Family Home Approval Guidance](#) in Chapter D on Resource Families). The LDSS should review at least the following information with the relative:

- *The requirements to be approved as a foster parent (including criminal background checks, training, and the home study process).*
- *The relative's involvement in service planning and services for the child or youth, participating in at least monthly visits by the service worker with the relatives and child or youth, and attending court hearings, administrative panel reviews, and FAPT meetings.*

- *The monthly payments available to help meet the needs of the child or youth for basic maintenance and for additional supervision and support when required. The service worker should explain that these funds supplement the resources of the relatives to help them care for the child or youth. These funds are not intended to be a salary for the relative foster parents nor cover the full costs of raising the child or youth.*
- *The LDSS role in assisting in obtaining services and supports needed by the child or youth (e.g., Medicaid eligibility, therapeutic services).*
- *The relative's role in arranging visitations with the birth parents and siblings, transporting the child or youth, and assisting in carrying out the visits, particularly when the goal for the child or youth is to return home.*
- *The role of the relatives and health care professionals in meeting the child's or youth's medical, dental, and behavioral health care needs.*

10.9 Overview of relative adopting child or youth

Relatives may become the adoptive parent of the child or youth if the parental rights of the birth parents have been terminated by the court. Relatives who adopt assume all the rights and responsibilities that once belonged to the birth parents. Adoption is expected to be a life-long permanent relationship, entitling a child or youth to all of the benefits and rights of a biological child or youth within the adoptive family. Adoption is a more permanent family connection for the child or youth than the transfer of custody. The service worker should discuss with the relatives some of the changes that occur when they adopt the child or youth, including, but not limited to:

- *The relatives have full decision-making authority over the child or youth. The birth parents cannot petition the court for the purpose of custody or visitation with the child or youth.*
- *The relatives may choose to enter into a Post-Adoption Contact and Communication Agreement (PACCA) with the birth parents if desired and if in the best interest of the child or youth. A PACCA is a mutually developed agreement that allows the child or youth to continue having contact with the birth parents under circumstances developed in the agreement.*
- *The child or youth who has documented special needs may be eligible to receive adoption assistance. Such assistance may be available to help address the basic maintenance needs and required additional supervision and support needs of the child or youth, non-recurring expenses of the relatives directly related to the legal adoption of the child or youth, and required services and supports directly related to the child's or youth's special needs (e.g., counseling and crisis intervention).*

- *After termination of parental rights, a biological parent who may have been ordered to pay child support will no longer have this obligation.*

For more information about the process of adoption and the child or youth's eligibility requirements for adoption assistance, see the Child and Family Services Manual, Chapter F. Adoption, [Section 2](#), Adoption Assistance.