



Kinship Care and School Enrollment in Virginia

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TABLE OF CONTENTS

EXECUTIVE SUMMARY	3
BACKGROUND	4
DEFINING KINSHIP CARE	4
INFORMAL AND FORMAL KINSHIP CARE	5
PROBLEMS WITH KINSHIP CARE	8
SCHOOL ENROLLMENT	9
STATE ENROLLMENT REQUIREMENTS	9
FREE PUBLIC SCHOOLING	10
THE ATTORNEY GENERAL OPINION	10
COUNTY ENROLLMENT REQUIREMENTS	11
KINSHIP AND SCHOOL ENROLLMENT	11
ALTERNATIVE ENROLLMENT POLICIES	15
#1 KEEP POLICIES THE SAME	15
#2 MILITARY FAMILIES PLAN	16
#3 CHANGE THE VIRGINIA CODE	17
#4 ALBEMARLE COUNTY MODEL	20
#5 AFFADAVIT ONLY PLAN	21
#6 SIX-MONTH SUBSIDIZED PLAN	22
#7 KINSHIP CARE TRACKING	23
#8 EDUCATION MONEY TRANSFER	24
CRITERIA FOR EVALUATING THE ALTERNATIVES	25
EVALUATING OUTCOMES FOR THE STATE	25
EVALUATING OUTCOMES FOR THE SCHOOL DIVISION	27
EVALUATING OUTCOMES TO KINSHIP CAREGIVERS AND STUDENTS	30
RECOMMENDATIONS	33
APPENDICES	35

EXECUTIVE SUMMARY

A 2001 Virginia Commission on Youth report found that there are at least 18 times more children in kinship care outside the foster care system than within it. The 2000 Census reported that non-parent caregivers are caring for 72,895 children in Virginia. Kinship care is a common arrangement parents use when they are unable to care for their children. Instead of turning a child over to the department of social services, parents send their child to live with a relative for a period of time. Kinship caregivers have limited rights over the child because these families do not go through the foster care system or obtain legal custody of the child in their care.

One of these limited rights pertains to school enrollment. In Virginia localities, relatives caring for their relatives' children, often have a hard time enrolling that child into the school division in which they reside. This is because most school divisions require caregivers to show legal guardianship before enrolling the child into the school. Legal guardianship is proof to school divisions that the child is a bona fide resident of that division and qualifies them for free schooling.

These kinship caregivers, who are forced to obtain custody of relative's children to enroll them into school, face more hardship than should be necessary for school enrollment. This report is an overview of the problems kinship caregivers face when they enroll relative's children into schools.

Our recommendations are that the Virginia General Assembly and Governor enact two policies:

Recommendation #1: Adopt the Albemarle County Kinship Care Enrollment policy. Under this policy, kinship caregivers are not forced to obtain custody of their relative's children, but instead must show a power of attorney to make educational and medical decisions and submit an affidavit stating that they are a resident of the school division. This policy is a temporary arrangement for parents who seek the care of their children for one school year or less.

Recommendation #2: Enact the six month subsidized custody program. Under this program, children are automatically enrolled into school by the state. The kinship caregiver goes through the training process to become a foster care provider for their relatives. After six months of being a foster care parent, the relative will gain custody of the child. This policy is a permanent arrangement for parents who need relatives to care for their children for a longer period of time over one school year.

BACKGROUND

Relatives who care for their relative's children without legal custody of the child, have a hard time enrolling that child into Virginia schools. All but one Virginia school division requires that kinship caregivers have custody of the child they wish to enroll into school. Forcing kinship caregivers to obtain custody can place stress on the family involved. To better illustrate the problem with kinship care and school enrollment, imagine two children.

Their father is laid off from his job. Their mother has been absent from their lives for many years. Due to the layoff, the father has financial troubles and is not fully capable of nurturing, caring, or providing for his children. Unable to turn to the children's mother for help, he asks his own mother if she can care for his children temporarily until he becomes financially stable.

The grandmother agrees to let the children live with her, and goes to enroll them in the elementary school in the division of her residence because the father's school division is an hour away. The grandmother's school division denies admission to the children, because the grandmother does not have legal custody of the children and forces the grandmother to petition the court for custodial rights. The father, who only wanted his mother to temporarily care for his children, does not want to give her custody, but understands that it is in the best interest of his children to be enrolled into the grandmother's school division. He agrees to give the grandmother custody until he is financially stable.

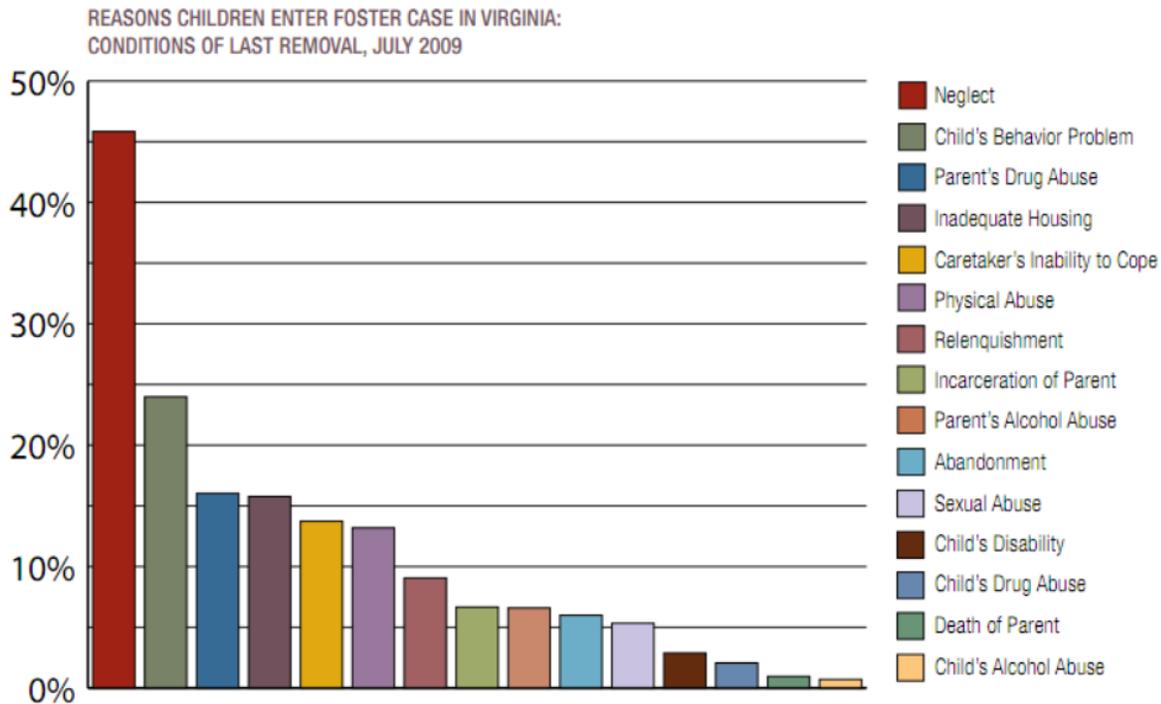
The children are enrolled in the grandmother's residential school division for one school year. After one school year, the father has a job and is prepared to provide for his children again. To regain custody of his children and enroll them in the school division of his residence, he must go back to court.

DEFINING KINSHIP CARE

The National Commission on Family Foster Care first used the term "kinship care" in 1991. It was inspired by sociologist Carol Stack's work on the importance of extended kinship networks (Takas, 1994). Stack found kinship networks important for families who had limited time and resources. African American families traditionally sent children to stay with relatives after the Great Migration to escape the brutality of northern city life or for temporary relief during economic hardship (Stack, 1991).

Virginia Code §63.2-100 defines "kinship care" as "the full-time care, nurturing, and protection of children by relatives." When biological parents are unable to care for their children, a family member, biological or by marriage, may act in place of the parent. The Virginia Department of Social Services (VDSS) states that children may be removed from the care of their parents,

voluntarily or involuntarily for the following reasons including, but not limited to what is shown in the graph below. (Virginia Coalition to End Homelessness , 2009)



INFORMAL AND FORMAL KINSHIP CARE:

In Virginia there are two forms of kinship care: informal and formal. The difference between the two lies in who has official custody over the child. An informal kinship care arrangement occurs when a child is in the custody, guardianship, or general care of a family member. In a formal kinship care arrangements, the child is in the custody of the local department of social services (LDSS) and living with a relative who is an approved foster parent by the state.

Each form of kinship care has different social programs that provide benefits and assistance to kinship caregivers.

Informal kinship caregivers can receive:

- **General Relief:** Includes assistance for medical, dental, and burial expenses for unattached children.
- **Food Stamps /Supplemental Nutrition Assistance Program (SNAP):** Provides funds each month for food purchases at authorized retailers.
- **Woman, Infant, and Children Program (WIC):** Provides nutritious foods, information on healthy eating, and referrals to health care for low-income women and children.
- **Medicaid and Family Access to Medical Insurance Security (FAMIS):** Provides medical coverage for children under the age of 19.

- **Temporary Assistance to Needy Families (TANF):** Gives monthly cash payments to meet basic needs. TANF assistance is a child only need and is based on the child's income rather than the household income.
- **Presevation and Support Services:** Includes various support groups and agencies to provide counseling and support to preserve kinship bonds/relationships.

Formal kinship caregivers receive the benefits listed above and:

- **Annual training:** Develops knowledge and improves skills to help caregivers meet the needs of the child.
- **Monthly stipend:** Pays for the child's basic care needs.
- **Assistance:** Gives caregivers help in the management of the child's behavior.

FORMAL KINSHIP CARE

According to the 2000 Census, 72,895 Virginian children were living with relatives other than their biological parents (Census, 2000)¹. Of that number, 292 children were living in a formal kinship care arrangement, or in the custody of the state and being cared for by a relative².

In December 2007, 7,959 foster children were in VDSS custody. Only 442 of these children were placed with kin (Grandfacts, 2008). This number is a 1.8 percent increase from the 2000 census. Formal kinship arrangements are growing more populr as VDSS attempts to find relative caregivers for foster children as a provision of the Fostering Connections to Success and Increasing Adoptions Act (FCSIAA).

FCSIAA was passed to help children in foster care by promoting permanent families. FCSIAA and VDSS believe that placing children in the care of their relatives promotes a more permanent placement in the future. Rather than creating a new family, the usual case in foster care, placing foster children with relatives, shifts familial relationships.

Currently, Virginia ranks last among the 50 state in placing foster children with relatives (Child Welfare League of Americ, 2009). Virginia places only 4.6 percent of children in foster care with relatives. The national average is 25 percent (Virginia Children's Services System Transformation, 2010). Hawaii currently ranks first with 44.64 percent of foster children placed with their relatives. Florida ranks second with 41.81 percent (National Coalition for Child Protection Reform, 2011).

Formal kinship caregivers follow the offical foster care process of their LDSS to become a foster care parent. The process to become a foster parent varies by locality, but typically includes:

- **Home study:** A home inspection ensures that the home is structurally sound, environmentally safe, and that there is nothing harmful for the child in the home, including other people living in the home who could jeopardize the child's care or health.

¹ Census 2010 data have not been released for household characteristics.

² 7,861 children were reported in foster care in 2000 by the 2000 Census.

- **Background check:** VDSS requires that a criminal background check be run on every potential caregiver. In Virginia, there is no specified “look back period.” Crimes do not expire, no matter how long ago they were committed.

Criminal charges involving drugs, weapons or violence are grounds for immediate disqualification from becoming a foster caregiver. A background check involves submitting a sworn statement that no crimes have been committed, a national fingerprint criminal record check, a search of Virginia and all other states’ Child Protective Services (CPS) registry, and a Virginia criminal background name search.

This background check must be done on the potential foster parent (the provider) and all other adults that reside in the home of the provider.

- **Child abuse check:** Foster caregivers cannot have been found guilty a past offense of child abuse.
- **Child neglect record check:** Foster caregivers must not have been found guilty of child neglect in their past.
- **Trainings:** Foster care training involves meetings with LDSS and can range in hours depending on the locality. Training is conducted because many new foster caregivers have never been parents, or have not been parents in a long time. Training gives foster caregivers the resources to know how to be parents of foster children.
- **Various forms including but not limited to:** An agreement to Foster Care Code of Ethics, an agreement to resume independent living services, a candidacy documentation form, relative notification letter, foster care Title IV-E evaluations, registration of putative father and request to search registry for putative father, and a best interest determination form. These forms can be found on the VDSS website.

The current formal kinship care process does not allow the child to be placed in the custody of their kin until the child has been in foster care continuously for 15 of the last 22 months. Children remain in the custody of the state until biological parents are capable of caring for the child again. Parents have a time period to correct their problems before the state will terminate their parental rights and then begin considering permanent placement with a relative or transferring legal custody to the relative.

INFORMAL KINSHIP CARE

Parents use informal kinship care when they do not want to give up their parental rights to the state but can no longer care for their child. Informal kinship caregivers can have custody, guardianship or be the general caretaker of the child. Biological parents can give informal kinship caregivers custodial or guardianship rights through a court order, or can simply ask the relative to care for their child for a period of time.

A mutual agreement between the kinship caregiver and parent(s) is reached for the child's care. The agreement typically involves a temporary solution between the parties for the child to stay at a relative's house. Caregivers in informal kinship care arrangements usually do not go through the custody process. Using Census data and subtracting the kids in formal kinship care from those being cared for by relatives, results in 72,603 children in informal kinship care (Census, 2000).

Obtaining custody of a relative's child can be lengthy and emotionally draining if the biological parent does not want to voluntarily give the relative custodial rights. Parents avoid the formal kinship care process because they typically do not want to turn their children over to the state when they are unable to care for their children. Making their child a ward of the state is more than most parents want to go through for the temporary care of their child. Informal kinship care is more convenient and usually less emotionally traumatic than formal kinship care.

Although informal kinship care is easier for the parent and the kinship caregiver initially, the kinship caregiver has no rights to send the child to school or make important decisions involving medical, dental, or emergency care for the child, unless custodial rights have been transferred to the caregiver. Even if the kinship caregiver has custodial rights, VDSS still considers the child to be in informal kinship care because in formal kinship care the state has custody of the child.

PROBLEMS WITH KINSHIP CARE:

INFORMATION BARRIER

There is an information barrier between VDSS/LDSS and the kinship caregiver. "Kinship care" is not a well known term, and kinship caregivers may not know that they have a position in the Virginia Code. To kinship caregivers, they are not just "caregivers," they are acting as parents. When these relatives caring for relatives' children look for information about their legal rights in taking care of the child, they have a difficult time finding the information because they do not know that the term "kinship care" applies to them (Nau, Newbanks, Miller, Hamaker, Dial, & Coffey, 2011).

BENEFITS

Caregivers also have little knowledge about the state benefits that they qualify for due to their caring for a relative's child. Many caregivers have low-income and low levels of education, and there are few resources or people readily available helping caregivers apply for money and assistance (Nau, Newbanks, Miller, Hamaker, Dial, & Coffey, 2011). Many problems with kinship care would resolve themselves were information more readily available to those taking on the responsibilities of caring for kin.

Also, kinship caregivers do not know that they can receive TANF-child only benefits by applying for TANF using only the child's income, which would generally be very low. Cate Newbanks, the Executive Director of Family Advocacy Collaboration Empowerment and Support (FACES) of Virginia's families, an advocacy group for foster, adoption, and kinship care families, mentioned that many of the families that come to her group for help do not attempt to apply for TANF benefits because they do not believe that they will qualify. If they do apply for TANF benefits, they are often denied funding because they applied with their household income rather than the child's (Newbanks & Marra, 2011).

SCHOOL ENROLLMENT

In Virginia localities, children in informal kinship care settings are prevented from enrolling into the school division where their kinship caregiver resides. Many school divisions require that kinship caregivers prove custody or guardianship to enroll their child into school. This creates undue hardship for families already facing difficult circumstances.

STATE ENROLLMENT REQUIREMENTS:

The Virginia Department of Education (VDOE) states that to enroll a child into Virginia Public Schools a parent or guardian must produce:

1. **Birth Certificate:** An official certified copy, not a photocopy, of the child's birth record must be provided. If an official certified copy cannot be submitted, the person enrolling the child must submit a sworn statement explaining why a certified copy cannot be produced.
2. **Street Address:** Documentation of the child's residence must be provided. If the child does not have a regular address, the school division may determine that the street address/route number cannot be provided.
3. **School Entrance Health Form:** A MCH 213F three-part health form must be completed by a licensed physician, nurse practitioner, or physician's assistant regarding the child and submitted at the time of enrollment. This form includes health information, immunization records and a physical examination report.
4. **Immunizations:** This is part II of the MCH 213 F form and indicates that the child has received the required immunizations.
5. **Social Security Number:** The child's federal social security number must be provided upon enrollment or within 90 days of enrollment. A child cannot be excluded from school for not providing a social security number.
6. **Expulsion Statement:** The parent of the child being enrolled must provide a sworn statement about the child's expulsion status. The parent must report if their child was expelled from a private or public school in Virginia and another state for possessing weapons, drugs, alcohol, or willfully injuring another person.

VDOE gives no definition as to who can enroll children into schools, but does give a description of who can receive free public schooling (Va. Code §22.1-3).

FREE PUBLIC SCHOOLING:

Virginia Code §22.1-3 delineates the “persons to whom public schools shall be free.” Public school in each school division is free to each person of school age who resides within the school division and to children of active military personnel. A school aged person is defined as a school division resident by the Code of Virginia (§22.1-3) if:

1. The person is living with a natural parent, or a parent by legal adoption.
2. The person’s parents are active military personnel deployed outside of the United States, and the person is living with an individual following a special power of attorney.
3. The person’s parents are dead and the person is living with another person in loco parentis (in place of the parent) who resides in the school division.
4. The person’s parents are unable to care for that person and that person lives with another person who resides in the school division and has legal custody, court-appointed guardianship, or is acting in loco parentis.
5. The person is living in the school division, not solely for school purposes, as an emancipated minor.
6. The person living in the school division is a homeless child. A homeless child lacks a regular, fixed, and adequate nighttime residence.

“RESIDENCY CATEGORIES ARE NOT EXCLUSIVE”

In 2007, former Attorney General Robert McDonnell wrote an opinion in response to Delegate Hargrove’s inquiry to free public education for a child who is in the custody of someone other than a parent. Hanover County, Delegate Hargrove’s school division denied free schooling to a child in the custody of a resident of the division because there were no determinations that the child’s parents were unable to care for the child (a provision of §22.1-3 of the Virginia Code for free schooling).

The school division in this instance denied free schooling based on category four listed above because it was not proved that the parent was unable to care for the child. McDonnell determined that the categories of Virginia Code §22.1-3 are not exclusive and that “school districts cannot refuse to provide free education to a bona fide resident of the school division based solely on the categories in §22.1-3.”

The Attorney General’s opinion states that school divisions should “consider all relevant facts in determining whether the Child is a *bona fide* resident of the school district and not residing there

solely for school purposes.” The opinion finds §22.1-3 to not include all possible options for determining residency and that a *bona fide* resident should not be denied free public schooling. A bona fide resident is a resident who in good faith resides in the school division and is not residing there solely for school purposes. Furthermore, the opinion states that it is the courts’ job to grant custody to caregivers. Courts will take into account whether a person is petitioning for custody solely for school purposes and will deny the custodial transfer (Virginia Attorney General, 2007).

COUNTY ENROLLMENT REQUIREMENTS:

School divisions within Virginia must follow the VDOE guidelines to enroll students into public schools. These guidelines are a minimum requirement and counties may ask for additional information. After an extensive search into school division enrollment requirements, we found that additional information can be:

1. Proof of legal guardianship
2. Further proof of residency
3. Extra immunizations or health examination tests

Since local public schools in Virginia receive a substantial share of their funding from local taxes, school divisions have an incentive to make sure that the students enrolling into local schools are residents of the school division. For this reason, some divisions explicitly ask for proof of guardianship of the school-aged child. Other divisions ask for two forms of proof of family residence. This can be a cable, telephone, or electric bill with an address on it and a lease agreement or housing documentation.

KINSHIP AND SCHOOL ENROLLMENT:

Kinship caregivers currently have four options to enroll their child into public schooling.

1. Apply for custody:

All but one school division in Virginia requires that informal kinship caregivers go to court and ask a judge for custody to enroll children into school³. When a kinship care provider has legal custody of a child, the provider has all the rights and responsibilities of a parent that are specified in a court order. According to VDSS, these rights typically include registering for school, providing medical care and accessing financial assistance for the children (VDSS, 2011). Under this option, parents can retain some of their legal rights. Parents are not terminating their rights as parents by giving custody of their child to a relative or other caregiver.

Legal custody is granted by a formal court order of the Juvenile and Domestic Relations District Court. Custodial transfers can be voluntary or involuntary. If the biological parents voluntarily

³ We extensively searched each individual school district’s website to determine this.

give a relative some parental rights, a settlement can be made between the two parties to transfer custody without a court hearing. This setting is relatively inexpensive and timely. A contested custody battle, on the other hand, can cost over 100,000 dollars (Dorning, 2007). These costs do not include lost wages for time away from obtaining custody.

If the custodial transfer is involuntary, a court hearing will be held in which the relative caregiver petitions the state for custody of the child. The parties will need to get a lawyer and go through the lengthy court process to be granted custody. In both scenarios, a judge determines if a custodial transfer is in the best interest of the child. Custodial parents are entitled to enroll a child into school for no charge as long as they are deemed a bona fide resident of the school division (Virginia Department of Social Services [VDSS], 2011a).

2. Become a certified foster parent and care for relatives:

Kinship caregivers can become approved foster care providers and care for their own relative as a foster child. Using this option, the parent has to willingly or unwillingly give legal responsibility for the care of their child to VDSS, who will, in turn, place the child in the care of the approved relative foster care provider. The child is not in the custody of the kinship caregiver, but in the custody of LDSS. Under this option, the state enrolls the child into the school division of the foster care provider's residency.

As mentioned previously, to become an approved foster parent, relatives must apply with the LDSS, complete a home study assessment, consent to a criminal background check, and complete the LDSS training (VDSS, 2011b).

According to Virginia Code §22.1-3.4, children in foster care cannot be denied free public schooling or charged tuition. Foster care children are assured a speedy enrollment into public schools. Even if the required documents for enrollment cannot be produced, the child will be immediately enrolled into school (DeMary, School Enrollment of Foster Care Children, 2005).

The LDSS must coordinate with the school to ensure immediate enrollment. Document one in the Appendix provided by VDSS gives all the information the local DSS needs to notify the school for enrollment of a foster child. The minimum requirements needed to enroll the child are the child's name and age.

When a child is placed in foster care, the state must reimburse the school division. Virginia Code §22.1-101.1 states:

To the extent such funds are appropriated by the General Assembly, a school division shall be reimbursed for the cost of educating a child who is not a child with disabilities and who is not a resident of such school division under the following conditions:

1. When such child has been placed in foster care or other custodial care within the geographical boundaries of the school division by a Virginia agency, whether state or local, which is authorized under the laws of the Commonwealth to place children.

Reimbursement of schools began in 2010. State payment is provided from the Lottery Proceeds Fund. The appropriation provided \$12,896,417.00 in 2010 and \$13,605,123.00 in 2011 to reimburse schools in which children are attending because they have been placed in foster care or other such custodial care across jurisdictional lines, as defined by Virginia Code §22.1-101.1 (Virginia Department of Education, 2010).

3. *Adoption:*

Like custodial transfers, adoption of a relative can be voluntary or involuntary. In a voluntary arrangement, the biological parents of the child initiate a petition in the court and consent to give up and terminate their parental rights. An involuntary adoption occurs when the LDSS petitions the court to terminate the biological parent's rights. LDSS will remove the child from the biological parent's home if the parent is suspected of child abuse, neglect, harassment, or has been incarcerated or has a mental illness. LDSS will then evaluate the situation. If the situation is severe enough, LDSS will ask a judge to terminate the parent's rights.

Adoption differs from custodial transfers because it can only take place after parental rights have been terminated. Parents do not retain some of their parental rights in an adoption as they would in a custodial arrangement. Adoption is a permanent arrangement and entitles the adoptive parent to all the rights and benefits of a biological parent, including free school attendance and enrollment in the school division the new adoptive parent resides (VDSS, 2011a).

Currently, when a child has been placed by birth parents with a prospective adoptive parent who is a relative, the kinship care provider can petition to adopt the child after the child has lived with the relative continuously for *three years*. After filing a petition for adoption in the Circuit Court in the county the kinship provider resides, the birth parents may or may not consent to the adoption. A judge will decide which adoption arrangement is in the best interest of the child. Some courts require home studies prior to granting adoption. Some judges also require that attorneys represent kinship care providers and biological parents (VDSS, 2011a).

4. *Standby Guardianship:*

Standby guardianship is available to parents with a terminal or severe illness. Standby guardianship allows the parent to plan for the future and designate a standby guardian in the event the parent dies from their illness or becomes too sick to care for their child. The policy was originally created for parents with HIV to be able to designate a caretaker for their child when they became too ill to continue that responsibility.

To appoint a standby guardian, the parent must petition the juvenile court by naming both the future guardian and the event that will put the guardianship into effect. Virginia Code §16.1-350 states the process to petition for court approval of standby guardian. The petition must state:

1. The name and address of the petitioner and his relationship to the child.
2. The name, address and birth date of the child.
3. The nature of the triggering event: when a qualified parent's consent would be effective in those cases where such consent is chosen as the triggering event.
4. Whether a determination of incompetence or debilitation has been made, and if so, when and by whom.
5. How imminent it is that the parent will become physically or mentally incapable of caring for the child because of their condition. The petitioner is not required to submit medical documentation.
6. The name and address of the person proposed as the standby guardian and whether this person should be given authority to be the guardian of the person or the minor.
7. A statement of known reasons why the child's other parent is not assuming the responsibilities.
8. Whether there is prior judicial history regarding the custody of the child.
9. The name and address of the attending physician.

Children can enroll into the residing school division of the standby guardian because guardianship can be presented to the school division and bona fide residency established. Virginia Code §22.1-3 also lists that school shall be free and residency determined to a school-aged child whose parents are dead and is living with another person in loco parentis in the division in which that person resides.

5. Power of Attorney for Deployed Military Families:

On October 4, 2001, former Attorney General Randolph Beales wrote an opinion that states a power of attorney is sufficient to allow the enrollment of military children into public schools. A biological or adoptive parent who is a member of the United States Armed Forces and is deployed outside of the United States can sign a power of attorney for a relative or caregiver to care for their child while he or she is deployed. In Virginia, children of military families facing deployment may continue to stay in the school they attended prior to their parents' deployment, or can attend the school where their caregiver resides (Virginia Attorney General, 2001).

A power of attorney does not give up parental rights to the relative caregiver, but rather assigns rights to another individual while the parent is away or unable to care for their child. A power of attorney can have an expiration date and is usually written by an attorney for the biological parent. The biological/adoptive parent does not have to go to court to ask for the parental rights they gave to caregivers back because power of attorneys can be terminated without a judge's approval.

Students in military families are not charged tuition for school enrollment. Virginia is now a member of the Interstate Compact on Educational Opportunity for Military Children (ICEOMC). ICEOMC, which streamlines the transfer for the children of military families into Virginia public schools by enrolling these children with unofficial educational records, without immunization documentation, and honoring their placement into classes and graduation based on their previous schoolwork (Wright, 2010).

ALTERNATIVE SCHOOL ENROLLMENT POLICIES FOR KINSHIP CAREGIVERS

1. KEEP CURRENT SCHOOL ENROLLMENT POLICIES THE SAME

Under this policy, kinship caregivers must seek legal remedies to enroll their child into school. Schools require that caregivers have custody or guardianship of the child to enroll the child into public schools. Enrollment requirements can be met through one of the above options that include: custody, adoption, or foster parenting. These options may be more permanent care solutions than parents want their caregivers to have.

Taking the custody of or adopting a relatives' child can create family hardships if the biological parents are unwilling to transfer custody or parental rights to a relative. Making kinship caregivers obtain custody or guardianship could create a volatile family situation, as many parents do not want to give custody of their child to another adult.

Current policies create situations where the child has to be placed in the custody of the state before the kinship caregiver can enroll the child into school. Not all of the current options are available to all kinship caregivers. And some of the options create too much hardship for relative's caring for relatives. For example:

- Custodial transfers: can be a lengthy process, depending on parental consent. If the biological parent does not want to give custody of their child to a relative, but the relative has to obtain custody to enroll the child into school, the family's relationship could become tainted. As already noted, custody hearings are costly and time consuming.
- Becoming a certified foster parent: will allow the child to enroll immediately into the school but will put the child into the custody of the state. Many kinship caregivers and biological parents are uncomfortable with their children being wards of the state for school enrollment purposes.
- Adoption: more permanent than is often desired. Unless the biological parent petitions to terminate their parental rights, the kinship caregiver cannot adopt the child until the child has been living with the caregiver for three years. Adopting can also cause tensions within the family.
- Standby guardianship: is only available to children with terminally or severely ill parents.

- **Military Power of Attorney:** is only available to children of active military personnel deployed outside of the US.

Existing policies provide that school divisions follow the state's rules for school enrollment but allows them to add their own requirements. This policy still gives school divisions the authority to develop their own enrollment policies, as long as the VDOE requirements are met. Keeping school enrollment policies the same will also make it easier for school divisions as they will not have to change their enrollment policies. School divisions would not take on any added costs for regulating kinship relationships by requiring that students show guardianship before the school division enrolls the child.

2. REVISE VIRGINIA CODE §22.1-3. TO APPLY TO NON-MILITARY AND MILITARY KINSHIP CAREGIVERS

This alternative would apply former Attorney General Beales' (2001) opinion to non-military persons caring for their own relatives. Allowing this policy to apply to kinship caregivers will implement a policy that has already been proven sufficient to establish residency and guardianship for school enrollment. A power of attorney prepared and signed by deployed military parents is sufficient to enroll the child into the school division that the child resides with the designated caregiver (DeMary, 2001).

Because this law was meant for emergencies, the sudden deployment of military parents, this change would be a temporary option. Parent's unable to care for their children can sign a power of attorney to delegate responsibilities to a relative to care for their child. Applying §22.1-3 of the Virginia Code to nonmilitary families would make a power of attorney sufficient to allow those caring for a relative's child to enroll that child into Virginia public schools.

A power of attorney allows biological parents flexibility in determining which parental rights the caregiver will acquire and how long those rights will last. Included in the power of attorney should be⁴:

- The powers to make educational decisions including:
 - Enrollment
 - Making special educational decisions
 - Giving consent for field trips
 - Deciding who may pick the child up from school
 - Paying school fees
- The powers to obtain educational records.

⁴ Power of attorney elements were taken from the power of attorney currently in use by Albemarle County Public Schools.

- The powers to make all medical, mental health, and dental decisions required by the school district.
- The powers to provide all information the school division will need throughout the school year.
- A time for how long the child will be cared for under this power of attorney. School divisions can evaluate on their own how long and for what reasons they believe a power of attorney will suffice for enrollment.
- Circumstances under which the child needs to be cared for. For example: Parent's military deployment outside of the United States.

This is a temporary solution to enrollment because a power of attorney allows parent's to keep their parental rights and to terminate the power of attorney when they see fit. Caregivers can use this power of attorney to take care of kin's children while the biological parent's are unable to do so. If the parent's establish a power of attorney lasting longer than a school year, the school can reexamine the circumstances at the start of each school year. The school must allow the power of attorney to suffice in enrollment, but for the child's best interest and safety, circumstances must be evaluated for the continuation of enrollment under a power of attorney. There are legitimate reasons why a power of attorney could be extended for longer than a year, and why these circumstances should be reevaluated each year.

If a child needs to be cared for longer than a year, school divisions can request that kin and parents' contact VDSS for an evaluation of other available care options. The power of attorney will state how long and under what circumstances the child needs to be cared for. The school can then approve a time, which must at least be one school year, to allow the enrollment of the child under a power of attorney.

3. CHANGE §63.2-100 AND §22.1-3.4 OF THE CODE OF VIRGINIA TO INCLUDE TEMPORARY AND PERMANENT KINSHIP CARE

Kinship Care is defined in the Virginia Code §63.2-100 as "the full time care, nurturing, and protection of children by relatives." This definition does not address the various living arrangements currently observed in society. Children live in both informal and formal kinship care arrangements, and the Virginia Code should accommodate these differences. VDSS acknowledges that formal and informal kinship care settings take place, but the Virginia Code does not. The relevant Virginia code provisions can be improved by adding the terms "temporary kinship care," "permanent kinship care," and "kinship foster care."

The Department of Social Services recognizes informal kinship care as the full-time care, nurturing, and protection of children by relatives. The child is *not* in the custody of LDSS. In informal kinship care, the caregiver can have custody or guardianship over the child, or the child can just be living with the relative. Without custody or guardianship, informal kinship care, as it

stands now, gives the caregiver no legal rights and generally prevents the caregiver from enrolling the child in school.

Instead of informal kinship care, “temporary kinship care” would offer legal recognition of kinship caregivers who do not seek legal custody. Temporary kinship care would mirror the legal guardianship proposal by requiring parents to issue a special power of attorney for relatives to care for their child. This would be a temporary arrangement that would give kinship caregivers rights to take care of the child, without having to go to juvenile court for custodial rights.

Under temporary kinship care, children can live with a relative for no more than one school year without the approval of LDSS. To allow the power of attorney to suffice for school enrollment for longer than a school year, the school division can ask that LDSS determine that the circumstances are sufficient to continue school enrollment under a power of attorney.

Temporary kinship care should be defined in the Virginia Code §63.2-100 as the following:

Temporary kinship care: the full-time care, nurturing, and protection of children by a relative, pursuant to a special power of attorney from the natural or adoptive parent, for a period not exceeding one school year without LDSS approval.

Formal kinship care is defined by VDSS through their formal kinship care program. It is written in §63.2-900.1 of the Virginia Code as “kinship foster care”. This term is sufficient in describing the formal kinship care arrangement. Children in “kinship foster care” are in the custody of the state, because they are still foster children, but are being cared for by an approved foster parent who is a relative. VDSS should change their definition to reflect the term used in the Virginia Code.

A “permanent kinship care definition” should be added to Virginia Code §63.2-100. Virginia Code §63.2-900.1 should also be changed to reflect permanent kinship care rather than kinship foster care. Permanent kinship care should represent kinship arrangements in which kinship caregivers have custody or guardianship over the child. These arrangements are currently in the “informal kinship care” definition. However, these relationships are not informal. Relatives have parental rights given to them by the court to care for their kin’s children. The definition of permanent kinship care in §63.2-100 should read as the following:

Permanent kinship care: the full-time care, nurturing, and protection of children by relatives with guardianship or custody granted by a court order over the child for an anticipated time period of time exceeding one school year.

Title 22.1 in the Virginia Code addresses education. §22.1-3.4 addresses the regulations concerning custodians enrolling children in foster care into school. This section addresses five things:

- A. Producing a child's enrollment documents: when a child is placed in foster care and the agency is not able to produce any documents necessary for enrollment the student should be immediately enrolled. The person enrolling the student must sign a written statement setting the student's age, compliance of student's prior school records, and stating the child is free from any contagious or communicable disease.
- B. Role of the sending and receiving school: sending and receiving schools should cooperate to assure continuity of instruction
- C. Education payments: According to §22.1-101.1 of the Virginia Code the General Assembly must reimburse the a school division for educating a child, who does not have disabilities, placed in foster care
- D. Definitions or clarification:
 - "A child or student placed in foster care": a pupil who is the subject of a foster care placement through an entrustment or commitment of such child to the local social services board or licensed child-placing agency
 - "Receiving school division": the school division in which the residence of the student's foster care placement is located
 - "Sending school division": the school division in which the student last attended school
- E. Charging tuition: no school aged person in foster care placement should be charged tuition

All five should be applicable to children in foster care, temporary kinship care, and permanent kinship care. The Virginia Code §22.1-3.4 should be titled:

"Enrollment of certain children placed in foster care or kinship care"

Amending §22.1-3.4 of the Virginia Code along with §63.2-100 resolves the ambiguity of kinship care, and assures that children living with kinship caregivers are able to attend public school freely, without regard to cost. If the General Assembly and Governor agree to add these definitions to §63.2-100, they will add clarity to the Virginia Code. The additional statutory law will also help kinship caregivers understand their formal rights and privileges. A legislative change will make a statewide effort toward full recognition of kinship care as a formal and legal living arrangement.

4. *IMPLEMENT THE ALBERMARLE COUNTY PLAN STATEWIDE*

The Albemarle County School System introduced a policy in 2010 to enroll children in kinship arrangements without legal guardianship. Albemarle County enrolls many international children who live in kinship care arrangements and found it increasingly difficult to ask relatives to seek custody of another relative's child. Albemarle County's procedure for enrolling students in kinship care arrangements without guardianship is three-part. First, an interview is conducted to make sure that each student has bona fide residency in Albemarle County. Second, the custodial/biological parent must submit a power of attorney that allows the caregiver to make educational and medical decisions. Third, the resident, relative caregiver submits a sworn statement listing the reasons the child is living in their home.

Implementing this policy statewide would allow each county to control enrollment at their school by conducting an interview of the potential kinship caregiver. Counties can write with attorneys their own power of attorney to include everything they feel sufficient for caregivers to be responsible in the child's education.

1. The interview process: Trained officials, designated by the county, would conduct the interview. This training would include establishing and recognizing that students are living with a relative in the district for purposes other than attending school. They would be able to screen families in a way the county feels necessary to determine bona fide residency.
2. Power of attorney from the natural or adoptive parent: The power of attorney issued by the school for the custodial/biological parent to sign appoints powers to the caregiver and would include the powers listed above in alternative three.
3. An affidavit: A sworn statement, by the caregiver will specify reasons why the child is living in their home. These reasons must be for purposes other than attending school. The affidavit would be notarized and state:
 - The reasons why the child is living with the relative: Valid reasons do not include hunting for a new school or sports. The child must not be living with the relative solely for school purposes.
 - How long the child will be living with the relative: It is important for school districts to know if the child will be attending the school for the entire year.
 - It might not be worth it to admit the student if they will only be attending the school for a few months. The student will not receive a good education if he or she is enrolled in a school for a short time and has to switch back to another one.
 - If the child will be living with the relative full-time, and that is the only residence the child has; the child should not have another residence to attend school.

According to §22.1-264.1 of the Virginia Code, making a false statement about a child's residency for the purposes of enrolling a child into school and avoiding tuition charges is a class 4 misdemeanor. The sworn statement by the caregiver must be accurate and complete.

5. ADD TO VIRGINIA CODE §22.1-3 THAT AN AFFIDAVIT PROVIDING RESIDENCY STATEMENTS CAN SUFFICE IN THE SCHOOL ENROLLMENT OF CHILDREN IN KINSHIP CARE

Rather than making kinship care providers seek custody, adoption, or become an approved foster parent, schools could allow a sworn statement to suffice in school enrollment. A kinship care provider could submit an affidavit with the same statements listed in alternative four above. This sworn statement would be enough for school divisions to establish bona fide residency to enroll a child in a kinship arrangement into their school division.

An affidavit is enforceable because it is a class 4 misdemeanor to make false statements in affidavits. Because of this enforceability, school divisions can take kinship care providers sworn statements as proof that the child is living in the division for purposes other than school and allow them to enroll into their school.

Like the option three, affidavits supply a time and circumstance under which children will be cared for by relatives. An affidavit, unlike a power of attorney, does not delegate rights. It is just a sworn statement for the school divisions to be reassured that the child is a bona fide resident of the division. For the kinship caregiver to have rights to medical care or school records, the caregiver would need to seek an alternate method.

An affidavit should not suffice as proof of enrollment for longer than a school year without LDSS approval. It could be inconvenient to the school to have the child longer than a school year because affidavits do not give caregivers the rights to make educational decisions for the child. School divisions can evaluate on their own the time period that an affidavit will suffice as proof of residency and enrollment, but they must enroll the child if this becomes law.

Allowing the child to be enrolled by making the caregiver show only an affidavit allows an easy enrollment process for the family. Caregivers only have to get affidavits notarized, which can be done at local banks for free or for a small fee. This process is much easier than going through a custody process to enroll children into school. If these caregivers want to have more rights than just enrolling children into school, they will have to go through an alternate procedure.

6. ADOPT THE SIX MONTH SUBSIDIZED KINSHIP PROGRAM

A discussion brief, *Subsidized Custody: A Permanency Option for Youth in Virginia's Foster Care System* was introduced to VDSS December 2009 in response to the FCSIAA of 2008.

Under the subsidized custody program, kinship guardianship is called *subsidized custody*. If a parent is no longer able to care for their child, the parent can turn their child over to the custody of LDSS. Or if LDSS determines that the parent is unable to care for their child, can take the child from the parent. In either case, VDSS and LDSS would look for a relative to care for the child.

A relative would then care for the child as a foster care parent. During this time, the relative would receive payments from the state for being a foster care provider. After 6 months in the foster care system, the children are placed into the permanent care of their kinship caregivers and that caregiver is awarded custody of the child. The kinship caregiver will still receive the foster care payments after the six months; this is why this kind of guardianship is referred to as subsidized guardianship. Six months is the time-period that VDSS and LDSS can use to ensure the child's safety and wellbeing with the relative caregiver.

Under this policy, children are enrolled into the school by the state, into the division that the caregiver resides. Kinship caregivers do not have to go through the court system or apply for custody to enroll the child into school, but would have to go through the process of becoming a foster parent. After six months, when the child is put into the custody of the relative caregiver, the child will remain enrolled in the school division of the relative's residency. Because the child would be placed into the school by the state, the school division can apply for reimbursement for the child's education.

While this policy may seem costly to the state because the state must reimburse school divisions, the FCSIAA makes it possible for states to apply for federal reimbursement. Reimbursement is given to states that provide "ongoing assistance payments made on behalf of children who exit foster care to guardianship with a relative" (Geen, 2009).

This policy would also require that the Virginia Code be changed to reflect this kinship care arrangement. Virginia Code §63.2-100 would need the definition "subsidized kinship care" added to differentiate between the current kinship foster care definition. The two differ because under the current kinship foster care definition the child is still in the custody of the state. In a subsidized kinship care arrangement, the child would be in the custody of the relative who still receives the subsidy from being a foster parent.

7. *CREATE A KINSHIP TRACKING DATABASE IN VIRGINIA THROUGH STUDENT TESTING IDENTIFICATION NUMBERS OR THE DEPARTMENT OF SOCIAL SERVICES*

Kinship care in Virginia is currently not tracked. Without an official tracking system it is nearly impossible to identify problems with kinship care or to understand the magnitude of those problems. State officials can estimate the prevalence of kinship care through census data, but the census is only taken every ten years. The number of children using benefits like TANF-child only can also help make an approximation of the number of children in kinship care arrangements, but this number is unreliable because many kinship caregivers do not qualify for TANF and may not know that they can qualify for child benefits based on the child's income.

School divisions are also affected by the lack of a kinship tracking system. Currently schools are informed about the number of students in foster care, but are unaware of how many children enrolled in their schools are in the temporary care of a relative. Schools have a unique responsibility to educate children. If kinship care were tracked, schools would be more adequately prepared to assess children's potential problems.

Teachers, counselors, and/or administration should know external circumstances of students, such as living arrangements, whether the arrangement is through the courts or the Department of Social Services. Counseling and monitoring could be provided through the school to ensure the permanency of the kinship connection. Kinship caregivers most frequently report that they are ill prepared to take on a child and guide them through the schooling process. Tracking these children would allow the school to play a more active role in the kinship caregiver relationship.

If kinship care were tracked, the state would know the number of children not residing with their parents, and schools would be more adequately prepared to assess problems related to kinship. The state could prepare for the financial cost of assisting kinship caregivers through benefits and other assistance programs. The schools would be better prepared for educating additional students. Schools would be able to track the costs associated with additional students due to kinship arrangement. Counseling, for student and caregiver, and monitoring could be provided through the school to ensure the permanency of the kinship connection. Kinship caregivers most frequently report that they are ill prepared to take on a child and guide them through the schooling process (Nau, Newbanks and Miller, 2011). Tracking children in kinship arrangements would allow the school to play a more active role in the kinship caregiver relationship.

Kinship tracking must occur through the schools and through the Department of Social Services. It is especially important that tracking happens in schools, because currently informal kinship care arrangements do not come through the Department of Social Services. All children in Virginia are given a Student Test Identification (STI) number. Schools may find it easiest to track their students with a system linked with this STI number, because additional information,

such as the student's address, is associated with the student record. A detailed student profile would include information such as who a child lives with. All students would be tracked from the time they enter a school system until they are no longer eligible to enroll in public schools.

Kinship care should be tracked by the VDSS, through data received by local departments of social services. Each department must keep track of children that come in and out of foster care, so children in any form of kinship care through the LDSS should be tracked in the same manner. Within this system there should be a method to distinguish children in kinship care from those in the care of a non-family member.

Tracking children in kinship care will likely improve political support for improved kinship care institutions. Hard evidence about the problem facilitates agreement about a solution.

8. ALLOW A TRANSFER OF MONEY FROM COUNTY TO COUNTY TO FOLLOW STUDENT ENROLLMENT

The Fostering Connections to Success and Increasing Adoptions Act of 2008 promotes improving the welfare of children in foster care by promoting the permanency of families. Under this act, states can apply for federal grant money to support foster care children. One of the provisions is that states support finding kinship care arrangements for foster children, but also providing these relatives with the resources to make the arrangements permanent.

The six month subsidized kinship program has been funded under the Fostering Connections Act and supported in several states. Virginia could apply for grant money under this act to support school divisions that enroll children in kinship arrangements. This would give school divisions more incentive to enroll children in kinship care and would promote VDSS' policy of finding relatives for children in foster care.

Currently, the state already compensates schools for foster care children placed in a school division by VDSS or LDSS. Schools apply for reimbursement through VDOE using the Single Sign-on for Web Systems (SSWS). To apply for reimbursement through SSWS, school divisions fill out the specified spreadsheet and upload it to the secure SSWS site. They must also send a hard copy that is signed by the division's superintendent to VDOE's office. This system would still be utilized, but schools could apply for reimbursement for enrolling children in kinship care, too.

CRITERIA FOR EVALUATING THE ALTERNATIVES

Alternative policies have outcomes for the state of Virginia, the localities and school divisions, and to the kinship caregiver and student. Alternatives should be evaluated from the perspective of all parties involved.

EVALUTATING OUTCOMES TO THE STATE

COST:

The state government financial costs for each alternative can range from no cost to over \$54,000. The state will also have to evaluate the urgency of kinship care. Alternatives that change the Virginia Code will take longer to implement than those that are implemented in the school system.

Alternative 7 has the greatest financial cost for the state government. Hiring new people to specialize in using the tracking system or buying new tracking technology will be expensive. Due to the lack of evidence on how many children are affected by poor kinship policies, it is impossible to estimate how many caregivers will come forth to add their kin to the tracking system. It will be hard to estimate how many new employees will be necessary without knowing the number of added children through kinship care.

Alternative 6 is costly, but this cost will be reduced if Virginia applies for reimbursement through the FCSIAA. The six month subsidized kinship program requires that all participants are given the same benefits as children in foster care. It is estimated that Virginia spends \$54,164.48 on children in foster care annually. (Virginia Coalition to End Homelessness , 2009) Under this act, Virginia can be reimburse for any payments made on behalf of children who exit the foster care system to live with kinship relatives. If Virginia applies for reimbursement, there will be no additional cost.

Alternatives 1, 2, 3, 4, 5, and 8 have no direct financial cost to the state.

WHICH STATE DIVISION WILL REGULATE THE ALTERNATIVES?:

The state departments or bodies that affected are VDSS, the Virginia Juvenile and Domestic Relations District Courts, and the VDOE. Each alternative has a slightly different combination of regulating divisions.

Alternative 1: Currently the Department of Social Services handles all formal kinship care arrangements. Informal kinship care arrangements without custody are not under any jurisdiction, while informal kinship arrangements with custody are tracked through the Virginia Juvenile and Domestic Relations District Courts.

Alternative 2: The Virginia Department of Education and individual schools regulate the entrance and exit of students using the military families plan. Schools keep track of the power of attorney.

Alternative 4 and 5: The Albemarle County model and the affidavit only plan are restricted to use by the school systems. The Department of Education would have jurisdiction over these plans.

Alternative 6: The subsidized 6 month custody kinship plan is controlled by the VDSS, because it the child is in the custody of the state and then the custody of a kinship caregiver. The system is almost identical to foster care.

Alternative 7: A tracking system for kinship care would have to happen both in the schools and in VDSS. Schools would keep track of children that go through the courts or only through the school system, while VDSS keeps track of children in the foster care system.

POLITICALLY FEASIBLE:

The political feasibility of alternatives has been measure by a scale method.

- + = Very hard to convince the state legislators to approve
- ++ = Hard for the state legislators to approve
- +++ = Moderately easy for the state legislators to approve
- ++++ = Easy for the state legislators to approve
- +++++ = Very easy for the state legislators to approve

No alternative was deemed either very hard or very easy on the scale of feasibility. Alternatives 3 and 7 are considered low in feasibility, because of their substantial cost. The legislator may have to supply funds for additional VDSS employees, because of the new tracking system. The average salary of a child, family, and school social worker in the state of Virginia is \$48,039.72 annually (The United States Department of Labor , 2010).

The scale places alternatives 2 and 8 and slightly more feasible because they involve less of a commitment from the state legislature. The military families plan involves a change in the Virginia Code, but afterward is left in the hands of the schools. The educational funds exchanged between counties in alternative 8 are only a transfer of money between counties. Students may travel to a county that spends more on students or to a county that spends less on students, dependent on the location of their caregiver. The state should incur a zero net cost, because there is no additional money per student spent.

Alternative 6 will cost over \$54,000 annually for each additional child is foster care may also be a financial burden to the state without federal reimbursement. But, because Virginia will be reimburse, this alternative should rank high in feasibility.

Alternatives 1, 4, and 5 were judged easy on the political feasibility plan, because either no legislative changes are needed, or only provisions mandating that the schools take action are required. The legislature has no control over the affidavit or Albemarle County plan, and so they are most likely to approve these alternatives.

CRITERIA FOR EVALUATING ALTERNATIVES

Alternative	Cost	Regulating Division	Politically Feasible
Keep enrollment policies the same	\$0	VDSS and VA District Courts	+++++
Apply military POA to non-military kinship caregivers	\$0, + time	Department of Education	+++
Change VA Code to include temporary, permanent and foster kinship care	\$0, +time	N/A	++
Apply the Albemarle County policy statewide	\$0	Department of Education	++++
Allow an affidavit only to suffice in establishing residency	\$0	Department of Education	++++
Six month subsidized custody kinship program	\$54, 164.48 annually/ additional child in foster care	VDSS	++++
Create a tracking system	\$48,039.72/additional DSS employee	DSS & Department of Education	++
Compensate school divisions for enrolling children in kinship care	\$0 net cost	Department of Education	+++

EVALUTATING OUTCOMES TO THE SCHOOL DIVISIONS

CONTROL OF STUDENT REGULATION:

School divisions have an incentive to make sure that they can regulate who is enrolled into their schools. Because considerable funding for the school division comes from local taxes, school divisions want to make sure that the students attending their schools actually reside within their district. Alternatives should be evaluated on how easily school divisions can regulate who is enrolled in their schools. The more control schools have to regulate students enrolled under the policies, the harder it is for students to cheat the system by using the alternatives solely for school purposes.

School divisions have the most control in alternatives 1 and 4. Keeping policies the same allows schools to continue their current methods of requiring guardianship to be presented at the time of enrollment. The Albemarle County policy gives schools the option to conduct an interview to determine for themselves whether the student is a bona fide resident of the district. The Albemarle plan also requires that kinship caregivers submit a sworn statement stating that they are residents of the division and that the child in their care is not attending their school solely for school purposes.

Alternatives 2, 5, and 6 would be next in controllability. These policies place regulations in the Virginia Code that mandates that school divisions must let students in under the conditions of the alternatives. Under alternative 2, kinship caregivers with a power of attorney would be allowed to enroll the child in their care into the school division in which they reside. Under option 6, the state will automatically enroll the child because the child is in foster care and considered to be in the custody of the state. Alternative 5, adds allowing an affidavit to suffice in proving bona fide residency. Because it is relatively easy to get an affidavit, it is hard to control their enrollment, but it is also a misdemeanor to lie in sworn statements. Schools should be willing to take a power of attorney and an affidavit on its honor because false statements produced on them result in a federal offense.

Alternatives 3, 7 and 8 do not have to do with controlling student enrollment. These policies are technical policies that change definitions, supply funding, or track children.

EASE OF IMPLEMENTATION:

This criterion evaluates whether school divisions will have to do more than they are already doing to implement these alternative policies.

Alternatives 1, 2, 5, and 6 should not result any much change than the current enrollment process. Because alternative 1 is to keep school enrollment policies the same, this policy will not result in any change. Alternatives 2 and 5 should not have to change anything either because it will only require that the kinship caregiver provide either a power of attorney or an affidavit at the time of enrollment. The designated people who look over registration applications should be able to quickly decipher than an affidavit or power of attorney has been presented. Alternative 6

will continue to enroll children by the state and the same people who deal with enrolling foster care children would continue to enroll children in kinship care under this alternative.

Alternative 7 would require that the school division relay information about children in kinship care so that it can be properly tracked. If a school division has a high percentage of children in kinship care enrolled at their school, they might need to create another job to implement the tracking system.

Alternative 4 might also require that a new job is created because of the interview process that takes place to determine bona fide residency. In Albemarle County, the ESOL office runs the kinship care enrollment policy, but not all school divisions have an ESOL department and might need to delegate the task of enrolling students in kinship care to another office.

MONETARY COST:

Alternative 1 and 3 should not result in any monetary costs for the school division, as the enrollment policies will not change.

Alternatives 2, 4 and 5 will create a cost to the school only when the school takes on a new child because of the change in enrollment policy. Out of the 13,213 students enrolled in Albemarle County Public Schools, seven are enrolled under their kinship policy (Stewart, 2011). As has been cited before, the average cost of a child per year in school is \$9,851.00. This cost will vary by locality as school divisions may spend more or less per child.

Alternatives 6 and 8 result in net cost of zero because the school division will be reimburse for enrolling the child. Alternative 6 continues the current policy of reimbursing school divisions for enrolling foster care children. Alternative 8 results in a money transfer from the state for enrolling students in kinship care.

Alternative 7 might result in a cost to the school division if the school division does not have the proper software or means to track students in kinship care. However, school should have the capability to track students through their STI number. All students in Virginia have an STI number. Adding information to this tracking number should not cost the school division anything because the software is already in place.

CRITERIA FOR EVALUATING ALTERNATIVES TO THE SCHOOL DIVISIONS

Alternative	Control of Student Regulation	Ease of Implementation	Added Cost
Keep enrollment policies the same	MOST CONTROL	EASY	ZERO
Apply military POA to non-military kinship caregivers	CONTROL	EASY	+Average \$9,851.00/student
Change VA Code to include temporary, permanent and foster kinship care	---	----	ZERO
Apply the Albemarle County policy statewide	MOST CONTROL	HARD	+ Average \$9,851.00/student
Allow an affidavit only to suffice in establishing residency	CONTROL	EASY	+ Average \$9,851.00/student
Six month subsidized custody kinship program	CONTROL	EASY	ZERO
Create a tracking system	---	HARD	ZERO
Compensate school divisions for enrolling children in kinship care	---	----	ZERO

EVALUATING OUTCOMES TO THE KINSHIP CAREGIVER AND THE STUDENT

EASE OF ENROLLMENT:

This criterion determines how easy it is for a kinship caregiver to enroll the child they are caring for into the school division in which they reside. In other words, does the kinship caregiver have to do more than they normally would do if they were enrolling their own biological child into school?

Alternative 1 is the hardest policy in terms of enrollment. Alternative 1 makes kinship caregivers seek legal remedies such as obtaining custody or guardianship of the child, just to enroll the child into school.

Alternative 4 is the less hard than option 1 for the kinship caregiver. The kinship caregiver has to provide both an affidavit and a power of attorney to enroll the child into school. The kinship caregiver also has to go through an interview process to determine bona fide residency.

Alternative 2 and 5 are easier than 1 and 4 because getting a power of attorney and affidavit are relatively easy tasks. Getting an affidavit is easier than a power of attorney, but in terms of school enrollment, only being required to show those documents is easier than getting custody.

Alternative 6 is the second easiest option to school enrollment because the state automatically enrolls the student for the kinship caregiver.

Alternative 2 is the easiest option to school enrollment. By defining the different kinds of kinship care into the Virginia Code, kinship caregivers will be able to enroll their children without having to provide extra documentation.

MONETARY COST:

The cheapest options to the caregiver are alternatives 3, 5 and 6. Obtaining an affidavit is around five dollars, if there is any cost. Changing Virginia Code has no cost to the caregiver. Because the kinship caregiver is receiving payments through alternative 6, this is the cheapest option.

Alternative 2 and 4 are the next cheapest because it requires that caregivers obtain a power of attorney from the biological parent. If the school division writes the power of attorney, the power of attorney is free. Unless the caregiver seeks the legal help of an attorney, the power of attorney will not cost the caregiver any monetary costs.

Alternative 1 costs the caregiver the most money by making them pay the court costs of obtaining custody.

EMOTIONAL COST:

Alternative 1 is the most emotionally taxing by forcing kinship caregivers to have custody of the child before enrolling them into school. This can put unnecessary stress onto the family if the biological parent does not approve of giving the relative custody, but must do so in order to enroll the child into school.

Alternatives 2, 4, and 5 are not emotionally taxing because the power to take care of a parent's children can be terminated at anytime by the parent.

Alternative 6 is the second most emotionally taxing policy because it requires that children be given to the state and put in the custody of the state for a period of time. Both parents and kinship caregivers are all weary of giving up custody of the child to the state.

TIME COST:

Alternative 1 has the potential to take the most time for relatives to enroll their children into school. Obtaining custody of a child can take anywhere from a few months to a year.

Alternative 6 can take the least time in enrolling the child into school, but the most time in becoming an approved foster parent.

Alternatives 2, 4 and 5 are relatively quick options. Filling out and signing a power of attorney issued to caregivers by the school division is fairly simple. Getting an affidavit notarized also does not take much time as most banks offer a notary.

PERMANT/TEMPORARY SOLUTION:

Alternatives 1 and 6 result in the permanent care of a child by a relative because for parents to get the rights to take care of the child back, they must go to court or ask the court to grant them the custodial rights through a court order.

Alternatives 2, 4 and 5 are temporary solutions to kinship care because the parent can terminate a power of attorney when the parent wishes. An affidavit delegates no parental rights to the kinship caregiver, but does make a statement that the caregiver is caring for the child.

CRITERIA OF EVALUATING ALTERNATIVES TO THE CAREGIVER AND STUDENT

Alternative	Ease of Enrollment	Monetary Cost	Emotional Cost	Time Cost	Permanency
Keep enrollment policies the same	HARDEST	MOST EXPENSIVE	MOST COSTLY	MOST TIME	PERMANENT
Apply military POA to non-military kinship caregivers	HARD	EXPENSIVE	LEAST COSTLY	SHORT TIME	TEMPORARY
Change VA Code to include temporary, permanent and foster kinship care	----	-----	-----	-----	----
Apply the Albemarle County policy statewide	HARDER	EXPENSIVE	LEAST COSTLY	SHORT TIME	TEMPORARY
Allow an affidavit only to suffice in establishing residency	EASY	INEXPENSIVE	LEAST COSTLY	SHORTEST TIME	TEMPORARY
Six month subsidized custody kinship program	EASIEST	INEXPENSIVE	COSTLY	MOST TIME	PERMANENT
Create a tracking system	---	-----	----	----	----
Compensate school divisions for enrolling children in kinship care	---	-----	----	----	----

RECOMMENDATIONS:

Child safety is the most important criteria for our recommendations. We ensure that at least one government agency evaluates the circumstances leading up to the care of the child by the relative. These policies will also make sure that the child in kinship care is enrolled into the school division of the kinship caregiver's residency.

1. IMPLEMENT THE ALBERMARLE COUNTY PLAN STATEWIDE

This is the temporary solution to kinship care and school enrollment. This policy gives parents the opportunity to delegate rights to kinship caregivers and terminate the caregiver arrangement when they are better able to care for the child(ren).

Under this option, kinship caregivers can have a temporary solution to caring for their relative's child and enrolling the child into Virginia public schools. This option gives school divisions the most control of regulating who can enroll in their school division by interviewing every potential child in kinship care to determine that the child has bona fide residency.

This option is also most safe for the child. The kinship caregiver will have the powers delegated to him or her to make all the decisions that a parent can make in a child's care. Giving a kinship caregiver the rights to make medical and educational decisions for the regarding the child's best interests. This plan also makes sure that the public school systems and LDSS are checking on the circumstances and time period that the child is being cared for. By making parents designate the circumstances and time that the child will be cared for in order to enroll the child for another school year, the child's care is being actively confirmed.

This also is an easier option than is currently available to kinship caregivers. Signing an affidavit, obtaining a power of attorney and going through an interview process for school enrollment is less time consuming and costly than obtaining custody through a court order.

2. ADOPT THE SIX MONTH SUBSIDIZED KINSHIP PROGRAM

This is the permanent solution to kinship care and school enrollment. Parents who need their child to be cared for by relatives for periods of time more than one year can use this policy.

For kinship caregivers that will be taking care of children for a longer period of time than a school year, going through the six month subsidized kinship program is the best option. Enacting this program will be the safest option for the child. The child will be in the custody of the state for a period of time while the kinship caregiver becomes an approved foster parent. The six month time period that the kinship caregiver has to take care of the child, while the child is in the custody of the state, will allow VDSS to determine if the environment is safe and healthy for a child's long term stay.

Because kinship caregivers frequently site that they have the hardest time obtaining benefits, this program will eliminate that problem by providing compensation through foster care payments. This plan also makes it easy for kinship caregivers to enroll their children in the school division of which they reside because the sate automatically enrolls the child for them.

School divisions and the state will also be supportive of this program because they will receive compensation. The state will receive compensation from the federal government and the school division will receive compensation from the state because the state enrolled the child into the school.

APPENDIX: DOCUMENT 1- Immediate Enrollment of Foster Care Children

Student Information		
Date of Joint LDSS/School Best Interest Determination for School Placement:		
Date Student Presented for Enrollment:		
Receiving School/School Division:		
Student Name**:		
Age**:	DOB:	Sex:
Student Testing Identifier:		
Foster Parent/Placement Name:		Phone:
Foster Parent/Placement Address:		
DSS/Child-Placing Agency Name:		
Date Placed with Agency:		
Agency Contact Name:		Phone:
Last School Attended/School Division:		Current Grade:
Information on status of parental rights:		
Does student have IEP? Yes No Unknown		
Does student have 504 plan? Yes No Unknown		
Parent for Special Education purposes , if applicable:		

The local department of social services (LDSS) shall coordinate with the school to ensure that the child in foster care is immediately and appropriately enrolled with all educational records provided to the new school ([Fostering Connections to Success and Increasing Adoptions Act of 2008 \(P.L. 110-351\)](#); [Social Security Act, Title IV, § 475 \(1\) \(G\) \[42 USC 675\]](#)). The sending and receiving schools shall expedite the transfer of the student's record (§ [22.1-289](#) of the Code of Virginia).

This document provides all information required for the LDSS to notify the school and for the school to immediately enroll the child in compliance with §§ [63.2-900.D](#) and [22.1-3.4](#) of the Code of Virginia. The three asterisked (***) areas meet these minimal requirements for enrollment. All other information helps ensure a smooth transition for the child and school.

“Immediate” means the beginning of the next school day after the presentment for enrollment. “Presentment” means the person enrolling the child has appeared at the school and presented all required information and certifications. “Enrollment” means the child is attending classes and participating fully in school activities. If, despite all reasonable efforts, school officials are unable to enroll the child by the beginning of the next school day following presentment for enrollment, the student shall be enrolled no later than the second school day following presentment. If enrollment is delayed until the second school day after presentment, school officials shall document reasons for the delay and attach these reasons to this form.

(Please complete other side)

(Print on yellow paper for easy identification)

Enrollment Certifications*

I am a representative of the agency having legal custody of the above-named child. This child meets the definition of a child placed in foster care in § [22.1-3.4](#) of the Code of Virginia; therefore, I am presenting the child for *immediate* enrollment.

To the best of my knowledge, _____ **has/has not (circle one)** been expelled from school attendance at a private school or public school division of the Commonwealth of Virginia, or in another state, for an offense in violation of school board policies relating to weapons, alcohol or drugs, or for the willful infliction of injury to another person.

To the best of my knowledge, _____ **has/has not (circle one)** been found guilty of or adjudicated delinquent for any offense listed in § [16.1-260.G](#) of the Code of Virginia or any substantially similar offense under the laws of any other state, the District of Columbia, or the United States or its territories.

To the best of my knowledge, _____ is in good health and is free from communicable or contagious disease. If documentation of a physical exam, birth certificate, social security number, and/or immunization record is unavailable at time of enrollment, they must be provided to the school within 30 days of enrollment.

Custodian/Guardian Signature
Date
Release of Information

I, _____, as legal custodian/guardian of _____, hereby authorize schools, their agents and employees in possession of this student's educational records to release such information as necessary for the purposes of his/her educational enrollment at _____ (school of enrollment).

Custodian/Guardian Signature
Date
Contact Information for Questions

VDOE: Student Services Office: (804) 225-2071

VDSS: Regional Permanency Consultants:

Piedmont Regional Office: (540) 204-9611

Western Regional Office: (276) 676-5490

Eastern Regional Office: (757) 491-3990

Northern Regional Office: (540) 347-6250

Central Regional Office: (804) 662-9743

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