

# The Engagement of Fathers and Relatives Through the Fostering Connections to Success Act

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When Congress passed the Fostering Connections to Success Act and Increasing Adoptions Act of 2008 (“Fostering Connections”) and the president signed it into law, they announced their belief in the invaluable involvement of family in the life of a child.

This milestone law aims to support thousands of families and children involved in the foster care system by promoting permanent families for children. The legislation is a positive recognition of the importance of family involvement, including fathers and paternal relatives, in the lives of children in out-of-home placement.

The act requires states to exercise “due diligence”<sup>1</sup> to identify and notify adult relatives of a child if he or she is placed in foster care. While a number of states and jurisdictions have some policies and procedures currently in place to support the engagement of fathers and relatives, barriers to full compliance with Fostering Connections may exist, which will require legislative enactment in some states. Fourteen states introduced

new legislation in 2009 that requires notification of relatives when children are placed in state care. These new state laws vary in their provisions and timeframes for identifying and notifying relatives of their options regarding the placement of children. Wyoming, for example, enacted legislation requiring that notice of a child alleged to have been abused or neglected be sent to non-custodial parents or putative fathers.

Colorado enacted legislation that amends its Children’s Code to comply with Fostering Connections with respect to locating relatives. The legislation requires the Department of Human Services to exercise due diligence in contacting adult relatives 30 days following the removal of the child from his or her home and to inform relatives about their involvement in placement possibilities for the child. This notice provided to relatives shall include options that may be lost by failing to respond, requirements to become a foster parent, and services and supports available to the child placed in foster care.

“Reconnecting families can be that critical missing puzzle piece for a child in foster care.”

<sup>1</sup> The statute does not define due diligence, and it can have different meanings in different legal contexts; however, it often requires the actions of a “reasonable person.” Source: Grandparenting.org. (2009, January). *New help for children raised by grandparents and other relatives: Questions and answers to the Fostering Connections to Success and Increasing Adoptions Act of 2008*. Retrieved on January 5, 2009, from [www.grandparenting.org](http://www.grandparenting.org)



According to Colorado State Senator Linda Newell, who was contacted for this article, “This is great progress on the foster care front. Opening the door for a dad can be opening a lifetime of joy and stability for a child. Reconnecting families can be that critical missing puzzle piece for a child in foster care.”

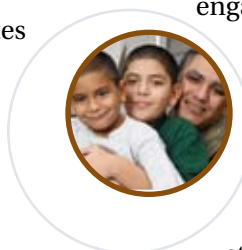
In addition to the 14 states that introduced related legislation in 2009, a number of states already have some type of the relative notification policy as required by Fostering Connections. For example, Minnesota operates an intensive relative notification system under which child welfare agencies identify relatives before or at the time a placement is needed for a child. Some county agencies have resources dedicated to locating relatives and notifying them in writing of the need for placement. In response to Fostering Connections, Minnesota has amended its statute to define “diligent efforts” to include asking the known parent to identify any non-resident parent and to provide information that can be used to verify that person’s identity.

“The passage of this legislation brings Minnesota one step closer to ensuring that all children have access to homes where they will be nurtured and loved,” says Minnesota State Senator Patricia Torres Ray, who was also contacted in order to discuss her state’s progress. “We know how important fathers and relatives are in the lives of children and we must continue to affirm these relationships and give families the opportunity to raise their children.”

However, engaging fathers and relatives in the child welfare process can be challenging, even for states that currently notify relatives. Existing state law in Kansas requires that grandparents be notified within 72 hours of placement, and, as a matter of practice, known relatives are contacted. According to the National Association of Public Child Welfare Administrators’ Fostering Connections State Implementation Reports, “The state anticipates possible changes in their initial letters to relatives and expects to have some challenges locating and notifying ‘all relatives’ as stated in the federal provision.”<sup>2</sup>

As with any new endeavor in the field of child welfare, there will be challenges and considerations for states in their engagement of fathers and paternal relatives. Since Fostering Connections does not include a definition of the word “relative,” states will need to examine their

own definitions of the term in state laws to determine the expansiveness or conclusiveness of this reference. It will be important to incorporate all relatives of a child in the definition, including non-resident fathers and paternal relatives, to support the engagement efforts of these individuals with children in state care. Additionally, determining how “due diligence” will be defined with respect to the child welfare agency’s role in identifying and locating relatives will be critical in ensuring the engagement of fathers.



### Examples of the Definition of ‘Relative’

Although there is a definition of “relative” for purposes of Title IV-E eligibility, regulations have not been issued to assist states in defining the term for the purposes of the Fostering Connections legislation. While

most states define “relative” in state laws, the term varies from state to state. For example, Michigan has a detailed definition of “relative,” which includes: “an individual who is at least 18 years of age and related to the child by blood, marriage, or adoption, as grandparent, great-grandparent, great-great-grandparent, aunt or uncle, great-aunt or great-uncle, great-great-aunt or great-great-uncle, sibling, stepsibling, nephew or niece, first cousin or first cousin once removed, or the spouse of any of the above, even after the marriage has ended by death or divorce.” Connecticut defines “relative” as “any person descended from a common ancestor, whether by blood or adoption, not more than three generations removed from the child.”

Further information regarding individual state progress and/or current legislation is available at <http://fatherhoodqic.org/resources.shtml>, where there are links to several charts developed by the National Conference of State Legislatures. Fostering Connections is a real opportunity for states to reach out and engage fathers and relatives in the lives of children. There is a lack of meaningful engagement between child welfare agencies and fathers according to the findings of the Federal Child and Family Service Reviews. However, through state implementation of the relative notification provisions found in Fostering Connections, the involvement and engagement of fathers and relatives in the lives of children in state care can be improved, and children will have more opportunities to find safe and loving environments in which to be raised.

<sup>2</sup> <http://www.napcwa.org/Legislative/docs/Kansas.pdf>