

2023 State Roundtable Report:

Kinship Care



Taskforce Chairperson

Honorable Kevin M. Dougherty, Justice Supreme Court of Pennsylania

Kinship Care Taskforce Members

Chairperson:

Honorable Kevin M. Dougherty, Justice

Pennsylvania Supreme Court

Kimberly Ali, Commissioner
Philadelphia Department of Human Services

Kerry Browning, Director
Lackawanna County Children and Youth Services

Honorable Kim Berkeley Clark, President Judge Court of Common Pleas of Allegheny County

Honorable Garrett Page
Court of Common Pleas of Montgomery County

Honorable Richard Lowe

Court of Common Pleas of Delaware County

Marisa McClellan, Administrator

Dauphin County Social Services for Children and Youth

Honorable Walter Olszewski, Supervising Judge Court of Common Pleas of Philadelphia County

Laval Miller-Wilson, Deputy Secretary
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Honorable Michael Sholley, Senior Judge

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Background

In October 2020, the State Roundtable (SRT) convened the Kinship Care Taskforce, under the leadership and direction of then Pennsylvania Supreme Court Chief Justice Max Baer, to thoroughly examine the use of kinship care in Pennsylvania's Child Dependency System and make recommendations for improvement. Taskforce membership includes Judges, Child Welfare Administrators, and Legal Advocates from counties with high and low kinship care usage, representation from Pennsylvania's two largest counties, and the Department of Human Services' Office of Children, Youth and Families' Deputy Secretary. The Taskforce is supported by staff from the Administrative Office of Pennsylvania Courts' Office of Children and Families in the Courts.

Removing a child from their home can be a traumatic experience for children and their parents, but one that can be lessened by enlisting the support of relatives and kin. Research shows that when children are placed with relatives or kin, outcomes are better in the following areas (*Kinship Care in Pennsylvania: Creating an Equitable System for Families*):

- Placement stability;
- School stability and positive educational outcomes;
- Reduced re-entry into the child welfare system;
- Permanency through reunification, adoption, or guardianship;
- Better physical, behavioral, and mental health outcomes
- Increased likelihood of living with or staying connected to siblings; and Greater preservation of race and cultural identity, including community connections.

The SRT's focus on kinship care connected well to the SRT Mission and Guiding Principles. The focus also aligned with other SRT priorities, including Family Finding (FF) and Family Group Decision Making (FGDM).

The First Year (2020 - 2021)

At its first meeting, the Taskforce outlined its mission to:

- 1. Define and understand kinship care use in Pennsylvania
- 2. Examine strengths and barriers to kinship care use
- 3. Develop solutions and strategies to increase kinship care use

The Taskforce focused on several areas to accomplish this mission. Documentation and products related to each area outlined below can be found in the 2021 SRT Kinship Care Report. This Report can be accessed using the following link: https://ocfcpacourts.us/childrens-roundtable-workgroupscommittees/kinship-care-taskforce/.

I. Survey

During preliminary meetings, the Taskforce identified barriers to kinship care use, as experienced through their practice and observations. Two surveys were then administered. The first survey was given to Taskforce members. The second survey was distributed to Leadership Roundtable Judges and Child Welfare Administrators. Participants were asked to select barriers they believed impacted kinship care use. With all Taskforce members and the majority of counties (49 of 67) responding, the following barriers were rated as the highest contributing factors:

- Behaviors of the parent or child
- Insufficient advocacy by Attorneys
- Lack of family finding effort
- Restricting regulations and laws
- Traditional foster care is easier to access

II. Data

Taskforce members also examined three separate Common Pleas Case Management System (CPCMS) kinship care data sets during the first year. These data sets included the following:

- 1. Non-kinship versus kinship placements at initial removal during 2019 and 2020
- 2. Non-kinship versus kinship placement as of December 1, 2019, and December 1, 2020
- 3. Non-kinship versus kinship placement as of April 14, 2021, broken down by age, race, and gender

Counties were categorized individually by Leadership Roundtable (LRT) and Family Engagement Initiative (FEI) status in all data sets. These data sets allowed Taskforce members to compare like-size counties and those participating in more rigorous family finding and family engagement work.

While a full review of all three data sets can be found at the end of the 2021 SRT report, some highlights from each of these three data sets include:

- 6,052 (44%) of children in out-of-home care were placed in kinship care
- 20 counties in Pennsylvania were at or above the state average of 44%
- Younger children were more likely to be placed in kinship care (51%)
- Older youth were less likely to be placed in kinship care (34%)
- LRT 1, comprised of the five largest Pennsylvania counties, had the highest use of kinship care at 51%

III. Laws/Rules and Case Law

The Taskforce identified 39 legal citations prioritizing the emphasis, identification, and/or use of kinship caretakers as the primary persons to care for a child when they cannot reside with their parents. The Taskforce created and widely distributed a resource identifying these legal citations.

IV. Kinship Care Myths

As the Taskforce examined barriers, it discovered misinformation (i.e., "myths") about kinship care use. The Taskforce created a list of Kinship Care Myths to clarify this misinformation. The list was widely distributed and used to ignite conversation and clarification. For example, it can take less than an hour to approve someone as an emergency kinship caretaker, instead of the "myth" that it takes weeks or months.

V. Education

On July 29, 2021, an educational session was held at the Pennsylvania Conference of State Trial Judges (PCSTJ) dependency luncheon. "Kinship Care: A Glimpse of What's to Come" provided a packed audience with an interactive and thought-provoking glimpse of the Taskforce's work.

Faculty for the session included:

Honorable Max Baer, Late Chief Justice

Pennsylvania Supreme Court

Sandra Moore, Director

Office of Children and Families in the Courts

Christy Stanek, Deputy Director

Office of Children and Families in the Courts

The session agenda included a kinship care presentation by the panel, a review of the 39 legal citations, a small group discussion of county-specific data, and an application to practice bringing awareness to kinship care myths.

The session concluded with Chief Justice Max Baer encouraging Judges to stand in their authority and challenge any recommendation for placement other than safe kinship care. Chief Justice reminded Judges that the Child Welfare Agency and others make recommendations, but it is the Judge who executes and signs the order.

IV. Kinship Care Analysis

Toward the end of its first year, the Taskforce created a Kinship Care Analysis process to more closely examine the use of kinship care in three volunteer counties: Dauphin, Delaware, and Montgomery. Using the Kinship Care Analysis process, examiners were able to look at what happens systemically before, during, and after the removal and placement of a child. Before beginning the analysis, the Taskforce created two tools: *Kinship Care Analysis Tool – County Specific and Kinship Care Analysis Tool – Youth Specific.* Both of these tools were provided in the 2021 SRT report. The analysis process included the following:

- Court hearing observations of youth placed with non-kin, utilizing the Kinship Care Analysis Tool – Youth Specific
- Debriefing of court observations with the Dependency Judge or Juvenile Court Hearing Officer presiding over the observed case
- Interviews with the assigned child welfare caseworker and supervisor of the observed court cases, utilizing the Kinship Care Analysis Tool – Youth Specific, which also examined case file documentation
- Completion of the *Kinship Care Analysis Tool County Specific* by the Court and Child Welfare Agency Administrator

At the conclusion of the first year, Montgomery and Delaware counties had completed their analysis. Dauphin County's analysis was scheduled but had not occurred at the time of the SRT meeting. **The approved 2021 SRT recommendations included:**

- 1. Completion of the Kinship Care Analysis;
- 2. Create and deliver a Kinship Care Judicial Education Session for Dependency Judges and Juvenile Court Hearing Officers;
- 3. Create and deliver a Kinship Education Session for Attorneys practicing in dependency court; and

4. Continue to assess and identify barriers and strategies to increasing the use of Kinship Care in Pennsylvania.

The Second Year (2021 - 2022)

Kinship Care Analysis

The Taskforce spent most of its second year completing the Kinship Care Analysis, compiling and examining its data, and forming kinship care conclusions based on the analysis. The Kinship Care Analysis occurred in three volunteer counties: Dauphin, Delaware, and Montgomery. One county (Dauphin) is a Family Engagement Initiative (FEI) county, and two are non-FEI counties. In FEI counties, the court and the child welfare agency are given extensive training and support on family finding, family engagement, and Crisis Rapid Response Family Meetings. After carefully reviewing the data and Analysis, The Taskforce drew preliminary conclusions on the use of Kinship Care:

- The FEI county had better kinship care use, family finding, and family/kin inclusion outcomes in this analysis
- Leadership matters in the Court and Agency
- Judges, not the Agency, place children in non-kinship homes
- Family finding early in the case and ongoing makes a difference
- Placing a child with safe family/kin needs to be the easiest process for approval
- Placing a child in a non-kinship home should be the more difficult process for approval, such as requirements of a higher-level authority of approval
- Attorneys need to be more involved in family finding and family engagement
- A crisis family meeting before placement increases kinship care use
- Kinship care support services should be explored and implemented when needed

Additional information on the Analysis can be found in the 2022 SRT report. This Report can be accessed using the following link:

https://ocfcpacourts.us/childrens-roundtableinitiative/state-roundtable-workgroupscommittees/kinship-care-taskforce/.

Education

In addition to completing the Kinship Care Analysis, the Taskforce presented "Kinship Care: A Call to Action" at the 2022 Children's Summit.

Faculty for this presentation included:

Honorable Max Baer, Late Chief Justice Pennsylvania Supreme Court

Honorable Walter Olszewski, Supervising Judge

Court of Common Pleas of Philadelphia County

Marisa McClellan, Administrator

Dauphin County Social Services for Children and Youth

Sandra Moore, Director

Office of Children and Families in the Courts

Christy Stanek, Deputy Director

Office of Children and Families in the Courts

Faculty called upon Judges, Juvenile Court Hearing Officers, Child Welfare Administrators, Attorneys, and State Partners to elevate the urgency for Kinship Care use in Pennsylvania. Children's Summit attendees were asked, "If not now, then when? If not us, then who?"

To accompany the content of this presentation, the Taskforce once again pulled two sets of statewide CPCMS data: First Placement Data in 2021 and Point in Time Data as of March 1, 2022. Summit attendees were provided a statewide summary of the data and data specific to their county. As of March 1, 2022, there were 6,099 dependent children in kinship care, a 44% statewide average. Sixteen counties have at least half of out-of-home children living with kin. Pennsylvania has also increased the number of counties at or above the state average for kinship care use. In April 2021, 20 counties were at or above the state average. In March 2022, there were 25 counties.

At the conclusion of this SRT report period, data showed a growing increase in the use of Kinship Care. As such, over the next year, the Taskforce requested to continue assessing and monitoring the use of kinship care

across Pennsylvania for further analysis.. The following recommendations to the 2022 SRT were approved:

- 1. Office of Children and Families in the Courts to frequently track County's Kinship Care data over the next year and provide updates to Counties, Kinship Care Taskforce members, State Roundtable members, and Leadership Roundtable members; and
- Office of Children and Families in the Courts to request that the Child Welfare Resource internally review and update any child welfare training on Kinship Care to include the work of the Kinship Care Taskforce.

The Third Year (2022 - 2023)

Progress

In October 2022, with the passing of the late Chief Justice Max Baer, Supreme Court Justice Kevin M. Dougherty assumed Chairperson lead of the Kinship Taskforce. Over the past year, the Taskforce closely monitored overall statewide placement and Kinship Care data each quarter. The statewide average of Kinship Care use has remained at 44% since the last SRT report. While the overall statewide percentage of Kinship Care use has not changed, the total number of children in out-of-home care has decreased by 2,055.

Month/Year	Total in FC, Kinship Care, and CC	Total in Kinship Care	Percentage in Kinship Care
*March 2022	13,909	6,099	44%
June 2022	12,801	5,670	44%
September 2022	12,368	5,422	44%
December 2022	12,012	5,320	44%
March 2023	11,854	5,160	44%

^{*}Final data set provided to the 2022 SRT in May 2022

Further analysis of the data showed that as of March 31, 2023, twenty-three counties were at or above the 44% statewide average of Kinship Care use,

thirteen counties have at least half of their children in out-of-home care placed with Kin, and seventeen counties have increased their use of Kinship Care by 5% or higher since the last SRT. A summary of this analysis and kinship data by Leadership Roundtable can be found at the end of this report (Appendix A: 2022-2023 Kinship Data Summary).

Education for dependency attorneys has been another focus for the Taskforce this year. Since its convening, the Taskforce has provided Kinship Care education sessions to dependency Judges, Juvenile Court Hearing Officers, and Child Welfare Administrators. This year, the Taskforce created a Kinship Care Education Session for Solicitors, Parent Attorneys, Guardians ad Litem, and Child's Counsel practicing in dependency cases (*Appendix B: Kinship Care Attorney Education Session*). The same session is scheduled in three locations throughout the state:

May 12, 2023 (West) Pittsburgh Marriott North, Cranberry

June 5, 2023 (Central) Sheraton Hershey/Harrisburg

August 15, 2023 (East) Inn at Villanova, Wayne

Content for the session includes:

- Message from the Bench
- Kinship Care: A Legal Analysis
- Role of the Attorney
- Content Application to Practice

Faculty for this session includes:

Honorable Kevin M. Dougherty, Justice *Pennsylvania Supreme Court*

Honorable Kim Berkeley Clark, President Judge Court of Common Pleas of Allegheny County

Honorable Walter J. Olszewski, Supervising Judge Court of Common Pleas of Philadelphia County

Honorable Michael H. Sholley, Senior Judge

Cathy Volponi, Esquire, Director *Allegheny County Bar Foundation, Parent Advocates*

Marisa McClellan, Esquire, Administrator

Dauphin County Social Services for Children and Youth

Cori Dunn, Esquire, Judicial Analyst

Office of Children and Families in the Courts

Christy Stanek, Deputy Director

Office of Children and Families in the Courts

At the time this report was written, the education session in the West was the only session to have occurred. There was a total of 64 registered attendees, representing 9 different counties. Attendees included Solicitors, Parent Attorneys, Guardians ad Litem, Child's Counsel, and Juvenile Court Hearing Officers.

The session was well received, with an overall rating of 4.8/5.0 and a relevancy rating of 4.9/5.0. A full summary of the session's evaluation can be found under *Appendix C: Education Session Evaluation Summary*.

In addition to the education sessions for attorneys, a three-hour education session for Juvenile Court Hearings Officers (JCHO) was held on May 11, 2023. The session, titled *Understanding the Priority of Kinship Care*, mirrored the education session for attorneys with content including:

- Message from the Bench
- Kinship Care: A Legal Analysis
- Content Application to Practice

Faculty for the JCHO session included:

Honorable Jennifer L. Rogers (JCHO Chairperson)

Court of Common Pleas of Luzerne County

Marisa McClellan, Esquire, Administrator

Dauphin County Social Services for Children and Youth

Cori Dunn, Esquire, Judicial Analyst

Office of Children and Families in the Courts

Christy Stanek, Deputy Director

Office of Children and Families in the Courts

On February 14, 2023, the U.S. Department of Health and Human Services (HHS), through the Administration for Children and Families (ACF), announced a new proposed regulation to lessen obstacles in licensing standards for kinship foster caregivers. Open comments on the regulation ended on April 17, 2023. If approved, Child Welfare Agencies would be able to develop licensing standards for individuals related to a child by "blood, marriage, or adoption and other individuals who have an emotionally significant relationship with the child, including fictive kin that differs from non-relative foster family homes agency standards. This regulation does not change the requirements concerning criminal background checks or other important safety provisions (*ACF announcement*)." Once a decision has been made on the proposed rulemaking, the Taskforce will reconvene to determine its impact on dependency.

Looking ahead, the Taskforce would like to take a deeper dive into the perceived resistance of some counties to increase their use of Kinship Care. While several counties have shown progress in implementing change over the past year, several counties are well below the statewide average of 44%. Also, the Taskforce believes it important to gain insight into lived experience to determine how the system can best support Kinship Caregivers.

Finally, the Office of Children and Families in the Courts Deputy Director spoke with the Child Welfare Resource Center's (CWRC) Director in September 2022 and again in May 2023 to inquire about Kinship Care training provided by CWRC. The CWRC training department has done a thorough review of its training courses and determined that Kinship Care is deeply embedded into the Foundations courses required for child welfare professionals. Kinship content will also be included in two pieces of training under development (Universal Assessment and Sexual Abuse). Outside the classroom, the CWRC Technical Assistance team embeds the importance of Kinship Care and family engagement into their work with individual counties. Finally, CWRC has pushed Kinship Care and the Kinship Taskforce's reports to the State Roundtable through their social media channels over the past year. Kinship Care will continue to be a priority for CWRC moving forward.

2023 Recommendations

The Kinship Care Taskforce respectfully submits to the 2023 Pennsylvania State Roundtable the following recommendations:

- 1. Conduct a deep dive into the barriers and perceived resistance to increasing Kinship Care;
- 2. Conduct regional listening tours to gain the lived experience of Kinship Caregivers;
- 3. Examine statewide and national best practices and resources available to support Kinship Caregivers;
- 4. Office of Children and Families in the Courts to frequently track County's Kinship Care data over the next year and provide updates to Counties, Kinship Care Taskforce, Leadership Roundtables, and State Roundtable; and
- 5. Examine any changes to federal regulatory standards for Kinship Caregivers and their impact on dependency.

Pennsylvania Kinship Care Use as of March 31, 2023

35% National Average

44% Overall State Average

11,854 (Total Placements)

5,160 (Kinship Care)

15 Highest Kinship Care Use Counties

	County	Percentage
1	Snyder	100% (1)
2	Union	100% (4)
3	Cameron	80% (4)
4	Venango	61% (48)
2	Allegheny	(089) %55
9	Butler	(88) %55
2	Juniata	54% (7)
8	Luzerne	54% (212)
6	Greene	53% (35)
10	Philadelphia	52% (1,862)
11	Mercer	52% (31)
12	Bucks	50% (111)
13	Lackawanna	50% (92)
14	Fayette	49% (72)
15	Washington	48% (104)

Counties with a 5% increase in Kinship Care use or higher

County	June 2022—March 2023	Total Increase
Union	60% - 100%	40%
Fulton	0% - 29%	29%
Perry	%98 - %6	27%
Juniata	35% - 54%	19%
Bedford	15% - 33%	18%
Cameron	91% - 80%	13%
Armstrong	30% - 42%	12%
Jefferson	24% - 36%	12%
Somerset	37% - 45%	8%
Greene	46% - 53%	7%
Mercer	45% - 52%	7%
Cumberland	40% - 47%	7%
Mifflin	33% - 39%	%9
Clearfield	29% - 35%	6%
Lackawanna	45% - 50%	5%
Berks	30% - 35%	5%
Montgomery	24% - 29%	2%

FEI County

35% National Average

44% Overall State Average

11,854 (Total Placements)

5,160 (Kinship Care)

LRT 1, 2, and 3 (Largest three LRT Counties)

LRT	County	Percentage/Number
1	Allegheny	55% (680)
1	Philadelphia	52% (1,862)
H	Bucks	50% (111)
1	Montgomery	29% (74)
T	Delaware	27% (64)
7	Westmoreland	41% (94)
7	Berks	35% (83)
5	Lancaster	36% (94)
2	York	33% (124)
2	Chester	21% (7)
ю	Luzerne	54% (212)
ж	Lackawanna	50% (92)
m	Cumberland	47% (82)
3	Northampton	46% (116)
m	Lehigh	44% (125)
3	Dauphin	40% (123)
		Li Lina di Paridi

*FEI County Highlighted Red

	LRT 4	LRT 4 and 5/6
LRT	County	Percentage/Number
4	Butler	55% (58)
4	Fayette	49% (72)
4	Washington	48% (104)
4	Beaver	41% (7)
4	Erie	35% (136)
9/9	Northumberland	46% (116)
9/9	Monroe	44% (73)
9/9	Lycoming	38% (13)
9/9	Adams	34% (11)
9/9	Blair	34% (26)
9/9	Fulton	29% (2)
9/9	Cambria	20% (20)
9/9	Franklin	18% (15)
9/9	Lebanon	15% (18)
9/9	Schuylkill	15% (40)
9/9	Centre	14% (9)

*FEI County Highlighted Red

Leadership Roundtable 7

LRT	County	Percentage/Number
7	Cameron	80% (436)
7	Venango	61% (48)
7	Greene	53% (35)
7	Mercer	52% (31)
7	McKean	46% (30)
7	Somerset	45% (57)
7	Crawford	43% (33)
7	Armstrong	42% (26)
7	Mifflin	39% (16)
7	Jefferson	36% (21)
7	Clearfield	(98) %58
7	Bedford	33% (10)
7	Clarion	26% (11)
7	Lawrence	25% (37)
7	Warren	20% (10)

LRT	LRT County	Percentage/Number
7	Indiana	17% (11)
7	Huntingdon	16% (8)
7	EIK	11% (2)
7	Forest	0 (Forest only has 1 child in
		placement, which is CC)

35% National Average

44% Overall State Average

5,160 (Kinship Care)

11,854 (Total Placements)

Leadership Roundtable 8

LRT	County	Percentage/Number
8	Union	100% (4)
8	Snyder	100% (1)
∞	Juniata	54% (7)
8	Carbon	45% (39)
8	Tioga	44% (20)
8	Wyoming	38% 12)
8	Perry	36% (4)
8	Pike	29% (8)
8	Potter	29% (2)
8	Wayne	38% (12)
8	Columbia	26% (23)
8	Bradford	17% (10)
8	Clinton	14% (2)
8	Montour	0 (4 in care—0 with kin)
8	Sullivan	*Sullivan has 0 children in care

*FEI County Highlighted Red

Kinship Care Attorney Education Session

Agenda

10:00 AM - 10:30 AM Message from the Bench: Prioritizing Kinship Care

Honorable Kevin M. Dougherty, Justice

Pennsylvania Supreme Court

Honorable Kim Berkeley Clark, President Judge

Court of Common Pleas of Allegheny County

Honorable Walter J. Olszewski, Supervising Judge

Court of Common Pleas of Philadelphia County

Honorable Michael Sholley, Senior Judge

10:30 AM - 11:00 AM Application to Practice: The Impact of Out-of-Home

Placement

Marisa McClellan, Esq., Administrator

Dauphin County Social Services for Children and Youth

11:00 AM - 12:30 PM What Does the Law Say? A Legal Analysis of Kinship

Care

Cori Dunn, Esq., Judicial Analyst

Office of Children and Families in the Courts

12:30 PM - 1:30 PM LUNCH

1:30 PM - 2:30 PM Role of Attorney in Kinship Care

Cathy Volponi, Esq., Director

Allegheny County Bar Foundation, Parent Advocates

Marisa McClellan, Esq.

2:30 PM - 3:00 PM Application to Practice: Building a Strong Foundation

Christy Stanek, Deputy Director

Office of Children and Families in the Courts

APPENDIX C

Evaluation Summary

*Ratings are on a 5.0 scale

Kuings are on a 5.0 scare	
What is your overall evaluation of the training?	4.8
How relevant was the information presented?	4.9
How satisfied were you with the following sessions:	
Message from the Bench	5.0
Application to Practice: The Impact of Out-of-Home Placement	4.6
What Does the Law Say? A Legal Analysis of Kinship Care	4.7
Role of the Attorney in Kinship Care	4.6
Application to Practice: Building a Strong Foundation	4.7

What are two things about Kinship Care that you understand better after today's session?

- Support of the law
- Kinship options outside of blood relatives
- I need to think about it as if it were my own family
- The role each attorney can play

What questions do you still have about Kinship Care?

- Agency structure, such as kinship navigator and other resources
- How to deal with parents you represent not wanting family involved
- How to handle a relative or kin coming forward after the child has been in care for a while
- What is considered "reasonable" for reasonable efforts in family finding

What areas of Kinship Care would you like to hear more about?

- Supporting grandparents
- More on the specific role of Legal Counsel to children as it differs from best interest GAL
- Resources for Kinship Caregivers
- ICPC

Additional Comments:

- "I wish I would have had this training one week sooner!"
- "Each element of the session was informative and thought provoking."
- "I enjoyed the interactional elements. They helped to make the points and promoted collegiality in the bar. Thank you for including me."
- "Great job making the day fun and interactive, especially after lunch when we're tired."