

# Variations in the use of kinship diversion among child welfare agencies

## Early Answers to Important Questions

Karin Malm, Kristin Sepulveda, and Sam Abbott

---

Kinship diversion, an alternative to foster care, is a common response to allegations of child abuse and neglect, yet little research has been conducted on this practice. An estimated 100,000 to 300,000 children are diverted from foster care to live with relatives each year.<sup>1</sup> However, few jurisdictions collect data on the practice, making it challenging to understand these children's experiences—and to decide whether kinship diversion is beneficial.

For several years, with the support of the Annie E. Casey Foundation, Child Trends has sought answers to key questions about kinship diversion. This brief presents what we learned from studies that explored opinions about the practice through interviews with more than two dozen stakeholders across the country, including agency administrators, advocates, and researchers; explored one state's practice through extensive field work in six local communities involving over 150 staff and kin caregivers; provided estimates of the incidence of kin diversion through administering an online survey of workers, the [Kinship Diversion Estimation Tool](#); and examined administrative data from two states that recently captured information on diversion. As shown in the sections that follow, answers to the questions vary based on the information source. Our work answers many questions about kinship diversion, yet much remains unknown.

### What is kinship diversion?

There is no uniform definition of kinship diversion. The child welfare agencies in which we studied the practice describe situations in which—during an investigation of child abuse or neglect, or while in-home services are provided—a child cannot remain safely with their parents/guardians. Rather than seeking custody of the child, the agency facilitates moving the child to a relative's care. The practice is referred to by many different terms (see textbox). In this brief we use the term “kinship diversion.”

#### How does the field refer to the practice?

Our studies uncovered a variety of terms used interchangeably with “kinship diversion,” including safety planning, voluntary placement, parental placement, redirection, informal kin care, and prevention services, among others.

---

<sup>1</sup> Walsh, W. Informal Kinship Care Most Common Out-of-Home Placement After an Investigation of Child Maltreatment, Carsey Institute Fact Sheet, Winter 2013.

## What are stakeholders' opinions about kinship diversion?

Among the stakeholders we interviewed, opinions about kinship diversion ranged widely. Some stakeholders expressed the view that the practice is never appropriate, while others indicated that it should always be the first option when a child must be removed from their home. Stakeholders with a negative opinion of the practice noted concerns about the lack of legal representation for parents and lack of oversight. They also noted disparities in available resources and supports for all involved (parent, child, kin caregiver).

At the other end of the spectrum, many stakeholders reported their belief that bringing a child into state custody is a negative outcome; they noted that custody did not ensure that needed services would be provided. Respondents also mentioned that parents may be more cooperative when the child welfare agency is not involved. Overwhelmingly, these stakeholders felt strongly that families should retain responsibility and be empowered to drive the planning and decision making, and they believed that families are best able to keep children safe.

Foster care should be a last resort in my opinion. Appropriate relatives (or even non-relatives in many situations) should be considered prior to obtaining custody whenever possible.

- CASEWORKER

Kin arrangements can also provide parents with more time than the Court will to remediate problems that led to removal. Not all problems can be fixed in 12 months.

- CASEWORKER

Agencies administering the kinship diversion estimation tool found that workers were overwhelmingly supportive of kinship diversion practices. Front-line caseworkers in five states provided their opinions of the practice, and over 90 percent of these workers were very supportive. During field work (i.e., qualitative data collection) in one state, stakeholders reported three benefits of kin diversion: allowing families to remain primary decision makers, avoiding court involvement, and keeping children out of foster care.

Our analyses of two states' kinship diversion data showed that both states considered the practice to be part of their array of prevention services. Statewide goals to reduce the number of children in foster care, as well as initiatives focused on prevention and family-based practices, were cited as encouraging use of kinship diversion. Managers noted that caseworkers were increasingly receptive to family engagement, and several local jurisdictions were implementing family finding to identify and engage a wider group of relatives earlier in the case.

## When does kinship diversion occur?

The timing of a kinship diversion arrangement varies across states and agencies. In one state, our interviews and focus group with staff and kin caregivers uncovered considerable variation, though diversion generally occurred during the investigation phase. Similarly, when using the kinship estimation tool, investigative caseworkers, in-home services workers, and foster care caseworkers facilitated kinship diversion arrangements, though investigators were far more likely to do so than the other workers.

Stakeholders report there are often two main decision makers in facilitating kinship diversion arrangements: the child’s parent(s) and the agency representative (i.e., the caseworker and/or supervisor). In many child welfare agencies, the decision to divert is often discussed early on during family meetings. Regardless of how the decision is made, the child’s parent must agree with the arrangement before it occurs. In most cases, the parent identifies the kin caregiver and arranges with the agency to ensure that the child is moved to the kin caregiver. However, in interviews, opponents of the practice emphasized that a parent could feel coerced, especially if all options and accompanying supports and services are not presented.

While some states bring children into custody for case-specific reasons—such as type of maltreatment, severity of the abuse or neglect, or number of siblings—we found that one state takes custody only when no appropriate family members for a kinship diversion arrangement can be identified.

## How prevalent is kinship diversion?

Kinship diversion is the most common out-of-home placement, with approximately half of children involved in investigations ending up in a diversion arrangement.<sup>2</sup> We found similar rates of diversion using a kinship diversion estimation tool (i.e., online worker survey) in several jurisdictions. We compared the frequency of kinship diversion to the frequency of entry to foster care. In some jurisdictions, for every 10 children entering foster care, an additional 7 were diverted, while in others there was an equal split—for every child entering foster care, another child was diverted.<sup>3</sup>

### How common is kinship diversion?

Approximately half of children involved in investigations are diverted to kin.

[Rates of entry of children into foster care](#) and rates of children placed in kinship foster care vary across states and are likely indications of the degree to which kinship diversion practices vary. States in which kinship diversion is a routine practice likely experience lower rates of children entering custody, and fewer of the children in custody in these states are in kin foster care placements. Clear practice guidelines and collection of accurate, consistent child-level information are needed to know the number of children living in informal kinship arrangements (facilitated by child welfare agencies). Without this information we will never know the impact that formalizing these arrangements would have on state child welfare systems or, more importantly, on the lives of children and families.

## Who are the children being diverted?

Knowing that kinship diversion is a frequent practice, we sought to learn about the children being diverted.

**Are there differences in use of diversion by child’s age, gender or race?** Study findings were mixed with regard to whether child’s age was associated with use of kinship diversion. In one jurisdiction, school-age children (ages 6-11) were more likely to be diverted than other age groups,<sup>4</sup> while younger children (ages 2-5) were more likely than children of other ages to enter foster care. However, in the other jurisdictions, the use of kinship diversion decreased as the age of the child increased. Our analyses of one state’s administrative data found that the average age of children formally removed was younger than that of

<sup>2</sup> Walsh, W. Informal Kinship Care Most Common Out-of-Home Placement After an Investigation of Child Maltreatment, Carsey Institute Fact Sheet, Winter 2013.

<sup>3</sup> A second iteration of the estimation tool captured information on worker caseload to account for the fact that workers only provided a response to the last case in which a decision was made to either divert the child(ren) to kin or to remove/take custody. The incidence of kinship diversion was even greater when we included caseload size in the calculation: for every 6 children who enter foster care, 10 are diverted to kin.

<sup>4</sup> We examined the following age groups: 0-1 years, 2-5 years, 6-11 years, 12-16 years, and 17 years and older.

children involved in preventive services only. However, there was no difference in the average age of children in kinship diversion compared to those in formal kinship placements.

Using one state's administrative data, we found that children in kinship diversion arrangements were more likely to be female than children formally removed to kin (53 percent compared with 48 percent).

Results from the estimation tool provide information on the racial and ethnic characteristics of the children diverted in three jurisdictions. In all three sites, for children removed from their homes, white children were more likely to be in kinship diversion arrangements than children of color. In Site 1, 47 percent of white children were in diversion versus 36 percent of children of color; in Site 2, this split was 51 percent versus 36 percent, respectively; and in Site 3, it was 55 percent versus 44 percent, respectively. These differences likely reflect variability in the use of kinship diversion practices across local jurisdictions.

**Are there racial disparities in kinship diversion practice?** In analyzing one state's administrative data, we also found racial disparities in the rate of kinship diversion. White children were diverted to kin at a rate of 4.4 per 1,000 children in the general population, compared to a rate of 3.3 per 1,000 for children of color. Black children had the lowest diversion rate, at 2.9 per 1,000 children in the general population. While these findings are important, they do not consider disparities in referral rates because we do not have that data for this state. Without referral data, we are also unable to calculate racial disparities in kinship diversion or foster care entry among those who are investigated by the child welfare agency. The kinship diversion data for this state do not contain information on child ethnicity, which is another limitation of these findings. We found another potential disparity—this time, related to the likelihood a child would enter formal foster care within six months after the start of a kinship diversion arrangement. We found that children of color (in kinship diversion) enter foster care at a rate of 2.1 to 1 when compared to their white peers (15 percent vs. 7 percent). The ratio increases to 3.2 to 1 when comparing Black youth to their white peers (22 percent vs. 7 percent).

Our analyses of another state's administrative data found little variation by children's race/ethnicity when comparing three groups: (1) children receiving prevention services only, including children in diversion arrangements; (2) children removed to state custody (placed with non-kin or kin); and (3) children receiving prevention services followed by a formal removal.<sup>5</sup> However, when comparing types of kinship arrangements—that is, kinship diversion vs. formal removals to a kin caregiver—we found that more Black children were in kinship diversion than formally removed to kin (15 percent compared with 7 percent). There were very small (2 percentage points or less) differences between kinship diversion and formal removal to kin for children in other racial/ethnic categories.<sup>6</sup>

**Are sibling groups represented in kinship diversion practice?** Kinship diversion arrangements involved cases with both single children and sibling groups. In one state, 58% of the kinship diversion cases involved only one child, 24% involved two children, and 18% involved three or more children.

**What are the referral histories of children in kinship diversion?** We explored the referral history of children in one state that provided administrative data. Children in kinship diversion and their non-kinship peers with substantiated maltreatment had near identical referral histories. Neglect was the leading referral type for all children with substantiated maltreatment (93 percent) and for those in kinship diversion specifically (91 percent), while physical abuse (12 percent compared with 14 percent) and sexual abuse (2

---

<sup>5</sup> For these analyses, prevention services included both in-home services as well as kinship diversion arrangements.

<sup>6</sup> In one state's administrative system, kinship diversion was noted with a non-required flag implemented part-way through the calendar year of which we obtained data. Therefore, data on children in kinship diversion in this state should be considered a non-random sample of the overall kinship diversion population. All references to this state's kinship diversion data and comparisons to other subpopulations pertain to this sample only and are not a representation of the total population in kinship diversion.

percent compared with 1 percent) were less common. Additionally, children in kinship diversion were the subject of multiple maltreatment referrals or maltreatment referrals against multiple individuals as often as the broader population of children receiving preventive services (69 percent vs. 67 percent). There appears to be no indication in this state, therefore, that kinship diversion is reserved for children with specific referral histories. However, children formally removed to kin were more likely to have multiple maltreatment referrals and referrals involving multiple perpetrators than children in prevention cases (in-home and kinship diversion).

## How is kinship diversion different from foster care?

During field work in one state, caseworkers and kinship caregivers provided information on differences between arrangements in which children were diverted to kin compared to living with licensed foster parents. Analyses of administrative data in another state provided similar information. These findings are summarized below.

### What happens when a kinship diversion occurs? Are relative assessments conducted?

One concern of stakeholders with negative views of kinship diversion relates to how kinship caregivers are assessed before the child is placed in the kin home. We learned in one state that assessment policies and practices were inconsistent from one jurisdiction to another. In both states for which we obtained administrative data, investigations were conducted, and a case was opened, for all kinship diversion arrangements. Both states considered kinship diversions to be preventive services.

Using the estimation tool, we found that in most situations, agencies were conducting criminal and child abuse/neglect background checks on relatives providing care (between 87 to 94 percent of the time across three jurisdictions). Unlike formal foster care cases, however, agencies do not always complete the child maltreatment investigations for kinship diversion. In one jurisdiction, investigations were completed 70 percent of the time; in another, they were completed only a little over half the time (56 percent). Another key difference from formal removals is that an official case is not always opened. In the three jurisdictions, an official case was opened between 38 to 85 percent of the time when a child was diverted to live with kin.<sup>7</sup>

**Are family meetings held when children are diverted to kin?** According to our field work in one state, family meetings occur for both kinship diversion and formal custody cases. Caseworkers reported benefits of the meetings, which include allowing options to be consistently outlined for the family; creating better opportunities to identify family members before removal; encouraging partnership among the family members and empowering the family; and allowing the agency to better engage family and facilitating better ongoing communication.

Our analyses of state administrative data found that family meetings are common as part of kinship diversion practice. In one state, kinship diversion cases were more likely than in-home preventive services cases to have a family meeting. In two-thirds of the diversion cases in which a meeting was held, the diversion to kin was the result of the meeting. In another state, family meetings occurred in just over half the cases (51 percent) in which kinship diversion occurred. Families of children diverted to kin and subsequently

### Who are the kinship caregivers?

Analyses of one state's administrative data found that grandparents were the most frequent relative (48 percent), with aunts and uncles (17 percent) also providing care through diversion arrangements. In some cases, kinship diversion results in transfer of custody. In just over a quarter (26 percent) of the diversion arrangements in this state, a court order was in place though we were unable to determine its timing.

---

<sup>7</sup> The short-term nature of many diversion arrangements may preclude the opening of a case.

formally removed (taken into custody) were more likely to participate in family meetings than families of children not formally entering care.

**Are services and supports provided in kinship diversion?** We learned through our work that services and supports are inconsistently provided to children, parents, and kin caregivers during kinship diversion. There do not appear to be protocols to ensure consistency in assessing families' needs or providing services. In the one state in which we conducted field work, caseworkers reported that children may live with kin for 30 days to two years, and many reported that they felt uncomfortable about having to close out a case but often needed to do so due to limited staff resources. Staff also noted the fluidity of kinship diversion arrangements—for example, cases in which a child lives with a relative for a short time while the parent is seeking housing, and then moves back with the parent. In-home services would be provided to both the parent and kin caregiver in some cases.

#### Family First Act incentivizes data tracking

Family First provides reimbursement for a variety of prevention services (now IV-E allowable) to children, parents, or kin caregivers. To make the most of this opportunity, states will need to identify kinship diversion families in state administrative data systems.

Caseworkers reported that services provided to children, parents, and kin caregivers in diversion arrangements may be similar to other ongoing (in-home) services, though local jurisdictions varied greatly on the availability of services. In communities with fewer resources, in-home/prevention services were lacking for all families, not just those in which children were diverted. Services were based on the needs of the child and identified in the assessment when the child was first moved to the kin caregiver's home.

**Who receives services and supports?** Our analyses of one state's administrative data found that few services are provided to children, parents, and kin caregivers following diversion, even though many families had prior involvement with the child protective services agency. In the two states for which we had administrative data, nearly two-thirds of families involved in kinship diversion had prior child protective services history. Parental substance abuse was the most frequent reason for involvement with child protective services. Our analyses also found that older children in kinship diversion arrangements were more likely to receive services than younger children. Overall, 31 percent of older children (ages 14 to 17) received case management<sup>8</sup> and 27 percent received counseling or other mental health services.<sup>9</sup> Only 66 percent of parents in kinship diversion cases were provided services—the most frequent service was case management, followed by substance abuse treatment. At least 31 percent of kinship caregivers to whom the child was diverted did not receive any service. For those who did receive a service, case management was the most common service (31 percent).<sup>10</sup>

**Are services provided to children or parents prior to the kinship diversion arrangement?** Prior to the diversion arrangement, in one state, about one-third of parents (36 percent) received some type of service. Case management was most frequently provided (17 percent), followed by substance abuse services (8 percent), and counseling (5 percent).<sup>11</sup>

<sup>8</sup> Only one service could be chosen due to data collection procedures. As a result, the proportion of children, parents, and caregivers receiving certain types of services may be larger than the data reflect.

<sup>9</sup> All service data contains a significant amount of missing information. For children and kin caregivers, data is missing for over 17 percent of observations, and over 16 percent is missing for parents.

<sup>10</sup> These percentages are likely underestimates because caseworkers were only able to choose one service type. Families receiving case management services were likely receiving other services.

<sup>11</sup> These percentages are likely underestimates because caseworkers were only able to choose one service type. Families receiving case management services were likely receiving other services.

**How do services and supports available during kinship diversion differ from those available during a foster care placement?** The greatest disparity in supports between kinship diversion and formal kinship care is the monthly subsidy payment. For diversion caregivers, monthly TANF child-only payments are available, along with a general relief payment for fictive kin. In some jurisdictions, one-time emergency assistance is also available. Compared to a monthly foster payment, these types of assistance provide far less financial support. During field work in one state, kinship caregivers reported needing access to benefits and services but reported less need for agency support in terms of casework or monitoring. Assistance with concrete and tangible supports such as food and money were cited as most helpful. Caseworkers, however, reported that kin caregivers need training to handle children's behaviors and deal with children's trauma.

Also, during the field work, a variety of practice challenges were reported. As mentioned earlier, some local jurisdictions lack services for children, parents, and kin caregivers; there is also a lack of available prevention services if the child is no longer at risk of entering foster care. The lack of mandated timelines associated with diversion was also reported to hinder efforts to reunify the child with their parents.

**What is the duration of kinship diversion arrangements?** Information on the length of kinship diversion arrangements was difficult to obtain. Analyses of one state's administrative data show kinship diversion cases to be relatively short term (three months or less); however, there are significant limitations with the dataset, and that estimate excludes cases that remained open at the end of the time period for which we had data. Analyses of another state's data found that *among children with both prevention and formal removal experience*, children with diversion experience (as part of prevention services) spend slightly less time in formal out-of-home placement than children who received only in-home prevention before removal (4.1 months vs. 5.4 months). However, children in kinship diversion arrangements have slightly longer active prevention cases than children who receive only in-home prevention services (6.2 months vs. 5.8 months).

**What are the reasons to close a kinship diversion case?** Caseworkers reported several reasons to close a kinship diversion case. A case may be closed because the family is self-sustaining and no longer in need of assistance, and the child has settled into the home; the relative obtains custody of the child; the possibility of reunification with the parent looks unlikely; the family moves to another locality; or the child returns to the home of the birth parent. Similar to other types of case closures, follow-up from the agency after a diversion case is closed would only occur if the relative seeks assistance or abuse/neglect is reported.

## What are the outcomes for children and families in kinship diversion?

Analyses of administrative data provided information on the stability of kinship diversion arrangements, as well as whether the children enter foster care or obtain permanency through legal guardianship. These findings are summarized below.

**Are kinship diversion arrangements more stable than foster care?** Our analyses of administrative data found that in general, kinship care placements—both formal and diversion arrangements—appear more stable than placements in non-kin care. Children formally removed to kinship had fewer placements once in care compared to those removed to non-kin placement settings (2.7 vs. 3.3 placements) and stayed in their first placement setting longer (123 vs. 68 days).<sup>12</sup> Of those children who experienced both prevention services and a formal removal, children with kinship diversion history (as part of their prevention services) experienced similar placements than children without this history (2.3 compared to 2.6).

**Do children in kinship diversion eventually enter foster care?** Our analyses of one state's administrative data found that 11 percent of children in kinship diversion arrangements entered formal care within six months of the diversion start date. This was similar to the rate at which children receiving in-home prevention services entered formal foster care (10 percent entered formal care within six months). In the other state for which we had data, 17 percent of children in kinship diversion arrangements were formally removed within six months compared to 7 percent of children receiving general prevention services. Rates of removal within three months were 7 percent and 5 percent respectively (the difference is not significant).<sup>13</sup>

**Do relatives gain custody of children in kin diversion?** Analyses of one state's administrative data found that in some cases, kinship diversion does result in transfer of custody to the relative. In a quarter of the kinship diversion cases, custody was transferred within the 18-month observation period—most frequently to the other parent (37 percent) or grandparent (33 percent).

## Conclusions and Recommendations

The findings presented in this brief highlight the variability of kinship diversion practice, as well as the heterogeneity of the children, parents, and kin caregivers involved. To understand how children are faring in these arrangements, and whether their outcomes are better or worse than those of children formally removed to kin caregivers, child welfare agencies will need to collect child- and family-level information. This information will enable jurisdictions to answer important questions about kinship diversion, including the question of whether disparities exist in kinship diversion practice. In addition, detailed services data (historical and current) would offer insight into the circumstances leading to the use of kinship diversion arrangements and the types of services and supports provided during the arrangement. For states that consider kinship diversion part of their array of prevention services, tracking kinship diversion situations would enable robust comparisons between populations of children receiving in-home preventive services and children in kinship diversion.

---

<sup>12</sup> These analyses included children, initially in a kinship diversion arrangement, subsequently formally removed (to kin).

<sup>13</sup> For the second state, we only included children who started receiving prevention services (or were diverted) prior to July 1, 2016, or prior to October 1, 2016, to allow for a six-month and three-month follow-up period, respectively.



For state and local child welfare administrators looking to learn the extent to which kinship diversion is occurring, using the estimation tool is an excellent first step. The tool allows agencies to estimate the degree to which kinship diversion is occurring and the demographic characteristics of the children diverted. The tool also allows administrators and managers to examine the extent to which front-line staff are supportive of the practice. In addition to the kinship diversion estimation tool, the Annie E. Casey Foundation provides consultation through [Kinship Process Mapping: A Guide to Improving Practice in Kinship Care](#). [The Kinship Diversion Debate: Policy and Practice Implications for Children, Families and Child Welfare Agencies](#) also serves as a helpful tool for states and local jurisdictions wanting to learn more about the practice.

This research was funded by the Annie E. Casey Foundation. We thank them for their support but acknowledge that the findings and conclusions presented in this report are those of the author(s) alone, and do not necessarily reflect the opinions of the Foundation.

Copyright Child Trends 2019 | Publication #2019-34