



Differences between Foster or Kinship Care and Adoption

The distinct differences among foster care, kinship care, and adoptive care center around two main concepts: permanency and parental rights.

Foster Care

What is foster care?

Foster care is a service for children who cannot live with their custodial parent(s) or guardian(s) for some period of time. Foster care is intended to be short-term.

What is the goal of foster care?

Foster care focuses on permanent, safe homes for children by returning them home as soon as possible (reunification) or providing them with permanent families through adoption or guardianship.

Whom do the children live with?

Children in foster care may live with:

- relatives
- unrelated foster parents
- families who plan to adopt them

Who makes decisions about the child's care?

The foster child is a ward of the state, so decision-making is shared by the agency, the foster parents, and the birth parents. The child's birth parents retain some residual parental rights over the child unless parental rights have been terminated and the child is available for adoption. The foster parents have little legal standing.

Foster parents cannot:

- sign an Individualized Education Plan (IEP)
- make medical decisions
- change the child's religion
- get the child baptized without parental consent

In some states, foster parents cannot even cut the foster child's hair without birth parent consent.



How is the state involved?

Foster parents are regularly assessed and evaluated by a social worker. The foster home is regularly evaluated for compliance with safety regulations. Foster families receive a stipend for costs associated with caring for the child.

Kinship Care

What is kinship care?

Kinship care occurs when a relative or family friend takes over full-time care, nurturing, and protection of the child. There are varying types of kinship care:

- **Informal** - The family arranges care for the children without any involvement from either the child welfare system or the juvenile court system.
- **Voluntary** - Children live with relatives and the child welfare system is involved, but the state does not take legal custody.
- **Formal** - The children are placed in the legal custody of the state by a judge, and then the child welfare system places the children with relatives or other adults who have a meaningful relationship with the children.

What is the goal of kinship care?

Kinship care strives to ensure that cultural values and ties of affection remain as unbroken as possible by:

- preserving and stabilizing families
- keeping siblings together
- allowing children to remain in their family's culture
- providing an alternative to other forms of institutional care (e.g., foster care)
- reducing the trauma of separation from parents by keeping them in the family circle
- preserving family traditions, goals, and values

Whom do the children live with?

Kinship care can be provided by a blood or legal relative of the child or an adult who has a familiar relationship or bond with the child and/or family.

Examples:

- members of a clan or tribe**
- godparents
- stepparents
- aunts or uncles
- grandparents



- teachers
- family friends

Depending on state laws and practice, the child welfare agency may:

- leave the children with the relatives
- take the children into state custody but place them with the relatives
- take the children into the state's legal custody and place them in foster care

Who makes decisions about the child's care?

The child in formal kinship care is a ward of the state and, as such, is under the jurisdiction of the child welfare system. Decision-making is shared by the agency, the kinship parents, and birth parents. The child's birth parents retain some parental rights over the child unless parental rights have been terminated and the child is legally free for adoption. Like foster parents, kinship parents have the same responsibilities and little legal standing. In voluntary custody, the state may share decision-making with the birth and kinship parents. Informal kinship care does not involve the state; the birth parents retain parental rights over the child.

How is the state involved?

This varies from state to state and the type of kinship care. Voluntary kinship providers may have very limited contact with the child welfare agency. Formal kinship care will have more structured interactions with the child welfare agency because the state has custody of the child. These kinship parents are likely to have some involvement with the courts and child protective services.

In order to ensure the child's safety and well-being, the state may:

- perform background checks
- make periodic visits to the home
- offer supportive services and referrals to therapy and counseling services

***If American Indian or Alaska Native children are involved, the Federal Indian Child Welfare Act must be followed.*





Adoptive Care

What is adoptive care?

Adoptive care, also called adoption, is a relative or non-relative legally assuming the role of a parent, providing permanent, full-time care, nurturing, and protection of a child. Adoption is permanent, lasting throughout the child's life

Foster-to-adopt, also known as legal risk adoption, is the adoption of a child *in the foster care system* after a determination has been made that the child cannot safely reunite with his or her birth family, and the parental rights of the birth parents have been terminated.

What is the goal of adoption or adoptive care?

The goals of adoption are to:

1. Ensure timely permanence for children
2. Ensure that each child, regardless of race, age, ethnicity or handicap, has the opportunity for placement in a permanent family
3. Prepare and assist children in their transition to an adoptive family
4. Support and strengthen the adoptive family
5. Provide post-adoption services to ensure optimal family functioning and prevent dissolution of adoption

Whom do the children live with?

The children live with the adoptive family, the same as any birth children.

Who makes decisions about the child's care?

The adoptive parents have the same legal rights and responsibilities as birth parents. Adoptive parents can make religious, medical, and educational decisions about the child's life. The child's name is changed on the birth certificate to the same last name as the adoptive parents, and the adoptive parents are listed on the birth certificate as parents. The adopted child is given the rights, privileges, and duties of a child and heir. Adoption terminates the rights and responsibilities of the birth parents to the child. The death of an adoptive parent does not restore the rights of the birth parents.

How is the state involved?

During the adoption process, the state or child welfare agency evaluates, trains, and monitors the adoptive family to ensure the child will have a safe, nurturing environment. Once adoption is finalized, parents don't have a social worker come into the home to observe, evaluate, and offer assistance with parenting, but the family might still receive referrals and supportive services.



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