# legal notes

By Daniel Pollack



# Don't Rush Expedited Home Studies for Kinship Care

rom the moment it is evident that a child is not safe in his or her own home and needs to be removed, time is precious. Often the preferred option, from both a legal and clinical perspective, is kinship care. Almost every state gives priority to relatives when making placement decisions. So, to minimize disruption to the child, such placements may be mandated to be expedited.

Mississippi regulations (Code of Rules 18-006-106) state: "The department shall maintain an expedited process for licensing screened relative, fictive kin caregivers, and court-ordered nonrelative placements to enable a child to be placed quickly upon entering foster care." New York Title 18, 443.7(b) states: "Before placing a foster child with a potential caretaker or eligible relative on an emergency basis the authorized agency must: ... (2) perform a home study of the potential caretaker's or eligible relative's home and family on an expedited basis which assesses the potential caretaker's or eligible relative's home to ensure that there is no apparent risk to the health and safety of the child; (3) perform a home study of the potential caretaker's or eligible relative's home and family on an expedited basis which assesses the potential caretaker's or eligible relative's family, focusing on the following factors: (i) the family's relationship with the child and the child's parent(s) or stepparent(s); (ii) the care provided to other children in the home by the potential caretaker or eligible relative; (iii) the potential caretaker's or eligible relative's knowledge of the



circumstances and conditions that led to the need for the child's foster care placement; (iv) the past role of the potential caretaker or eligible relative in helping and/or protecting the child from and/or preventing occurrences of abuse or maltreatment of the child; and (v) the present ability of the potential caretaker or eligible relative to protect the child placed in its home from abuse or maltreatment and the potential caretaker's or eligible relative's ability to understand the need to protect the child from abuse or maltreatment..."

Of course, it is commendable to place a child in the right home as quickly as possible. But there is a difference between having a streamlined placement process and a rushed one. The former is a picture of a coordinated team effort at its finest. The latter risks rushing into disaster and creating or exacerbating unnecessary problems. We all know the story of the tortoise and the hare. The impatient hare challenges a slower, measured, methodical tortoise to a race. Easily distracted throughout the race, the hare crosses the finish line after the tortoise. The lesson is clear. The steady resolve and progress of the tortoise wins the day.

Undoubtedly, when the child welfare system slows down too much, that can also result in tragedy. A recent *Los* 

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The report also shows us that the interactions professionals have with our young people make a critical difference. Young people become increasingly aware of and attuned to their social status during adolescence. The way they are treated—particularly by officials who have power over them and their families—can do immense good or cause enduring harm. Maximizing the promise of adolescence means extending that care to the families of young people and helping to maintain or strengthen those relationships, which can also be pivotal in a young person's trajectory.

The promise we continue to make and break is that the child welfare system can work for older youth, when it was never designed for them. It's an insufficient substitute for the promise a parent makes and that every young person needs-to love them, cheer them on when they succeed, support them when they fail, and stand by them for life.

The good news of "The Promise of Adolescence" is that effective policies and practices can make a difference, even for young people who have experienced setbacks and trauma. The research shows the adolescent brain is primed for recovery and resilience. But young people can't do this alone. They need the adults around them to support them, so they can turn into

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supportive adults themselves. They need professionals to understand that they may make mistakes but are capable of learning and growing. To support dedicated professionals and their instincts to help, we must create systems that propel and reward development-informed approaches.

When we talk about people with promise, we mean someone has the quality of potential excellence. We usually mean someone specific, maybe someone we know. But what if the word promise automatically applied to every young person from 14 to 25? What if every professional working with youth and young adults understood that with guidance, education

and support, each of these young people, no matter their race, their circumstances or where they came from, literally has the built-in brain power to adapt, learn and thrive?

The science is clear: The adolescent brain is perfectly designed to do its job of building to adulthood. Let's get better at doing ours.

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# Reference Note

 See https://sites.nationalacademies.org/ DBASSE/BCYF/Adolescent-Development/

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Angeles Daily News article announced, "LAPD vows to audit 4,000 cases of serious child abuse not investigated since 2018."

Florida attorney Holli Dean comments: "In my experience, expedited home studies for kinship care are highly subjective and are often completed at the pace of the assessor. If there is a diligent professional completing the home study, you receive a thorough picture of the prospective placement. However, if the worker is not conscientious, that can cause serious problems later on. Placing

children with family is preferred in most situations, but issues can arise depending on the circumstances. Being careful and thorough when doing kinship care home studies can ensure that children are not further traumatized. It truly is a balancing act."

Everyone knows that child welfare workers are under intense scrutiny and pressure. For some, the resultant stress can exhibit itself in taking shortcuts, inefficient multi-tasking, jumping to conclusions, or making inaccurate assumptions. Placing a child in the correct setting involves

paying meticulous attention to details. Overlooking one critical detail can create potential risks that may result in harm and liability.

Working in an expedited fashion is great, but, as director, writer, and producer D.B. Sweeney once observed: "You get a lot of speeding tickets, and you say, 'I'm so unlucky!' No, you're not. You're speeding. Slow down."

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