



NATIONAL CONFERENCE OF STATE LEGISLATURES

COVID-19 and Foster and Kinship Caregivers **A Resource Guide for State Legislators**

Issue Summary: Amid the COVID-19 pandemic and anticipated economic downturn, foster and relative caregivers face a range of issues while providing critical supports for the more than 437,000 children and youth currently in foster care in the U.S. Challenges include foster and relative caregivers not easily able to quarantine or self-isolate from children in their care, making plans for children should caregivers become incapacitated or hospitalized, difficulty keeping medical or behavioral health appointments and obtaining medication for children in their care.

Major Concerns:

- Household stress resulting from job loss (foster parents and older youth), school closures and lack of extracurricular activities. This can cause in placement instability as caregivers feel unable to handle children’s behaviors.
- Facilitating visits between children and their biological parents and/or siblings and required caseworker visits.
- Attendance at court hearings while social-distancing measures are in place and many courts are closed.
- Navigating remote learning for children and youth out of school because foster and kinship care homes may not have computers or internet access.
- Housing for older youth and young people who lost their college or university housing and want to identify relatives or former foster families for support.

Guidance for State Legislators: State lawmakers can help ensure foster families and kinship care providers are included in developing COVID-19 responses and accommodations. Legislators can also work with child welfare administrators and other stakeholders to assess federal, state and local financial resources available to support caregivers during this crisis.

Summary of State and Federal Activity: The chart below contains federal guidance, directives and opportunities and examples of how states are addressing COVID-19’s impact on vulnerable older youth and young adults. **As of April 3, New York, Vermont and Washington are the only states that have introduced or enacted new legislation directly addressing these issues.** NCSL staff will update this information regularly, so check back often.

State Examples

Topics	Sources	Description
Supporting foster parents	NCSL	NCSL’s Supporting Foster Parents webpage provides 50-state legislative charts on laws related to foster parent bill of rights, foster parent advisory groups, family and medical leave, liability insurance, recruitment/retention and licensing.

Supporting kinship caregivers	NCSL	NCSL's Supporting Kinship Caregivers webpage provides 50-state legislative charts on laws on relative notification, placement preference, licensing, financial subsidies, medical and educational consent, relatives standing in court hearings and definitions of fictive kin.
Obtaining services	Illinois executive order	Illinois Executive Order 2020-10 specifies that individuals may leave their residence to work for or obtain services at any Human Services Operations, including any provider funded by the Illinois Department of Human Services, Illinois Department of Children and Family Services, or Medicaid that is providing services to the public and including state-operated, institutional, or community-based settings providing human services to the public.
Foster parent background checks	Washington executive order	Washington Executive Order 20-31 waives and suspends statutes and rules that require fingerprint-based background checks before a person may be approved to have unsupervised access to children during the COVID-19 pandemic, including foster and adoptive parents and group care staff.
Foster parent visitation	Washington executive order	Washington Executive Order 20-33 attempts to reduce the loss of foster and kinship care providers who fear COVID-19 exposure if children are allowed to visit people outside of the foster home, allows the Department of Children, Youth and Families to immediately waive and suspend statutory in-person visitation requirements under RCW 13.34 and RCW 74.13 that require in-person visitation of children in custody by parents or other family members and by Department case workers.
Emergency rental assistance	New York Legislature	New York Senate Bill 8140 (Pending) would create a COVID-19 Emergency Rental Assistance program to ensure that individuals and families are not rendered homeless or severely financially burdened because of an inability to pay the cost of housing and other necessities due to loss of income related to COVID-19. The law states that "income" for purposes of eligibility for emergency rental assistance is not to include foster care payments.
Foster care regulations, unemployment insurance	Vermont General Assembly	Vermont House Bill 742 (Enacted) would allow the Secretary of Human Services to waive or permit variances from foster care and residential program regulations. The legislation also specifies that a business will not be charged or have their experience rating (related to the risk of a business having an employee file for unemployment insurance) increased if an employee who is caring for a foster child with COVID-19 claims unemployment benefits.
Foster parent shared leave	Washington Legislature	Washington House Bill 2739 (Enacted) modifies the shared leave program (to provide annual leave, sick leave, or personal holidays to fellow state employees) to permit employees who are isolated or quarantined, or who have relatives or household members (to include foster children) who are isolated or quarantined due to COVID-19.
Health and behavioral health visitation	Georgia Division of Family and Children Services	Child Welfare Direct Services Continuity FAQ – Guidance from the Georgia Division of Family and Children Services on monthly contacts with children in foster care, foster parent contact requirements, protocol for youth suspected of having COVID-19, court-ordered visitation, and foster parent use of a reasonable and prudent parenting standard to identify substitute caregivers.

Health visitation	Indiana Department of Child Services	Information for Foster Parents on COVID-19 – Includes guidance related to Indiana’s requirement for physician visits for children entering care, use of technology to connect foster children and parents, new placement screening and protocols for children’s suspected COVID-19 exposure.
Health and behavioral health licensing	Washington Department of Children, Youth and Families	Washington State Department of Children, Youth and Families Coronavirus Updates and Foster Care Licensing – Provides information on child welfare, foster care and foster care licensing during the COVID-19 pandemic.
Health, childcare	Wisconsin Department of Children and Families	Foster Parent Letter and Kinship Care Family Letter – Describes COVID-19, its impact on children, what to do if a foster child or someone in the household has COVID-19 symptoms, how COVID-19 impacts foster parents’ or relative caregivers’ ability to make reasonable and prudent parenting decisions, and how to find child care for children placed in their homes when schools are closed. Additional Child Welfare Information and Guidance – Includes guidance for congregate care facilities, information on court hearings and waivers for requirements, such as regular health and dental exams.

Federal Actions

Topics	Sources	Description
Housing	Federal legislation, Department of Health and Human Services, Administration for Children and Families	Housing Support for Youth in Care When Colleges Close Due to COVID-19 – For youth and young adults not able to stay at their college or university, child welfare agencies are encouraged to offer temporary shelter in foster homes, facilitate contact with relatives or other potential caregivers, or identify other housing options.
Visitation	Federal legislation, Department of Health and Human Services, Administration for Children and Families	Child Welfare Policy Manual 7.3 – The federal requirement for monthly face-to-face caseworker visits with children and youth in care has been amended to permit visits by videoconferencing.
Health care	Federal legislation, NCSL	NCSL’s overview of the Families First Coronavirus Response Act addresses the bill’s provisions for workers and public health.
Food programs, financial resources	Federal legislation, Administration for Community Living, U.S. Department of Health and Human Services	Older Americans Act Disaster Relief – Provides states with funds for any disaster relief activities for older individuals or family caregivers served under the act, which may include, but are not limited to: providing drive through, take out or home-delivered meals; providing well-being checks via phone, in-person or virtual means; and providing homemaker, chore, grocery/pharmacy/ supply delivery or other services.

