

**An Article 10 placement occurs when a child is placed in the temporary care and custody of a relative. This is also called “direct custody” or “N-docket” custody.**

- A child in an Article 10 placement is in the legal care and custody of the relative or other suitable person.
- Article 10 cases are regularly reviewed by the Family Court during permanency hearings.
- The relative works cooperatively with the Department of Social Services and will receive regular caseworker visits in their home.
- The Court will determine a visitation plan between the child and their parent.
- Completion of a home visit will be required, in addition to CPS, criminal and other background checks.
- Custodial relatives may apply for assistance (cash assistance, daycare, Medicaid and SNAP food benefits) at the [COUNTY NAME] Department of Social Services, [ADDRESS AND PHONE NUMBER].
- Permanency: Custodial relatives are ineligible for KinGAP subsidized guardianship. If the relative decides to seek adoption for the child(ren), the relative will not be eligible to receive a subsidy payment.

### Article 6 – Court-Ordered Custody

(Family Court Act)

**This is considered a permanent custodial arrangement unless, at some point in the future, the parent shows the Court both a significant change in circumstances *and* that it would be in the child’s best interest to allow the child to return to the parent’s custody.**

- Relatives initiate a custody proceeding by filing an Article 6 Custody Petition on their own or with the help of their attorney.
- A child in Article 6 custody is in the legal custody of the relative/other suitable person who petitioned for and was granted custody.
- The Department of Social Services (DSS) maintains no role or ongoing oversight unless it is specifically ordered by the Court.
- A custodian has the right and responsibility to care and plan for the child. Custodians “step into the shoes” of a parent and take on legal responsibility for the child.
- Parents retain their parental rights—including visitation rights and involvement in other important parental decisions.
- Custodial relatives may apply for assistance (cash assistance, daycare, Medicaid, and SNAP food benefits) at the [NAME OF COUNTY] County Department of Social Services, [ADDRESS AND PHONE NUMBER].
- Permanency: Custodial relatives are ineligible for KinGAP subsidized guardianship. If the relative decides to seek adoption for the child(ren), the relative will not be eligible to receive a subsidy payment.

## KINSHIP FOSTER CARE

(Family Court Act)

**A kinship foster care placement is a temporary custody arrangement that occurs when a child needs to be in foster care as the result of a Family Court proceeding, and a relative becomes the child's kinship foster parent.**

- Children who are in kinship foster care are in the legal custody of the Commissioner of the Department of Social Services. The Department of Social Services (DSS) is responsible for oversight, supervision and planning for the child.
- Kinship foster parents work as a team with the caseworker, school, therapist and other service providers toward reunification, including assisting with visitation.
- Becoming certified as a kinship foster parent involves:
  - Completion of a preparation/training program;
  - Completion of a home study;
  - Completion of a medical report, including a physical exam, for all household members;
  - Fingerprinting/criminal background check and Child Protective Services clearance for all adults who live in or regularly visit the home;
  - The agency determines final approval after all requirements have been completed.
- Kinship foster parents receive financial support and medical coverage to help care for the child.
- Kinship foster parents may be eligible for day care assistance.
- Kinship foster parents will receive notice and may attend ongoing Family Court proceedings.
- For more information about becoming a kinship foster parent, call [NUMBER] and ask to speak to a homefinder.
- Permanency through KinGAP: When attempts to reunify the child with the parents have not worked and adoption has been ruled out, and after the child has lived with their kinship foster parent for six months in a row, the kinship foster parent can be granted subsidized guardianship with the approval of the Local Department of Social Services.
- Permanency through adoption: After attempts to reunify the child with the parents have

## Kinship Options | Benefits, Rights and Responsibilities

not worked and the parents either surrender their rights or have their rights terminated by the court, the kinship foster parents can assume all parental rights and responsibilities for the child. The kinship parents can receive adoption subsidy payments for the child.