



# Placement of Children With Relatives: Summary of State Laws

In order for States to receive Federal payments for foster care and adoption assistance, Federal law requires that they "consider giving preference to an adult relative over a nonrelated caregiver when determining placement for a child, provided that the relative caregiver meets all relevant State child protection standards."<sup>1</sup> (Placement refers to the placing of a child in the home of an individual other than a parent or guardian or in a facility other than a youth services center.) Approximately<sup>2</sup> 24 States<sup>3</sup>

<sup>1</sup> 42 U.S.C. 671(a)(19)

<sup>2</sup> The word *approximately* is used to stress the fact that States frequently amend their laws, so this information is current only through February 2005.

<sup>3</sup> Alabama, Alaska, Arkansas, California, Colorado, Georgia, Kansas, Kentucky, Louisiana, Maine, Maryland, Minnesota, Mississippi, Missouri,

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and Puerto Rico give preference or priority to relative placements in their statutes. Approximately five States,<sup>4</sup> Guam, the Northern Mariana Islands, Puerto Rico, and the Virgin Islands make no reference to placement with relatives pending permanent placement of a child removed from his or her parents' home. The remaining States use statutory language such as "may consider" placement with relatives.

## Preference to Relatives

Each State defines "relative" differently, including relatives through blood, marriage, or adoption ranging from the first to the fifth degree. Generally, preference is given to the child's grandparents, followed by aunts, uncles, adult siblings, and cousins. For Indian children, some States (for example, Minnesota, Nebraska, Utah, and Washington) allow members of the child's tribe to be considered "extended family members" for placement purposes.

The main requirements for placement are that the relative be "fit and willing," able to ensure the child's safety, and able to meet the child's needs. Several States<sup>5</sup> require relatives to undergo a criminal background check that may include all adult members of the household.

Relatives with whom a child is placed for foster care are given preference for permanent placement if reunification with the birth parents is determined not to be in the child's best interest.

## Financial Support

Several States (Alabama, Arkansas, Connecticut, Delaware, Florida, Kentucky, Louisiana, Nevada, South Carolina, Tennessee, and Wisconsin) and the District of Columbia have established "kinship care" or "relative caregiver" programs by statute to provide relatives with benefits to help offset the cost of caring for a placed child. Six States (Alabama, Arkansas, Louisiana, Pennsylvania, South Carolina, and Tennessee) address foster care payments for kin caregivers in statutes. In these States, if a relative meets the qualifications for being a foster parent, he

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Montana, Nebraska, Nevada, North Carolina, Ohio, Oregon, Pennsylvania, Tennessee, Utah, and Washington

<sup>4</sup> Hawaii, Idaho, Massachusetts, Vermont, and Wyoming

<sup>5</sup> Alabama, Alaska, California, Connecticut, Illinois, Indiana, Kentucky, Louisiana, Maryland, Mississippi, South Carolina, Tennessee, Utah, Washington, and Wisconsin

## Adoption by Relatives

or she may receive payments at the full foster care rate and any other benefits available to foster parents, whether in money or services.

A few States (Arkansas, Kansas, Michigan, and Ohio) also give preference to relatives when making adoptive placements. However, in Tennessee, if the child has been placed in foster care with a nonrelative and has been living with the same foster parent for 12 months or longer when he or she becomes available for adoption, the nonrelative foster parent has first preference to adopt.

In approximately 23 States,<sup>6</sup> when a parent makes a direct placement of the child with a relative, the laws provide for a streamlined adoption process, such as not requiring a preplacement assessment or home study unless specifically ordered by the court. Other States<sup>7</sup> require that the child have resided with the relative for a period of time or have in some other way established a significant relationship with the relative. Approximately 13 States<sup>8</sup> require a criminal records check of the adoptive parents and other adult household members.

This publication is a product of the State Statutes Series prepared by Child Welfare Information Gateway. While every attempt has been made to be as complete as possible, additional information on these topics may be in other sections of a State's code, as well as agency regulations, case law, and informal practices and procedures.

<sup>6</sup> Alabama, Iowa, Kentucky, Louisiana, Maine, Maryland, Michigan, Mississippi, Missouri, Montana, Nevada, New Hampshire, New Jersey, New Mexico, North Carolina, North Dakota, Oklahoma, South Carolina, Texas, Utah, Vermont, Virginia, and Wisconsin

<sup>7</sup> Alabama, California, Colorado, Delaware, Florida, Louisiana, New Hampshire, New Mexico, North Dakota, and American Samoa

<sup>8</sup> Arkansas, California, Colorado, Illinois, Iowa, Kentucky, Louisiana, Massachusetts, New Hampshire, New Jersey, Texas, Utah, and Vermont

**Alabama****Relative(s) Who May Adopt****Statute: § 26-10A-28**

Relatives include grandparents, great-grandparents, great-uncle or great-aunt, siblings, half-siblings, aunts or uncles of the first degree, and their respective spouses.

**Requirements for Adoption by Relatives****Statute: § 26-10A-28**

- The adopted person must have resided for 1 year with the relative. The court may waive this provision.
- The relative is exempt from the preplacement investigation required by § 26-10A-19 (that includes a criminal background check), unless one is requested by the court.
- No report of fees or charges under § 26-10A-23 is required, unless ordered by the court.

**Relatives for Placement or Guardianship****Statute: § 38-12-2**

- When a child has been removed from his or her home, the department shall attempt to place the child with a relative for kinship foster care.
- Relatives within the first, second, or third degree to the parent or stepparent, through blood, marriage, or adoption may be considered.

**Requirements for Placement with Relatives****Statute: §§ 38-12-2; 38-12-3**

- The kinship foster parent shall be 21 years of age or older. The department may waive the age requirement if the spouse or partner of the relative is over age 21 and living in the home, and the relative is between 18 and 21 years of age.
- If the relative is approved to provide foster care services, in accordance with department rules and regulations, the relative may receive payment for the full foster care rate for the care of the child and any other benefits that might be available to foster parents, whether in money or in services under the kinship foster care program.
- A person may become a kinship foster parent only upon the completion of an investigation to ascertain if there is a State or Federal record of criminal history for the prospective kinship foster parent or any other adult residing in the prospective foster parent's home.

**Alaska****Relative(s) Who May Adopt**

Not addressed in statutes reviewed

**Requirements for Adoption by Relatives**

Not addressed in statutes reviewed

**Relatives for Placement or Guardianship****Statute: §§ 47.14.100; 47.35.900**

- A child may not be placed in a foster home or in the care of an agency or institution providing care for children if a relative by blood or marriage requests placement of the child in their home.
- A relative is a person related by blood, adoption, or marriage through any of the following relationships: parent, grandparent, great grandparent, brother, sister, stepparent, stepsister, stepbrother, cousin, aunt, uncle, great-aunt, great-uncle, or step-grandparent.

**Requirements for Placement with Relatives****Statute: § 47.14.100**

- A criminal background check and a check for history of child abuse or domestic violence are required.
- A determination shall be made to assure that the placement will not result in physical or mental injury to the child.
  - » Poverty, including inadequate or overcrowded housing, is not prima facie evidence that such injury will occur.

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**American Samoa****Relative(s) Who May Adopt****Statute: § 45.0412**

If no guardian has been appointed for the child and the child is otherwise available for adoption, the person who has had the child living in his or her home for 1 year or more may petition the court to appoint a guardian to consent to the adoption.

**Requirements for Adoption by Relatives**

Not addressed in statutes reviewed

**Relatives for Placement or Guardianship****Statute: § 45.0403**

Upon termination of parental rights, the court may consider, but shall not be bound by, a request that guardianship be placed with a grandparent, aunt, uncle, brother, or sister of the child.

**Requirements for Placement with Relatives**

Not addressed in statutes reviewed

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**Arizona****Relative(s) Who May Adopt**

Not addressed in statutes reviewed

**Requirements for Adoption by Relatives**

Not addressed in statutes reviewed

**Relatives for Placement or Guardianship****Statute: § 8-514.02**

The department may place a child with a parent or relative.

**Requirements for Placement with Relatives**

Not addressed in statutes reviewed

**Arkansas****Relative(s) Who May Adopt****Statute: § 9-9-102**

In all custodial placements by the Department of Human Services, preferential consideration shall be given to an adult relative over a nonrelated caregiver.

**Requirements for Adoption by Relatives****Statute: §§ 9-9-102; 9-9-212**

- The relative must meet all relevant child protection standards.
- A criminal background check must be performed on all household members age 16 years and older.
- A child abuse registry check must be performed on all household members age 10 years and older.
- The placement must be in the child's best interest.

**Relatives for Placement or Guardianship****Statute: §§ 9-9-102; 9-28-502**

- When a child has been removed from his or her home and is in the custody of the Division of Family Services of the Department of Human Services, the division shall attempt to place the child with a relative for kinship foster care.
- Preferential consideration shall be given to an adult relative over a nonrelated caregiver provided he or she meets all relevant child protection standards.

**Requirements for Placement with Relatives****Statute: § 9-28-503**

- Kinship foster parents shall meet standards and requirements set for all foster parents, including, but not limited to:
  - » Training
  - » Background checks
  - » Home study requirements
- The relative shall be eligible to receive payment for the full foster care rate for the care of the child and any other benefits that might be available to foster parents, whether in money or in services.

## California

### Relative(s) Who May Adopt

#### Statute: Fam. Code § 8714.5

- A relative is an adult who is related to the child or the child's half-sibling, or the spouse of any relative, even if the marriage was terminated.
- A relative is an adult who is related to the child or the child's half-sibling by blood or affinity, including all relatives whose status is preceded by the words 'step,' 'great,' 'great-great,' or 'grand,' or the spouse of any of these persons, even if the marriage was terminated by death or dissolution.

### Requirements for Adoption by Relatives

#### Statute: Fam. Code §§ 8730; 8732

- The relative must have an ongoing and significant relationship with the child.
- A home study or assessment must be conducted that includes:
  - » A determination of the financial stability of the relative
  - » A determination that the relative can address any racial or cultural issues that may affect the child's well-being
  - » A determination that the relative has not abused or neglected the child or will likely abuse or neglect the child in the future
- A criminal records check must be conducted, as required by § 8712.
- A report of a medical examination and testing for tuberculosis shall be included in the assessment.

### Relatives for Placement or Guardianship

#### Statute: Welf. & Inst. Code § 361.3

- Upon removal of a child from a parent, preferential consideration shall be given to a request by a relative of the child for placement of the child with the relative.
- Only an adult who is a grandparent, aunt, uncle, or sibling will be given preferential consideration for the placement of the child.

### Requirements for Placement with Relatives

#### Statute: Welf. & Inst. Code §§ 309(d); 361.3

- The relative must undergo a criminal records check, and a check of allegations of child abuse and neglect on all family members and adults in the home must be conducted.
- The department and the court will assess the ability of the relative to:
  - » Provide a safe, secure, and stable environment
  - » Exercise proper and effective care and control of the child
  - » Provide a home and the necessities of life
  - » Protect the child from his or her parents
  - » Provide legal permanence if reunification fails

**Colorado****Relative(s) Who May Adopt****Statute: § 19-1-103(71.5)**

A kinship adoption refers to the adoption of a child by a grandparent, brother, sister, half-sibling, aunt, uncle, or first cousin and the spouses of such relatives.

**Requirements for Adoption by Relatives****Statute: §§ 19-1-103; 19-5-208**

- The relative is eligible to adopt the child if he or she has had physical custody of the child for a period of 1 year or more and the child is not the subject of a pending dependency and neglect proceeding.
- The adoption petition shall contain a statement informing the court whether the relative was ever convicted of a felony or misdemeanor in one of the following areas:
  - » Child abuse or neglect
  - » Spousal abuse
  - » Any crime against a child
  - » Domestic violence, violation of a protection order, any crime involving violence, rape, sexual assault, or homicide
  - » Any felony physical assault or battery
- The relative must undergo a criminal background check.
- In the petition, the relative shall state that he or she has consulted with the appropriate departments to determine eligibility for TANF, Medicaid, and subsidized adoption.

**Relatives for Placement or Guardianship****Statute: §§ 19-3-508; 19-3-605**

- If the court finds that placement out of the home is necessary, the court shall place the child with a relative that may include the child's grandparent.
- Following an order of termination of parental rights, the court shall consider, but shall not be bound by, a request that guardianship and legal custody of the child be placed with a grandparent, aunt, uncle, brother, or sister of the child.
- The request must be submitted to the court prior to commencement of the hearing on the petition seeking termination of parental rights.

**Requirements for Placement with Relatives****Statute: § 19-3-403**

- The relative should be capable, willing, and available to care for the child.
- The placement must be appropriate and in the best interests of the child.

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**Connecticut****Relative(s) Who May Adopt**

Not addressed in the statutes reviewed

**Requirements for Adoption by Relatives**

Not addressed in statutes reviewed



**Relatives for Placement or Guardianship****Statute: § 17a-126**

A relative caregiver is a person who is caring for a child who is related to the person, because the parent of the child has died or has become otherwise unable to care for the child for reasons that make reunification with the parent unlikely within the foreseeable future.

**Requirements for Placement with Relatives****Statute: §§ 17a-114; 17a-126**

- Any relative who accepts placement of a child in excess of a 90-day period shall be subject to licensure by the commissioner. Licensure requires a State and national criminal records check and a State child abuse registry check.
- The subsidized guardianship program provides benefits for a relative caregiver, including a special-needs subsidy, a medical subsidy, and a monthly subsidy equal to the prevailing foster care rate. The subsidy shall continue until the child reaches age 18 years, or age 21 years if the child is enrolled full-time in school or a job-training program.

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**Delaware****Relative(s) Who May Adopt****Statute: Tit. 10, § 901(13); Tit. 31, § 351(1)**

Family members by blood, marriage, or adoption, including grandparents, brothers, sisters, half-siblings, aunts, uncles, first cousins, great-grandparents, step-grandparents, great-aunts, and great-uncles, may adopt the child.

**Requirements for Adoption by Relatives****Statute: Tit. 13, §§ 912; 913**

- A social study shall be completed that includes information regarding the background of the child, the adoptive parents and their home, the physical and mental condition of the child, and the suitability of the placement.
- The petition shall be filed only after the child has resided in the home of the petitioner for at least 1 year.
- The child does not have to be legally free prior to the filing of the adoption petition.

**Relatives for Placement or Guardianship****Statute: Tit 31, § 356**

The Kinship Care Program promotes placement of children with relatives when a child needs out-of-home placement. The caregiver must be related to the child by blood or marriage within the fifth degree.

**Requirements for Placement with Relatives****Statute: Tit 31, § 356**

Guidelines for eligibility for benefits and services under the Kinship Care Program include:

- The caregiver must have guardianship of the child or actively pursue guardianship.
- The child must reside in the home of the caregiver.
- The caregiver must have income of no more than 200% of the Federal poverty level.
- The parent(s) of a child may not reside in the home of the kinship caregiver.

**District of Columbia****Relative(s) Who May Adopt**

Not addressed in statutes reviewed

**Requirements for Adoption by Relatives**

Not addressed in statutes reviewed

**Relatives for Placement or Guardianship****Statute: §§ 16-2323; 4-1301.02**

- If reunification with the parents is not possible, the department should make another planned permanent living arrangement, such as with a kinship caregiver.
- A kinship caregiver should be at least 21 years of age and either a relative of the child by blood, marriage, or adoption, or a godparent of the child.

**Requirements for Placement with Relatives****Statute: §§ 4-1301.02; 4-205.15**

- The relative is providing, or is willing to provide for, the day-to-day care of the child.
- Relatives may apply for TANF assistance on behalf of a child as long as the child resides in the household.
- The child's birth parents may not reside in the same household if the relative is receiving TANF benefits for the child.

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**Florida****Relative(s) Who May Adopt****Statute: § 63.0425**

The child's grandparent has the right to petition to adopt the child.

**Requirements for Adoption by Relatives****Statute: § 63.0425**

- The child must have lived with the grandparent for at least 6 months within the 24-month period immediately preceding the filing of a petition for termination of parental rights.
- This section shall not apply if the placement for adoption is a result of the death of the child's parent and a different preference is stated in the parent's will.
- This section shall not apply in stepparent adoptions.

**Relatives for Placement or Guardianship****Statute: § 39.5085**

The Relative Caregiver Program provides financial assistance to relatives who are within the fifth degree by blood or marriage to the parent or stepparent of a child and who are caring for the child full-time as a result of a court's determination of child abuse, neglect, or abandonment.

**Requirements for Placement with Relatives****Statute: § 39.5085**

- Relatives must be capable of providing a physically safe environment and a stable, supportive home for the child including the provision of immunizations, education, and mental health services as needed.
- The benefit payment shall be based on the child's age within a payment schedule and subject to availability of funding.

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**Georgia****Relative(s) Who May Adopt****Statute: § 19-8-7**

A child may be adopted by a relative who is related by blood or marriage to the child as a grandparent, great-grandparent, aunt, uncle, great-aunt, great-uncle, or sibling, and any spouse of such relatives.

**Requirements for Adoption by Relatives****Statute: § 19-8-7**

- The adoption may occur after the voluntary surrender in writing of all rights to the child by the parent or guardian.
- The child, if age 14 years or older, must consent to the adoption.

**Relatives for Placement or Guardianship****Statute: § 15-11-103**

Upon termination of the parental rights of a parent, the court shall first attempt to place the child with a person related to the child by blood or marriage or with a member of the child's extended family.

**Requirements for Placement with Relatives****Statute: § 15-11-103**

The family member must be found by the court to be willing and qualified to receive and care for the child.

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**Guam****Relative(s) Who May Adopt****Statute: Tit. 19, §§ 4206; 4202**

A relative of the child within the second degree either by blood or affinity, including stepparents, sisters, brothers, grandparents, aunts and uncles, may adopt.

**Requirements for Adoption by Relatives****Statute: Tit. 19, § 4206**

- Written consent by each parent of the child or, if there is no parent, by the guardian of the child is required.
- A child over 12 years old must consent to the adoption.

**Relatives for Placement or Guardianship**

Not addressed in statutes reviewed

**Requirements for Placement with Relatives**

Not addressed in statutes reviewed

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**Hawaii****Relative(s) Who May Adopt**

Not addressed in statutes reviewed

**Requirements for Adoption by Relatives**

Not addressed in statutes reviewed

**Relatives for Placement or Guardianship**

Not addressed in statutes reviewed

**Requirements for Placement with Relatives**

Not addressed in statutes reviewed

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**Idaho****Relative(s) Who May Adopt**

Not addressed in statutes reviewed

**Requirements for Adoption by Relatives**

Not addressed in statutes reviewed

**Relatives for Placement or Guardianship**

Not addressed in statutes reviewed

**Requirements for Placement with Relatives**

Not addressed in statutes reviewed

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**Illinois****Relative(s) Who May Adopt****Statute: 20 ILCS 505/7**

- A relative is any person, 21 years of age or older, who is related to the child by blood or adoption such as a grandparent, sibling, great-grandparent, uncle, aunt, nephew, niece, first cousin, second cousin, godparent, great-aunt, great-uncle, and the spouse of any such relative.
- A relative may also include a stepparent or adult stepbrother or stepsister.

**Requirements for Adoption by Relatives****Statute: 20 ILCS 505/7**

- The relative must have the ability to adequately provide for the child's safety and welfare.
- A criminal record check and history of child abuse check are required of all members of the household.

**Relatives for Placement or Guardianship****Statute: 20 ILCS 505/7**

- A relative is any person, 21 years of age or older, who is related to the child by blood or adoption such as a grandparent, sibling, great-grandparent, uncle, aunt, nephew, niece, first cousin, second cousin, godparent, great-aunt, great-uncle, and the spouse of any such relative.
- A relative may also include a stepparent or adult stepbrother or stepsister.

**Requirements for Placement with Relatives****Statute: 20 ILCS 505/7**

- The relative must have the ability to adequately provide for the child's safety and welfare.
- A criminal record check and history of child abuse check are required of all members of the household.
- The child's health, safety, and best interests must be met by the placement.
- Relatives may file for licensure as a foster family home, which determines foster care payments.

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**Indiana****Relative(s) Who May Adopt**

Not addressed in statutes reviewed

**Requirements for Adoption by Relatives**

Not addressed in statutes reviewed

**Relatives for Placement or Guardianship****Statute: § 31-34-4-2**

The court shall consider placing a child with a suitable and willing blood or adoptive relative caretaker, including a grandparent, aunt, uncle, or an adult sibling, before considering any other out-of-home placement.

**Requirements for Placement with Relatives****Statute: § 31-34-4-2**

- Before placement the court may order the Division of Family and Children to complete a home study of the relative's home and provide a placement recommendation.
- The court shall order the division to complete a criminal history check of each person residing in the home. The child may not be placed in the home if any person has committed an act of child abuse or neglect, or a felony or delinquent act involving homicide, battery, arson, a felony involving a weapon, or a felony related to controlled substances.

**Iowa****Relative(s) Who May Adopt****Statute: § 600.8**

A relative within the fourth degree of relation may adopt the child.

**Requirements for Adoption by Relatives****Statute: § 600.8**

- If a relative within the fourth degree assumes custody, a preplacement investigation may be completed at a time established by the juvenile court or may be waived.
- A criminal background and child abuse and neglect history check are required.

**Relatives for Placement or Guardianship****Statute: §§ 600A.4, 232.102**

A stepparent or a relative within the fourth degree of relation may assume custody of a minor child.

**Requirements for Placement with Relatives****Statute: § 232.102**

A person to whom custody of the child has been transferred pursuant to this section shall file a written report with the court at least every 6 months concerning the status and progress of the child.

**Kansas****Relative(s) Who May Adopt****Statute: § 38-1584**

When making a placement for adoption, preference may be given first to a relative of the child, and second to a person with whom the child has close emotional ties.

**Requirements for Adoption by Relatives****Statute: § 38-1584**

- The relative must be willing and a reputable person of good moral character.
- The placement must be in the best interest of the child.

**Relatives for Placement or Guardianship****Statute: §§ 38-1584; 38-1502**

When parental rights have been terminated and it does not appear that adoption is a viable alternative, the court should give preference in granting custody for placement to relatives. A relative is a person related by blood, marriage, or adoption.

**Requirements for Placement with Relatives****Statute: § 38-1584**

- The relative must be willing and be a reputable person of good moral character.
- The placement must be in the best interest of the child.

## Kentucky

### Relative(s) Who May Adopt

**Statute: § 199.470**

A relative is a person related to the child through blood, marriage, or adoption, including a stepparent, grandparent, sister, brother, aunt, or uncle.

### Requirements for Adoption by Relatives

**Statute: §§ 199.470, 199.462**

- The adoption of a child by a relative does not require placement by an agency or the permission of the Secretary as other adoptions do.
- Before a child can be placed in the home, the Secretary will require a criminal background check.

### Relatives for Placement or Guardianship

**Statute: § 620.090**

- In placing a child, the cabinet shall use the least restrictive appropriate placement available.
- Preference shall be given to available and qualified relatives of a child for temporary custody placement.

### Requirements for Placement with Relatives

**Statute: §§ 199.462; 605.120**

- Before a child can be placed in the home of a relative caregiver, a criminal background check must be completed.
- To the extent that funds are available, the cabinet may establish a program for kinship care that provides a more permanent placement with a qualified relative for a child who would otherwise be placed in foster care.

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## Louisiana

### Relative(s) Who May Adopt

**Statute: Ch. C. Art. 1243**

A stepparent, step-grandparent, great-grandparent, grandparent, aunt, great-aunt, uncle, great-uncle, sibling, or first cousin may petition to adopt a child.

### Requirements for Adoption by Relatives

**Statute: Ch. C. Art. 1243; 1243.2; 1252**

- The relative wishing to adopt must meet the all the following conditions:
  - » The petitioner must be related to the child by blood, adoption, or affinity through a parent having parental rights.
  - » The petitioner is a single person over age 18 years or a married person whose spouse is a joint petitioner.
  - » The petitioner has had legal or physical custody of the child for at least 6 months prior to filing for adoption.
- The sheriff will conduct a Federal and State criminal background check.
- The department will conduct a records check for allegations of child abuse or neglect.
- A home study is not required unless the court orders one.

**Relatives for Placement or Guardianship****Statute: Ch.C. Art. 622**

A child removed from the home of the parents shall be placed, pending a continued custody hearing, in accordance with this priority:

- A relative who is of the age of majority and with whom the child has been living in a wholesome and stable environment
- A relative who is of the age of majority and who is willing and able to offer a wholesome and stable environment for the child
- In foster care
- The following, among other relatives, are those who may be considered and to whom care of the child may be entrusted and are listed in the order of priority:
  - » Grandparent
  - » Aunt or uncle
  - » Sibling
  - » Cousin

**Requirements for Placement with Relatives****Statute: R.S. § 46:286.1**

- When a child has been removed from his home, the office of community services shall make reasonable attempts to place the child with a relative for kinship foster care.
- If the relative is approved by the office to provide foster care services, the relative shall be eligible to receive payment for the full foster care rate for the care of the child and any other benefits that might be available to foster parents, whether in money or in service.
- A relative who has been granted legal custody or guardianship over the child shall not be eligible to participate in kinship foster care.
- The kinship foster parent must be at least 21 years old.
- To be eligible, the kinship foster parent must undergo a Federal and State criminal background check.
- The office will make an assessment to determine whether the kinship foster parent is able to care effectively for the child.

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**Maine****Relative(s) Who May Adopt****Statute: Tit. 18-A, § 9-304**

A relative may petition to adopt the child.

**Requirements for Adoption by Relatives****Statute: Tit. 18-A, §§ 9-304; 9-306**

- If the petitioner is a blood relative of the child, the court may waive the requirement of a home study and report.
- Each petitioner who is not a biological relative must undergo a Federal and State criminal records check that includes a screening for child abuse cases.
- Expense payment limitations do not apply when one of the adoptive parents is a relative.



**Relatives for Placement or Guardianship****Statute: Tit. 22, § 4062**

In the residential placement of a child, the department shall consider giving preference to an adult relative over a nonrelated caregiver.

**Requirements for Placement with Relatives****Statute: Tit. 22, § 4062**

The related caregiver must meet all relevant State child protection standards.

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**Maryland****Relative(s) Who May Adopt****Statute: Fam. Law § 5-321**

A relative of the birth parent may adopt the child.

**Requirements for Adoption by Relatives****Statute: Fam. Law § 5-321**

The provisions of §§ 5-320 (requiring payment for counseling to the birth mother), 5-323(d) (requiring payment for independent legal counsel for the birth mother), 5-327(c) (requiring filing of an accounting of payments), and 5-328 (requiring a compilation of medical history about the birth parents) are not applicable in an adoption by a relative.

**Relatives for Placement or Guardianship****Statute: Fam. Law §§ 5-501; 5-534**

- The local department may make a kinship care placement in which the child is placed with relatives related by blood or marriage within the fifth degree of consanguinity.
- In selecting a placement that is in the best interests of a child in need of out-of-home placement, the local department shall, as a first priority, attempt to place the child with a kinship parent.

**Requirements for Placement with Relatives****Statute: Fam. Law §§ 5-561; 5-534**

- An adult relative with whom a child is placed by the local department of social services must submit to a criminal background check.
- A kinship parent must be at least 21 years old. If the parent is at least 18 years of age and married to a person who is at least 21 years or age, the department may waive this requirement.

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**Massachusetts****Relative(s) Who May Adopt****Statute: Ch. 210, § 1**

A person may adopt another person who is younger than him or herself, unless that person is his or her spouse, sibling, uncle, or aunt.

**Requirements for Adoption by Relatives****Statute: Ch. 210, § 3B**

A review of the criminal offender record information shall be made to assist in evaluating the suitability of the adoptive parent.

**Relatives for Placement or Guardianship**

Not addressed in statutes reviewed

**Requirements for Placement with Relatives****Statute: Ch. 28A, § 10A**

- Prior approval of the home by the Office of Child Care Services is not required for emergency foster placement of the child with a relative.
- Within 10 days of placement, a criminal offender record check must be performed on all persons 18 years of age or older who live in the home.

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**Michigan****Relative(s) Who May Adopt****Statute: § 710.27**

A relative is a person related to the child within the fifth degree through blood, marriage, or adoption. This also includes a stepparent.

**Requirements for Adoption by Relatives****Statute: § 710.27**

Nonidentifying and other relevant information do not need to be provided in adoptions by relatives.

**Relatives for Placement or Guardianship****Statute: § 722.954a**

Upon removal of the child from the home, the supervising agency shall, within 30 days, determine placement with a fit and appropriate relative who would meet the child's developmental, emotional, and physical needs as an alternative to foster care.

**Requirements for Placement with Relatives**

Not addressed in statutes reviewed

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## Minnesota

### Relative(s) Who May Adopt

**Statute: §§ 259.77; 260C.007**

- Each authorized child-placing agency shall make special efforts to recruit an adoptive family from among the child's relatives.
- A relative is a person related to the child by blood, marriage, or adoption, or an individual who is an important friend with whom the child has resided or had significant contact.
- For an Indian child, relative includes members of the extended family as defined by the law or custom of the Indian child's tribe or, in the absence of law or custom, nieces, nephews, or first or second cousins.

### Requirements for Adoption by Relatives

**Statute: § 259.77**

Adoptive families should reflect the ethnic and racial diversity of the prospective adoptive child.

### Relatives for Placement or Guardianship

**Statute: §§ 260C.212; 260C.007**

- If there is a need for placement, the authorized child-placing agency shall place a child in a family foster home selected by considering placement with relatives and important friends in the following order:
  - » With an individual who is related to the child by blood, marriage, or adoption
  - » With an individual who is an important friend with whom the child has resided or had significant contact
- For an Indian child, relative includes members of the extended family as defined by the law or custom of the Indian child's tribe or, in the absence of law or custom, nieces, nephews, or first or second cousins.

### Requirements for Placement with Relatives

**Statute: §§ 260C.212; 260C.215**

- Any placement must be consistent with the best interests, safety, and welfare of the child.
- The placement must consider the child's particular needs, and the ability of the relative to meet those needs.
- The relative must keep the responsible social services agency informed of his or her current address.

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## Mississippi

### Relative(s) Who May Adopt

**Statute: § 93-17-3**

A relative is a person related to the child within the third degree, according to civil law.

### Requirements for Adoption by Relatives

**Statute: §§ 93-15-107; 93-17-3; 93-17-13**

- For a child who is in the legal custody of the Department of Human Services, the department may pay the costs of adoption proceedings initiated by relatives if they are unable to pay such costs.
- A 90-day residency requirement does not apply to an adoption by a relative.
- A 6-month waiting period for the final decree is not required for an adoption by a relative or a stepparent.

**Relatives for Placement or Guardianship****Statute: § 43-15-13**

When the Department of Human Services is considering placement of a child in a foster home, the department shall give first priority to one of the child's relatives within the third degree, as computed by the civil law rule.

**Requirements for Placement with Relatives****Statute: §§ 43-1-63; 43-15-13**

- In placing the child in a relative's home, the department may waive any rule, regulation, or policy applicable to placement in foster care that would otherwise require the child to have a separate bed or bedroom or have a bedroom of a certain size, if placing the child in a relative's home would be in the best interest of the child and such requirements cannot be met in the relative's home.
- Relatives must undergo criminal background checks.

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**Missouri****Relative(s) Who May Adopt****Statute: § 453.072**

A relative is any grandparent, aunt, uncle, adult sibling of the child, or adult first cousin of the child.

**Requirements for Adoption by Relatives****Statute: § 453.072**

Any subsidies available to adoptive parents shall also be available to the qualified relative of a child who is granted legal guardianship of the child in the same manner as such subsidies are available for adoptive parents.

**Relatives for Placement or Guardianship****Statute: § 210.565**

- Whenever a child is placed in a foster home, the division of family services shall give preference and first consideration for foster home placement to relatives of the child. Grandparents will be given first preference.
- A relative is a person related to another by blood or affinity within the third degree.

**Requirements for Placement with Relatives****Statute: § 210.565**

The placement preference only applies when the court finds that the placement would not be contrary to the best interest of the child, considering all circumstances.

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**Montana****Relative(s) Who May Adopt****Statute: § 42-3-212**

A parent or guardian may make a direct parental placement of his or her child for adoption with an extended family member.

**Requirements for Adoption by Relatives****Statute: § 42-3-212**

In a direct parental placement, the court may waive the requirement of a preplacement and post-placement evaluation.

**Relatives for Placement or Guardianship****Statute: § 52-2-102**

When it is necessary to take charge of a child pursuant to a court order, the department shall, when it is in the best interests of the child, place the child with the child's extended family, including adult siblings, grandparents, great-grandparents, aunts, and uncles, prior to placing the child in an alternative protective or residential facility.

**Requirements for Placement with Relatives****Statute: § 52-2-102**

The home of the extended family member must be approved by the agency.

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**Nebraska****Relative(s) Who May Adopt****Statute: § 43-1508**

In any adoptive placement of an Indian child under State law, a preference shall be given, in the absence of good cause to the contrary, to a placement with:

- A member of the child's extended family
- Other members of the Indian child's tribe
- Other Indian families

**Requirements for Adoption by Relatives**

Not addressed in statutes reviewed

**Relatives for Placement or Guardianship****Statute: §§ 43-533; 43-1312; 43-1508**

- If the return of the child to his or her parents is not likely, the department shall recommend termination of parental rights and referral for, among other things, placement with relatives.
- When families cannot be reunited, preference is given to relatives for placement.
- In the case of an Indian child, a preference shall be given, in the absence of good cause to the contrary, to a member of the Indian child's extended family.
- In any foster care or preadoptive placement of an Indian child, a preference shall be given, in the absence of good cause to the contrary, to a placement with:
  - » A member of the Indian child's extended family
  - » A foster home licensed, approved, or specified by the Indian child's tribe
  - » An Indian foster home licensed or approved by an authorized non-Indian licensing authority
  - » An institution for children approved by an Indian tribe or operated by an Indian organization that has a program suitable to meet the Indian child's needs

**Requirements for Placement with Relatives**

Statute: §§ 43-1312; 71-1904

- The relative must be fit and willing.
- The department may waive foster care training requirements when a relative is the foster care provider.

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**Nevada****Relative(s) Who May Adopt**

Statute: § 127.120

A relative is a person related to the child through blood, marriage, or adoption within the third degree of relation.

**Requirements for Adoption by Relatives**

Statute: § 127.120

If one petitioner or the spouse of a petitioner is related to the child within the third degree of relation, the court may, at its discretion, waive the preplacement investigation by the agency that provides child welfare services.

**Relatives for Placement or Guardianship**

Statute: § 128.110

Preference may be given to placement of the child with any person related within the third degree of relation.

**Requirements for Placement with Relatives**

Statute: §§ 128.110; 422.392

- The agency must determine whether the relative is suitable and able to provide proper care and guidance for the child.
- A qualified relative who accepts guardianship of the child may receive supportive assistance from the department if:
  - » The child has resided with the relative for at least 6 months
  - » The child who is 14 years of age or older consents to the legal guardianship
  - » The qualifying relative resides in the State and meets all other requirements specified by the department

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**New Hampshire****Relative(s) Who May Adopt**

Statute: § 170-B:2

- Related child means a child who is related within the second degree of kinship either by blood or affinity.
- Relatives within the second degree include stepparents, sisters, brothers, grandparents, aunts, or uncles.

**Requirements for Adoption by Relatives****Statute: § 170-B:18**

- In the adoption of a related minor child, the court may, for good cause shown, proceed to a hearing and a decree without an assessment when both of the following circumstances are met:
  - » The parents of the minor child have surrendered their parental rights.
  - » The minor child has resided with the petitioners to whom the child is related for at least 3 years prior to filing the petition for adoption.
- The court shall require a background check in all adoption proceedings if there has not been an assessment. The background check will include both a criminal records check conducted by the New Hampshire State police and a search of the abuse and neglect registry maintained by the department.

**Relatives for Placement or Guardianship****Statute: § 169-C:19**

Legal custody may be transferred to a child-placing agency or relative.

**Requirements for Placement with Relatives****Statute: § 169-C:19**

No child shall be placed with a relative until a written social study of the relative's home, conducted by a child-placing agency, is submitted to the court.

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**New Jersey****Relative(s) Who May Adopt****Statute: § 9:3-39.1**

A child may be placed for adoption with a brother, sister, aunt, uncle, grandparent, birth father, or stepparent.

**Requirements for Adoption by Relatives****Statute: §§ 9:3-48; 9:3-54.2**

- Whenever a petitioner is a brother, sister, grandparent, aunt, uncle, or birth father of the child, the order may limit the investigation to an inquiry concerning the status of the parents of the child and an evaluation of the petitioner.
- A home study that includes a State and Federal criminal history records check is required.

**Relatives for Placement or Guardianship****Statute: §§ 30:4C-12.1; 30:4C-15.8**

- The division shall initiate a search for relatives who may be willing and able to provide the care and support required by the child in its custody.
- The division shall not be required to search for relatives as a placement or permanency option, or other requirements that give preference to relatives, if the identity of the child and parents are unknown.

**Requirements for Placement with Relatives****Statute: § 30:4C-12.1**

The division shall complete an assessment of each interested relative's ability to provide the care and support, including placement, required by the child.

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**New Mexico****Relative(s) Who May Adopt****Statute: § 32A-5-12**

Any relative within the fifth degree of relation to the child or that relative's spouse may seek to adopt the child.

**Requirements for Adoption by Relatives****Statute: §§ 32A-5-14; 32A-5-12**

- The child must have lived with the relative for at least 1 year prior to filing of the petition.
- Unless directed by the court, a preplacement study is not required in cases in which a child is being adopted by a stepparent, a relative, or a person named in the child's deceased parent's will.

**Relatives for Placement or Guardianship****Statute: § 32A-1-4**

A relative of the child may provide foster care for the child.

**Requirements for Placement with Relatives****Statute: § 40-7A-4**

Placement of a child in the home of a relative or guardian shall not require a license from the division.

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**New York****Relative(s) Who May Adopt****Statute: Soc. Serv. Law § 383-c**

Subject to relinquishment by a parent, the court shall accept all petitions for the adoption of a child by any relative of the child.

**Requirements for Adoption by Relatives****Statute: Soc. Serv. Law § 383-c**

A home study is required.

**Relatives for Placement or Guardianship****Statute: Fam. Ct. Act § 1017**

The court should determine whether the relative seeks approval as a foster parent for the purposes of providing care for a child in need of placement, or wishes to provide free care and custody for the child during the pendency of any orders.

**Requirements for Placement with Relatives****Statute: Fam. Ct. Act § 1017**

The commissioner, pursuant to regulations of the department of social services, will perform an investigation of the home of the relative within 24 hours, and approve such relative, if qualified, as a foster parent.

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## North Carolina

### Relative(s) Who May Adopt

#### Statute: § 48-3-301

A relative, including a grandparent, sibling, first cousin, aunt, uncle, great-aunt, great-uncle, or great-grandparent, may adopt the child.

### Requirements for Adoption by Relatives

#### Statute: § 48-3-301

A preplacement assessment is not required if the child is placed directly with a relative.

### Relatives for Placement or Guardianship

#### Statute: § 7B-903

In placing a child in out-of-home care, the court shall first consider whether a relative of the child is willing provide care for the child.

### Requirements for Placement with Relatives

#### Statute: § 7B-903

- The relative must be willing and able to provide proper care and supervision of the child in a safe home.
- If the court finds that the relative is willing and able to provide proper care and supervision in a safe home, then the court shall order placement of the child with the relative unless the court finds that the placement is contrary to the best interests of the child.

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## North Dakota

### Relative(s) Who May Adopt

#### Statute: § 14-15-01

A relative is any person related to the minor by marriage, blood, or adoption, including a grandparent, brother, sister, stepbrother, stepsister, uncle, or aunt.

### Requirements for Adoption by Relatives

#### Statute: § 14-15-11

- An investigation and report is not required in cases in which a stepparent is the petitioner or the person to be adopted is an adult.
- The court may waive the home study requirement if the petitioner is a relative other than a stepparent, the minor has lived with the petitioner for at least 9 months, and no allegations of abuse or neglect have been filed against the petitioner or any member of the petitioner's household.

### Relatives for Placement or Guardianship

#### Statute: § 27-20-02

- Fit and willing relative or other appropriate individual means a relative or other individual who has consented in writing to act as a legal guardian.
- Relative means the child's grandparent, great-grandparent, sibling, half-sibling, aunt, great-aunt, uncle, great-uncle, nephew, niece, or first cousin. Such relationship may derive from a marriage or former marriage.

**Requirements for Placement with Relatives****Statute: § 27-20-02**

Before the fit and willing relative or other appropriate individual can accept a guardianship, an assessment must be made that includes a criminal history record investigation under chapter 50-11.3, and be qualified under chapter 30.1-27 to act as a legal guardian.

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**Northern Mariana Islands****Relative(s) Who May Adopt**

Not addressed in statutes reviewed

**Requirements for Adoption by Relatives**

Not addressed in statutes reviewed

**Relatives for Placement or Guardianship**

Not addressed in statutes reviewed

**Requirements for Placement with Relatives**

Not addressed in statutes reviewed

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**Ohio****Relative(s) Who May Adopt****Statute: § 5103.161**

The agency shall consider giving preference to an adult relative over a nonrelative caregiver when determining an adoptive placement for the child.

**Requirements for Adoption by Relatives****Statute: § 5103.161**

- The relative must satisfy all relevant child protection standards.
- The placement must be in the best interests of the child.

**Relatives for Placement or Guardianship****Statute: § 5101.85**

A kinship caregiver is a person, age 18 years or older, related to the child by blood or marriage, who is caring for the child in place of the child's parents. Relatives can include:

- Grandparents, including great, great-great, and great-great-great-grandparents
  - Siblings
  - Aunts, uncles, nephews, and nieces, including any relative with a great, great-great, or grand prefix
  - First cousins and first cousins once removed
  - Stepparents and stepsiblings of the child
  - Spouses or former spouses of any of the above
  - A legal guardian or legal custodian of the child
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**Requirements for Placement with Relatives**

Not addressed in statutes reviewed

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**Oklahoma****Relative(s) Who May Adopt**

**Statute: Tit. 10, § 21.3**

An adult relative related to a child within the third degree may accept the permanent care and custody of the child.

**Requirements for Adoption by Relatives**

**Statute: Tit. 10, §§ 21.3; 7505-5.1**

- An adult relative may accept the child:
  - » Pursuant to a written relinquishment by a parent or parents of a child acknowledged before a court
  - » In accordance with the provisions of the Oklahoma Children's Code, the Oklahoma Guardianship and Conservatorship Act, Section 3 of this act or the Oklahoma Adoption Code
  - » Without a court order if the child has been abandoned by a parent or parents in the physical custody of the relative
- A preplacement home study is not required if a minor is directly placed with a relative for purposes of adoption, but a home study of the relative is required during the pendency of a proceeding for adoption.

**Relatives for Placement or Guardianship**

**Statute: Tit. 10, §§ 7202; 22.1**

- Grandparents or other suitable relatives shall be considered when children require out-of-home care instead of placing those children in foster care.
- When a child is placed into foster care, the child shall be placed, when the safety and well-being of the child can be assured, with relatives or other persons having a kinship relationship with the child.

**Requirements for Placement with Relatives**

**Statute: Tit. 10, §§ 22.1; 7202**

- Grandparents or other such relatives who qualify for and participate in the relative support program are not required to be certified as foster parents or to meet the foster care requirements but shall be capable of providing a physically safe environment and a stable, supportive home for the children under their care.
  - A child may be placed with a relative only when the safety and well-being of the child can be assured, and the relative has been determined to be suitable, capable, and willing to serve as a caretaker for the child.
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**Oregon****Relative(s) Who May Adopt**

Not addressed in statutes reviewed

**Requirements for Adoption by Relatives**

Not addressed in statutes reviewed

**Relatives for Placement or Guardianship****Statute: § 419B.192**

If the court finds that a child or ward is in need of placement, there shall be a preference given to relatives and persons who have a child-parent relationship with the child, as defined in § 109.119, including stepparents, grandparents, and relatives by blood or marriage.

**Requirements for Placement with Relatives****Statute: § 419B.192**

The relative must have the ability:

- To provide safety for the child
- To support the efforts of the department to implement the permanent plan for the child
- To meet the child's physical, emotional, and educational needs

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**Pennsylvania****Relative(s) Who May Adopt**

Not addressed in statutes reviewed

**Requirements for Adoption by Relatives**

Not addressed in statutes reviewed

**Relatives for Placement or Guardianship****Statute: 42 Pa.C.S.A. § 6351; 62 P.S. § 1302**

- The custody of a dependent child may be transferred to a relative.
- When a child must be placed in foster care, first consideration shall be given to a relative of the child.
- A relative is an individual who is related within the third degree to the child or stepchild and at least 21 years of age.

**Requirements for Placement with Relatives****Statute: 42 Pa.C.S.A. § 6351; 62 P.S. § 1303**

- The relative must be found to be qualified to receive and care for the child.
- Relatives providing care for the child will receive the same foster care rate as other foster parents if they are complying with regulations.

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**Puerto Rico****Relative(s) Who May Adopt**

Not addressed in statutes reviewed

**Requirements for Adoption by Relatives**

Not addressed in statutes reviewed

**Relatives for Placement or Guardianship****Statute: 1 L.P.R.A. § 412**

The first option to be considered when a child needs a substitute home shall be the home of qualified relatives.

**Requirements for Placement with Relatives**

Not addressed in statutes reviewed

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**Rhode Island****Relative(s) Who May Adopt**

Not addressed in statutes reviewed

**Requirements for Adoption by Relatives**

Not addressed in statutes reviewed

**Relatives for Placement or Guardianship****Statute: § 40-11-12.2**

Prior to the placement of a child in foster care, or to prevent or eliminate the need for removing the child from the child's home, the department shall explore placement of the child with a blood relative or other family member.

**Requirements for Placement with Relatives**

Not addressed in statutes reviewed

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**South Carolina****Relative(s) Who May Adopt****Statute: § 20-7-1820**

Any person may adopt a child who is related by blood or marriage.

**Requirements for Adoption by Relatives****Statute: § 20-7-1820**

- No investigation or report is required unless otherwise directed by the court.
- No accounting of all disbursements is required unless ordered by the court.

**Relatives for Placement or Guardianship****Statute: § 20-7-2275**

- The department shall attempt to identify a relative who would be appropriate for placement of a child over whom it has custody.
  - A relative within the first, second, or third degree to the parent or stepparent of a child who may be related through blood, marriage, or adoption may be eligible for licensing as a kinship foster parent.
-

**Requirements for Placement with Relatives****Statute: §§ 20-7-1630; 20-7-2275**

- If the relative is not already licensed as a foster provider, the department shall inform the relative providing foster care of the procedures for obtaining licensure, assist the relative with the licensing process, and inform the relative of the availability of payments and other services.
- Once he or she is licensed, the relative may receive payment for the full foster care rate for the care of the child and any other benefits that might be available to foster parents, whether in money or in services.
- The relative must be 21 years of age or older and must complete a kinship foster care licensing study.
- Residents of the household who are age 18 years or older must undergo criminal background checks.

**South Dakota****Relative(s) Who May Adopt**

Not addressed in statutes reviewed

**Requirements for Adoption by Relatives**

Not addressed in statutes reviewed

**Relatives for Placement or Guardianship****Statute: § 26-8A-21.2**

If the court determines that reasonable efforts to return a child to the home of the parent are not appropriate, the court shall hold a hearing to determine whether the child should be placed permanently with a fit and willing relative.

**Requirements for Placement with Relatives**

Not addressed in statutes reviewed

**Tennessee****Relative(s) Who May Adopt****Statute: § 36-1-115**

- A relative may petition to adopt a child.
- If the child becomes available for adoption while in foster care, the foster parents shall be given first preference to adopt the child if the child has resided in the foster home for 12 or more consecutive months immediately preceding the filing of an adoption petition.

**Requirements for Adoption by Relatives****Statute: § 36-1-115**

- In the case of an adoption by relatives, the residency requirement in subsections (d) and (e) shall not apply if the petitioner is an actual resident of this State at the time the petition is filed.
- In becoming adoptive parents, the foster parents shall meet all requirements otherwise imposed on persons seeking to adopt children in the custody of the department.

**Relatives for Placement or Guardianship****Statute: §§ 37-2-403; 37-2-414**

- Whenever return of a child to his or her parent is not in the best interest of the child, the relative with whom the child was temporarily placed after removal from the parents shall be given priority for permanent placement or adoption of the child prior to pursuing adoptive placement of such child with a nonrelative.
- When a child has been removed from such child's home and is in the care, custody, or guardianship of the department, the department shall attempt to place the child with a relative for kinship foster care.
- Relatives within the first, second, or third degree to the parent or stepparent of the child through blood, marriage, or adoption may be eligible for approval.

**Requirements for Placement with Relatives****Statute: §§ 37-2-403; 37-2-414**

- The relative must be fit and willing to provide for the safety of the child.
- The kinship foster parent must be at least 21 years old.
- If the relative is approved to provide foster care services, he or she may receive payment for the full foster care rate for the care of the child and any other benefits that might be available to foster parents, whether in money or in services.
- The kinship foster parent must complete a criminal background check, including fingerprinting.

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**Texas****Relative(s) Who May Adopt****Statute: Fam. Code § 162.005**

The following relatives have standing to adopt a child:

- A grandparent
- An aunt or uncle by birth, marriage, or former adoption
- A stepparent

**Requirements for Adoption by Relatives****Statute: Fam. Code §§ 162.005; 162.0085**

- The report on health, social, educational, and genetic history of the child is not required.
- The court shall order each person seeking to adopt a child to obtain his or her own criminal history record information. The person must request the information from the Department of Public Safety, as provided by Government Code § 411.128.

**Relatives for Placement or Guardianship****Statute: Fam. Code §§ 263.3025; 262.201**

- If a child is removed from a custodial parent, the court may place the child with a noncustodial parent or a relative.
- The department is not required to conduct a search for or give preference to the child's relatives for purposes of permanent placement if the department does not have information concerning the child's identity or the identities of the child's parents.

**Requirements for Placement with Relatives****Statute: Fam. Code §§ 262.201; 263.306**

- The placement must be in the best interest of the child.
  - The noncustodial parent or relative must have the ability to provide the child with a safe environment.
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**Utah****Relative(s) Who May Adopt****Statute: § 78-30-3.5**

The following relatives may adopt the child:

- A stepparent
- A sibling or half-sibling by birth or adoption
- A grandparent, aunt, uncle, or first cousin

**Requirements for Adoption by Relatives****Statute: §§ 78-30-2; 78-30-3.5**

- A person adopting a child must be at least 10 years older than the child.
- A preplacement report is not required if the prospective adoptive parent is a relative of the child as listed above, unless the evaluation is otherwise requested by the court.
- The relative must obtain a criminal background check and a neglect and/or abuse history check. This requirement is applicable to all adult members of the household.

**Relatives for Placement or Guardianship****Statute: § 78-3a-307**

- A noncustodial parent shall receive first consideration for placement of the child.
- When the child's noncustodial parent cannot care for the child, preferential consideration shall be given to a relative's request for placement of the child.
- A relative is an adult who is a grandparent, great-grandparent, aunt, great-aunt, uncle, great-uncle, brother-in-law, sister-in-law, stepparent, first cousin, stepsibling, or sibling of the child.
- In the case of a child defined as an 'Indian' under the Indian Child Welfare Act, relative also means an extended family member.

**Requirements for Placement with Relatives****Statute: § 78-3a-307**

- The court shall make a specific finding regarding the fitness of the noncustodial parent, and the appropriateness and safety of the placement.
  - A criminal background check shall be performed.
  - If a relative is to assume custody of the child, the relative must be:
    - » Fit to assume custody and able to assure the safety of the child
    - » Willing to adopt or take permanent custody of the child
    - » Subject to criminal background check and to a check for reports of abuse or neglect
    - » Aware of the parent's history of abuse and determined to protect the child
    - » Strong enough to resist inappropriate requests by the parent for access to the child
    - » Committed to caring for the child as long as necessary
    - » Able to provide a secure and stable environment for the child
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**Vermont****Relative(s) Who May Adopt****Statute: Tit. 15A, § 1-101**

- A relative is a grandparent, great-grandparent, sibling, first cousin, aunt, uncle, great-aunt, great-uncle, niece, or nephew of a person, whether related to the person by the whole or the half blood, affinity, or adoption.
- The term does not include a person's stepparent.

**Requirements for Adoption by Relatives****Statute: Tit. 15A, §§ 2-201; 2-203**

- A preplacement evaluation is not required if a parent or guardian places a minor directly with a relative for purposes of adoption, but an evaluation of the relative is required during the pendency of a proceeding for adoption.
- The preplacement evaluation shall indicate whether the person has been:
  - » Subject to an abuse prevention order
  - » Charged with or convicted of domestic assault
  - » The subject of a substantiated complaint filed with the department
  - » Subject to a court order restricting the person's right to parental rights and responsibilities or parent-child contact with a child
  - » Convicted of a crime other than a minor traffic violation

**Relatives for Placement or Guardianship**

Not addressed in statutes reviewed

**Requirements for Placement with Relatives**

Not addressed in statutes reviewed

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**Virgin Islands****Relative(s) Who May Adopt**

Not addressed in statutes reviewed

**Requirements for Adoption by Relatives**

Not addressed in statutes reviewed

**Relatives for Placement or Guardianship**

Not addressed in statutes reviewed

**Requirements for Placement with Relatives**

Not addressed in statutes reviewed

## Virginia

### Relative(s) Who May Adopt

**Statute: § 63.2-1210**

The child's grandparent, adult brother or sister, adult uncle or aunt, or adult great-uncle or great-aunt may adopt the child.

### Requirements for Adoption by Relatives

**Statute: § 63.2-1210**

- The court may omit the probationary period and the interlocutory order and enter a final order of adoption when a child has been placed by the birth parent with the prospective adoptive parent who is a relative named above, and the court has accepted the written consent of the birth parent, and is of the opinion that the entry of an interlocutory order would otherwise be proper.
- If the court determines the need for an investigation prior to the final order of adoption, it shall refer the matter to the local director or a licensed child-placing agency for an investigation and report that shall be completed within such time as the court designates.

### Relatives for Placement or Guardianship

**Statute: § 16.1-281**

If the department concludes it is not reasonably likely that the child can be returned to his prior family within a practicable time, it shall design a placement plan to lead to the child's successful placement with a relative if a subsequent transfer of custody to the relative is planned.

### Requirements for Placement with Relatives

**Statute: §§ 16.1-281; 16.1-283**

- The relative must be:
  - » Willing and qualified to receive and care for the child
  - » Willing to have a positive, continuous relationship with the child
  - » Committed to providing a permanent, suitable home for the child
  - » Willing and able to protect the child from abuse and neglect
- The court's order transferring custody should provide for ongoing provision of social services to the child and the child's custodian.

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## Washington

### Relative(s) Who May Adopt

Not addressed in statutes reviewed

### Requirements for Adoption by Relatives

Not addressed in statutes reviewed

**Relatives for Placement or Guardianship****Statute: §§ 13.34.130; 74.15.020(2)(a)**

- Placement of the child with a relative under this subsection shall be given preference by the court.
- A relative includes a person related to the child in any of the following ways:
  - » Any blood relative, including those of half-blood, and including first cousins, nephews or nieces, and persons of preceding generations as denoted by prefixes of grand, great, or great-great
  - » Stepfather, stepmother, stepbrother, and stepsister
  - » A person who legally adopts a child or the child's parent, as well as the natural and other legally adopted children of such persons, and other relatives of the adoptive parents in accordance with State law
  - » Spouses of any persons named above, even after the marriage is terminated
  - » Extended family members, as defined by the law or custom of the Indian child's tribe or, in the absence of such law or custom, a person who has reached the age of 18 years and who is the Indian child's grandparent, aunt or uncle, brother or sister, brother-in-law or sister-in-law, niece or nephew, first or second cousin, or stepparent who provides care in the family abode on a 24-hour basis to an Indian child

**Requirements for Placement with Relatives****Statute: § 13.34.130**

- Unless there is reasonable cause to believe that the health, safety, or welfare of the child would be jeopardized or that efforts to reunite the parent and child will be hindered, such child shall be placed with a person who is:
  - » Related to the child as defined in § 74.15.020(2)(a) with whom the child has a relationship and is comfortable
  - » Willing and available to care for the child.
- The relative must be suitable and competent to provide care and treatment.
- If the relative appears otherwise suitable and competent, a criminal history background check need not be completed before placement, but as soon as possible after placement.
- Any placements with relatives shall be contingent upon cooperation by the relative with the agency case plan and compliance with court orders related to the care and supervision of the child including, but not limited to, court orders regarding parent-child contacts, sibling contacts, and any other conditions imposed by the court.

**West Virginia****Relative(s) Who May Adopt**

Not addressed in statutes reviewed

**Requirements for Adoption by Relatives**

Not addressed in statutes reviewed

**Relatives for Placement or Guardianship****Statute: § 49-6-8**

If reunification with the parents is not possible, permanent placement of the child with a fit and willing relative may be considered.

**Requirements for Placement with Relatives**

Not addressed in statutes reviewed

**Wisconsin****Relative(s) Who May Adopt****Statute: § 48.02**

Relatives include grandparent, great-grandparent, stepparent, brother, sister, first cousin, nephew, niece, uncle, or aunt by blood, marriage, or adoption.

**Requirements for Adoption by Relatives****Statute: § 48.835**

- A parent may place a child in the home of a relative for adoption without a court order.
- If the child's parent has not filed a petition for the termination of parental rights, the relative with whom the child is placed shall file a petition for the termination of the parents rights at the same time the petition for adoption is filed.
- The court may hold the hearing on the adoption petition immediately after entering the order to terminate parental rights.

**Relatives for Placement or Guardianship****Statute: § 48.57**

A kinship care relative includes a stepparent, brother, sister, stepbrother, stepsister, first cousin, nephew, niece, aunt, uncle, or any person of a preceding generation as denoted by the prefix of grand, great, or great-great, whether by blood, marriage, or legal adoption, or the spouse of any such person, even if the marriage is terminated.

**Requirements for Placement with Relatives****Statute: § 48.57**

The department shall pay \$215 per month to a kinship care relative who is providing care and maintenance for a child, if the following conditions are met:

- The relative has applied to the department to assume custody of the child, and the placement is in the child's best interest.
- The department conducts a background investigation of the relative, any employee of the relative who would have regular contact with the child, and any other adult resident of the home.
- The relative can attest that neither he or she, nor any employee or adult resident of the home, has any arrests or convictions that would adversely affect the person's ability to the care for the child.
- The relative cooperates with the department in applying for other forms of assistance.
- The child is not receiving funding from other Federal or State sources at the same time.

**Wyoming****Relative(s) Who May Adopt**

Not addressed in statutes reviewed

**Requirements for Adoption by Relatives**

Not addressed in statutes reviewed

**Relatives for Placement or Guardianship**

Not addressed in statutes reviewed

**Requirements for Placement with Relatives**

Not addressed in statutes reviewed