

## **TALKING POINTS FOR TRIAL COUNSEL**

Below are key takeaways and talking points from social science research that may help lawyers persuade judges (and the foster care agency) to place children with kin. Note that all sources cited in these talking points are discussed, with full citations, in section V.

### **A. When children are removed from parents, they generally have better outcomes when placed with kinship caregivers than their peers who are placed in non-kinship placements. Benefits from kinship care include:**

- Reduced trauma after removal by providing familiarity, continuity, and retention of familial ties. ([Epstein 2017](#); [Ehrle & Geen 2002](#)).
- Improved mental health outcomes. ([Epstein 2017](#); [Messing 2006](#); [Winokur, et al. 2018](#)).
- Fewer behavioral problems and better social outcomes. ([Holtan, et al. 2005](#); [Rubin, et al. 2008](#); [Sakai, et al. 2011](#); [Winokur, et al. 2018](#)).
- Better educational outcomes and educational stability. ([Conway & Hutson 2007](#); [Holtan, et al. 2005](#); [Mass. Ct. Impr. Prog. 2019](#)).
- Greater placement stability and higher levels of permanency. ([Hegar & Rosenthal 2009](#); [Koh 2010](#); [Koh & Testa 2008](#); [Koh & Testa 2011](#); [Sugrue 2019](#); [Winokur, et al. 2018](#); [Winokur, et al. 2018](#))
- Better cultural, ethnic, racial, and traditional connections to their communities of origin. ([Child Wel. Info. Gateway 2021](#); [Conway & Hutson 2007](#); [Hopkins 2020](#); [Nat'l Ass'n of Black Soc. Workers 2003](#); [Sugrue 2019](#)).
- Stronger ties to the child's biological family. ([Holtan, et al. 2005](#); [Metzger 2008](#)).
- Greater placement satisfaction for children and youth, including feelings of love and belonging. ([Chapman, et al. 2004](#); [Conway & Hutson 2007](#); [Hegar & Rosenthal 2009](#); [Metzger 2008](#); [Montserrat & Casas 2006](#)).

### **B. Kinship care is most effective when caregivers are provided proper services and support.**

- Kinship care should generally be prioritized and supported. ([Bissell, 2017](#); [Doblin-MacNab 2015](#); [Lin 2014](#); [Miller 2017](#); [Raphel 2008](#))
- Kinship caregivers need better, and more equitable, access to the financial resources and services available to non-kinship foster families. Their caregiving role often comes unexpectedly, leaving many kinship caregivers unprepared for the financial demands of caring for a child. Consequently, child welfare agencies and state

governments should work to provide a greater number of resources to meet the demands of caregiving. ([Bailey, et al. 2013](#); [Lin 2014](#)).

- Kinship caregivers need more flexible licensing standards in order to remove barriers to kinship care. ([Bissell 2017](#); [Miller 2017](#)).
- Kinship caregivers need better access to and information about supportive services, support groups, and parenting skills training/education. ([Castillo, et al. 2013](#); [Collins 2011](#); [Gerard, et al. 2006](#); [Hayslip, et al. 2019](#); [Hayslip & Kaminski 2005](#); [Kirby 2015](#); [Lee & Blitz 2014](#)).
- Kinship caregivers need resources directed to their individualized needs. ([Carr, et al. 2012](#); [Hayslip, et al. 2020](#)).
- Child welfare agencies and advocates can better support kinship caregivers if they consider cultural, racial, and ethnic differences and the impact of systematic oppression on different groups. ([Carr, et al. 2012](#); [Collins 2011](#); [Fuller-Thompson 2005](#); [Kopera-Frye 2009](#)).