



DEPARTMENT OF HEALTH & HUMAN SERVICES

ADMINISTRATION FOR CHILDREN AND FAMILIES
Administration on Children, Youth and Families
330 C Street, S.W.
Washington, D.C. 20201

January 4, 2022

Josh Gupta-Kagan
Professor of Law
University of South Carolina School of Law
1525 Senate Street
Columbia, SC 29208
JGKAGAN@law.sc.edu

Dear Josh Gupta-Kagan:

Thank you for your thoughtful discussion recently and follow-up letter regarding the concerns about informal use of relatives outside of a formal legal process that provides representation of all parties, sometimes referred to as “hidden foster care.”

As you know, the number of children who have experienced this specific occurrence is unknown and difficult to determine. The Children’s Bureau agrees this is a concern that requires further exploration to better understand how states may be using this practice. It is a complicated issue, however, and it is important not to assume that all informal use of relatives and kin is inherently negative and results in trauma for the child(ren)involved. Through the Child and Family Services Reviews (CFSR), we have reviewed cases where informal use of relatives has enabled children to be safe and stable in the care of relatives, sometimes with their parent(s) living nearby or in the same household. At the same time, we recognize that there have been cases where relatives have not been given the services or financial supports necessary to care for the children and/or continued involvement of the state agency, including formal planning for reunification or legal action necessary for long term care of the children.

Many of the recommendations provided in the letter reference the need for additional data collection and reporting. However, ACF cannot modify current data reporting without a legislative change, although we do understand that more information is needed. Therefore, the Children’s Bureau is currently exploring options to take a systematic approach to gathering information on this issue to study the informal use of relatives for safety planning, placements, permanency, and other concerns raised in your correspondence. By examining this issue, the Children’s Bureau will be in a better position to issue technical assistance and guidance to jurisdictions for consideration when they make decisions that may rely on the use of relatives. We would expect this further exploration of jurisdictions’ reliance on informal relative care to involve the voice of families – birth parents, relatives, and youth – as well as judicial and legal representatives and state agency staff.

We appreciate your group raising this critical issue to the Children’s Bureau leadership and providing us this opportunity to study the strengths and concerns regarding the informal use of relatives and, as a result, develop sound policies and practices to move the field forward to better address the needs of children and families.

Page 2 – Josh Gupta-Kagan

A copy of this letter will also be sent to the other co-signers.

Sincerely,

A handwritten signature in blue ink, appearing to read "Aysha E. Schomburg". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Aysha E. Schomburg, Esq.
Associate Commissioner
Children's Bureau