

	Preference for Placement	Effort to Locate Relatives	Procedure for Relatives Unwilling or Unfit to Provide Kinship Care
<b>AL</b>	<p><b>Ala.Code § 38-12-2 (b) (2006):</b> When a child has been removed from his or her 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.</p>	Not enumerated in statute	Not enumerated in statute
<b>AK</b>	<p><b>Alaska Stat. § 47.14.100 (2006):</b> When a child is removed from a parent's home, the department shall place the child with, in the following order of priority: (A) an adult family member (B) a family friend (C) a licensed foster home (D) an institution for children that has a program suitable to meet the child's needs.</p> <p>Subsection (e) (above) does not entitle natural relatives to a preference in the adoptive placement of children. The Supreme Court of Alaska has repeatedly found that there is no blood-relative preference in adoption cases.</p>	Not enumerated in statute	<p><b>Alaska Stat. § 47.14.100 (2006):</b> If an adult family member exists but agrees that the child should be placed elsewhere, before placement elsewhere, the department shall fully communicate the nature of the placement proceedings to the adult family member. Communication shall be made in the adult family member's native language.</p>
<b>AZ</b>	<p><b>Ariz. Rev. Stat. Ann. § 8-514.03 (2006):</b> The kinship care program shall promote the placement of the child with the child's relative for kinship foster care.</p> <p><b>Ariz. Rev. Stat. Ann. § 8-514.02 (2006):</b> Unless approved in writing by the department, the parent or relative providing kinship care shall not allow the child to: 1. Be placed with any other person. 2. Have any contact with the allegedly abusive or neglectful parent, guardian or custodian 3. Leave the state</p>	Not enumerated in statute	<p><b>Ariz. Rev. Stat. Ann. § 8-514.03 (2006):</b> If the department determines that a kinship foster care placement is not in the best interest of the child, the department shall provide written notification to the applicant within fifteen business days. The notice shall include the specific reason for denial, the applicant's right to appeal and the process for reviewing the decision.</p>

<b>AR</b>	<p><b>Ark. Code. Ann. § 9-28-503 (a)(1) (2006):</b> When a child has been removed from his or her home, the division shall attempt to place the child with a relative for kinship foster care.</p> <p><b>Ark. Code. Ann. § 9-9-102(a) (2006):</b> In all custodial placements by the Department of Human Services in foster care or investigations conducted by the Department of Human Services pursuant to court order, preferential consideration shall be given to an adult relative over a nonrelated caregiver provided that the relative caregiver, meets all relevant child protection standards and it is in the child's best interest to be placed with the relative caregiver.</p>	Not enumerated in statute	Not enumerated in statute
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<p><b>CA</b></p>	<p><b>Cal. [Fam.] Code § 7950(a) (2006):</b>  Foster care placement shall, if possible, be made in the home of a relative, unless the placement would not be in the best interest of the child.</p> <p><b>Cal. [Welf. &amp; Inst.] Code § 361.3 (a) (2006):</b>  In any case in which a child is removed from the physical custody of his or her parents, preferential consideration shall be given to a request by a relative of the child for placement of the child with the relative. In determining whether placement with a relative is appropriate, the county social worker and court shall consider, but shall not be limited to, consideration of all the following factors:</p> <ul style="list-style-type: none"> <li>(1) The best interest of the child</li> <li>(2) The wishes of the parent, the relative, and child</li> <li>(3) The provisions the Family Code regarding relative placement (see above)</li> <li>(4) Placement of siblings and half-siblings in the same home</li> <li>(5) The good moral character of the relative and any other adult living in the home</li> <li>(6) The nature and duration of the relationship between the child and the relative, and the relative's desire to care for, and to provide legal permanency for, the child if reunification is unsuccessful</li> <li>(7) The ability of the relative to do the following: <ul style="list-style-type: none"> <li>(A) Provide a safe, secure, and stable environment</li> <li>(B) Exercise proper and effective care and control of the child.</li> <li>(C) Provide a home and the necessities of life</li> <li>(D) Protect the child from his or her parents</li> <li>(E) Facilitate court-ordered reunification efforts with the parents.</li> <li>(F) Facilitate visitation with the child's other relatives.</li> <li>(G) Facilitate implementation of all elements of the case plan.</li> <li>(H) Provide legal permanency for the child if reunification fails</li> </ul> </li> </ul>	<p><b>Cal. [Fam.] Code § 7950(a) (2006):</b>  Diligent efforts shall be made to locate an appropriate relative. Before any child may be placed in long-term foster care, the court shall find that the agency has made diligent efforts to locate an appropriate relative and that each relative whose name has been submitted as a possible caretaker has been evaluated as an appropriate placement resource.</p>	<p>Not enumerated in statute</p>
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CO	<p><b>Colo. Rev. Stat. Ann. § 19-1-115 (1)(a) (2006)</b>  In determining where and with whom a child shall live, if in the best interests of the child, preference may be given to the child's grandparent who is appropriate, capable, willing, and available to care for the child.</p> <p><b>Colo. Rev. Stat. Ann. § 19-3-508(b)(I) (2006):</b>  If the court finds that placement out of the home is necessary and is in the best interests of the child and the community, the court shall place the child with a relative, including the child's grandparent, if such placement is in the child's best interests. The court shall place the child in the facility or setting that most appropriately meets the needs of the child, the family, and the community</p>	<p><b>Colo. Rev. Stat. Ann. § 19-1-115 (1)(a) (2006).</b>  Due diligence should be exercised to locate an appropriate, capable, willing, and available grandparent.</p>	Not enumerated in statute
CT	<p><b>Conn. Gen. Stat. Ann. § 17a-98a (2006):</b>  The Department of Children and Families shall establish a kinship foster care program. Such program shall ensure that when the department determines that it is in the best interest of the child to be placed with a relative for foster care, the department shall inform the relative regarding procedures to become licensed as a foster parent.</p>	Not enumerated in statute	Not enumerated in statute
DE	<p><b>Del. Code Ann. tit. 31, § 356(a) (2006):</b>  The Department of Services for Children, Youth and Their Families and the Department of Health and Social Services shall establish and operate the Kinship Care Program that promotes the placement of children with relatives when a child needs out-of-home placement, when such placement is in the best interest of the child, and when the child is not in the custody or care of the State.</p>	Not enumerated in statute	Not enumerated in statute
DC	<p><b>DC Code Ann. § 16-2320 (2006):</b>  If reunification with parents is not possible, the Department should make arrangements for the child to remain with a relative or other individual who is found to be qualified to receive and care for the child.</p>	Not enumerated in statute	Not enumerated in statute

<b>FL</b>	<p><b><i>Fla. Stat. Ann. § 39.521 (2006):</i></b>          If no fit parent is willing or available to assume care and custody of the child, the department should attempt to place the child in the temporary legal custody of an adult relative or other adult approved by the court who is willing to care for the child, under the protective supervision of the department. The department must supervise this placement until the child reaches permanency status in this home, and in no case for a period of less than 6 months. Permanency in a relative placement shall be by adoption, long-term custody, or guardianship.</p>	<p><b><i>Fla. Stat. Ann. § 984.03 (2006):</i></b>          A "diligent search" shall be made to locate a relative made known to the social services agency by the parent or custodian of a child. This search must be initiated as soon as the agency is made aware of the existence of such relative. A diligent search shall include interviews with persons who are likely to have information about the identity or location of the person being sought, comprehensive database searches, and records searches, including searches of employment, residence, utilities, Armed Forces, vehicle registration, child support enforcement, law enforcement, and corrections records, and any other records likely to result in identifying and locating the person being sought. The initial search must be completed within 90 days. After the completion of the initial search, the department shall have a continuing duty to search for relatives with whom it may be appropriate to place the child, until such relatives are found or until the child is placed for adoption.</p>	<p><b><i>Fla. Stat. Ann. § 39.521 (2006):</i></b>          If the court does not commit the child to the temporary legal custody of an adult relative, legal custodian, or other adult approved by the court, the disposition order shall include the reasons for such a decision and shall include a determination as to whether diligent efforts were made by the department to locate an adult relative, legal custodian, or other adult willing to care for the child in order to present that placement option to the court instead of placement with the department. Both the department and the court shall consider transferring temporary legal custody to an adult relative approved by the court at a later date, but neither the department nor the court is obligated to so place the child if it is in the child's best interest to remain in the current placement</p>
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<b>GA</b>	<p><b>Ga. Code Ann. § 15-11-103 (a)(1) (2006):</b> 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 if such a person is willing and, after study by the probation officer or other person or agency designated by the court, is found by the court to be qualified to receive and care for the child.</p>	<p><b>Ga. Code Ann. § 15-11-14(b) (2006):</b> Immediately upon receiving custody of the child or children, the department shall begin a diligent search for a relative or other designee of the parent who can provide for the care and supervision of the child or children.</p>	Not enumerated in statute
<b>HI</b>	<p>Not enumerated in statutes reviewed, but state policy requires that kin be considered first when an out-of-home placement is sought for a child under the Department's care (<b>See HI fact sheet</b>, available at <a href="http://www.childrensdefense.org/childwelfare/kinshipcare/fact_sheets/hawaii.pdf">www.childrensdefense.org/childwelfare/kinshipcare/fact_sheets/hawaii.pdf</a>).</p>	Not enumerated in statute	Not enumerated in statute
<b>ID</b>	<p><b>Idaho Code Ann. § 16-1629 (2006):</b> The department shall make a reasonable effort to place the child in the least disruptive environment to the child and in so doing may consider, without limitation, placement of the child with related persons.</p>	<p><b>Idaho Code Ann. § 16-1629 (11) (2006):</b> "reasonable effort to place the child in the least disruptive environment"</p>	Not enumerated in statute
<b>IL</b>	<p><b>20 Ill. Comp. Stat. Ann 505/7(b) (2006):</b> The Department may place a child with a relative if the Department has reason to believe that the relative will be able to adequately provide for the child's safety and welfare. The Department may not place a child with a relative, with the exception of certain circumstances which may be waived as defined by the Department in rules, if the results of a check of the Law Enforcement Agency Data System (LEADS) identifies a prior criminal conviction of the relative or any adult member of the relative's household.</p>	Not enumerated in statute	Not enumerated in statute
<b>IN</b>	<p><b>Ind. Code Ann. 31-34-4-2 (2006):</b> If a child alleged to be a child in need of services is taken into custody under an order of the court under this chapter, the court shall consider placing the child with a suitable and willing blood or adoptive relative caretaker, including a grandparent, an aunt, an uncle, or an adult sibling, before considering any other out-of-home placement.</p>	Not enumerated in statute	Not enumerated in statute

<b>IA</b>	<p><b>Iowa Code § 232.102 (2006):</b>  After a dispositional hearing the court may enter an order transferring the legal custody of the child to a parent who does not have physical care of the child, other relative, or other suitable person.</p>	Not enumerated in statute	Not enumerated in statute
<b>KS</b>	<p><b>Kan. Stat. Ann § 38-1584 (3) (2006):</b>  When parental rights have been terminated and it does not appear that adoption is a viable alternative, the court may enter an order granting custody of the child for placement with a willing relative who is a reputable person of good moral character. The Court shall give preference, to the extent that the court finds it is in the best interests of the child, first to granting such custody to a relative of the child and second to granting such custody to a person with whom the child has close emotional ties.</p>	<p><b>Kan. Stat. Ann. § 38-1559 (a) (2006):</b>  Before placement of a child with a person other than the child's parent, the secretary may convene a conference of the child's grandparents, aunts, uncles, siblings, cousins and other relatives determined by to have a potential interest in determining a placement which is in the best interests of the child. The secretary or the secretary's representative shall provide for the child's relatives to be given any information relevant to the determination of the placement of the child. The relatives of the child shall be permitted to discuss and decide the family member or members with whom it would be in the child's best interest to be placed. The relatives shall make their recommendation. Unless the secretary determines that there is good cause to place the child with a person other than the relative recommended by the child's relatives, the child shall be placed in accordance with the recommendation.</p>	Not enumerated in statute

<b>KY</b>	<p><b><i>Ky. Rev. Stat. Ann. § 620.090 (2006):</i></b>  Preference shall be given to available and qualified relatives of the child considering the wishes of the parent or other person exercising custodial control or supervision, if known. The order shall state the specific reasons for the child's removal from home and show that alternative less restrictive placements and services have been considered.</p>	Not enumerated in statute	Not enumerated in statute
<b>LA</b>	<p><b><i>La. Child. Code Ann. art. 622 (2006):</i></b>  Unless the best interest of the child requires a different placement, a child who appears to be a child in need of care and his immediate removal is necessary for his protection from further abuse or neglect shall be placed, pending a continued custody hearing, in the home of a suitable relative or other suitable individual who is of the age of majority and who is willing and able to offer a wholesome and stable environment for the child. Such relative or other suitable individual must sign the safety plan to insure the protection of the child.</p> <p>The following, among other relatives or suitable individuals, are those who may be considered and to whom care of the child may be entrusted and are listed in the order of priority:  (a) Grandparent  (b) Aunt or uncle  (c) Sibling  (d) Cousin</p>	Not enumerated in statute	Not enumerated in statute
<b>ME</b>	<p><b><i>Me. Rev. Stat. Ann. tit. 22, § 4062 (2006):</i></b>  In the residential placement of a child, the department shall consider giving preference to an adult relative over a nonrelated caregiver when determining placement for a child, as long as the related caregiver meets all relevant state child protection standards.</p>	Not enumerated in statute	Not enumerated in statute

<b>MD</b>	<p><b><i>Md. Code Ann., [Fam. Law] § 5-525(2) (2006):</i></b>  To the extent consistent with the best interests of the child in an out-of-home placement, the local department shall consider the following permanency plans, in descending order of priority:</p> <p>(i) returning the child to the child's parent or guardian, unless the local department is the guardian;</p> <p>(ii) placing the child with relatives to whom adoption, custody and guardianship, or care and custody, in descending order of priority, are planned to be granted.</p>	Not enumerated in statute	Not enumerated in statute
<b>MA</b>	<p><b><i>Mass. Gen. Laws. Ann. ch. 119, § 39:</i></b>  Taking into consideration the physical and emotional welfare of the child, the court may place the child in the care of a relative, probation officer, or other adult individual who, after inquiry by the probation officer or other person or agency designated by the court, is found to be qualified to receive and care for the child. A private charitable or other private organization would be another option.</p>	Not enumerated in statute	Not enumerated in statute
<b>MI</b>	<p><b><i>Mich. Comp. Laws Ann. 722.954a (2) (2006):</i></b>  Upon removal, the supervising agency shall, within 30 days, identify, locate, and consult with relatives to 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. Not more than 90 days after the child's removal, the supervising agency shall do all of the following:</p> <p>(a) Make a placement decision and document in writing the reason for the decision.</p> <p>(b) Provide written notice of the decision and the reasons for the placement decision to the child's attorney, guardian, guardian ad litem, mother, and father; the attorneys for the child's mother and father; each relative who expresses an interest in caring for the child; the child if the child is old enough to be able to express an opinion regarding placement; and the prosecutor.</p>	Not enumerated in statute	<p><b><i>Mich. Comp. Laws Ann. 722.954a (2) (2006):</i></b>  If the relative does not agree with the placement decision, he or she may request that the child's attorney review the decision to determine if the decision is in the child's best interest. If the child's attorney determines the decision is not in the child's best interest, within 14 days after the date of the written decision the attorney shall petition the court that placed the child out of the child's home for a review hearing.</p>

<p><b>MN</b></p>	<p><b><i>Minn. Stat. Ann. § 260C.212 (2006):</i></b>  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:  (1) with an individual who is related to the child by blood, marriage, or adoption; or  (2) with an individual who is an important friend with whom the child has resided or had significant contact.</p>	<p><b><i>Minn. Stat. Ann. § 260C.212 (2006):</i></b>  The relative search required by this section shall be reasonable and comprehensive in scope and may last up to six months or until a fit and willing relative is identified. The relative search required by this section shall include both maternal relatives of the child and paternal relatives of the child, The relatives must be notified that they must keep the responsible social services agency informed of their current address in order to receive notice that a permanent placement is being sought for the child. A relative who fails to provide a current address to the responsible social services agency forfeits the right to notice of the possibility of permanent placement.</p>	<p><b><i>Minn. Stat. Ann. § 260C.212 (2006):</i></b>  A decision by a relative not to be a placement resource at the beginning of the case shall not affect whether the relative is considered for placement of the child with that relative later.</p>
<p><b>MS</b></p>	<p><b><i>Miss. Code Ann. § 43-15-13 (2006):</i></b>  When the Department of Human Services is considering placement of a child in a foster home and when the department deems it to be in the best interest of the child, the department shall give first priority to placing the child in the home of one (1) of the child's relatives within the third degree, as computed by the civil law rule.</p>	<p>Not enumerated in statute</p>	<p>Not enumerated in statute</p>

<p><b>MO</b></p>	<p><b>Mo. Ann. Stat. § 210.565 (2006):</b> Whenever a child is placed in a foster home and the court has determined that foster home placement with relatives is not contrary to the best interest of the child, the children's division shall give foster home placement to relatives of the child. Notwithstanding any rule of the division to the contrary, grandparents who request consideration shall be given preference and first consideration for foster home placement.</p>	<p>Not enumerated in statute</p>	<p><b>Mo. Ann. Stat. § 210.565 (2006):</b> If the court finds that it is contrary to the best interest of a child to be placed with relatives, the court shall make specific findings on the record detailing the reasons why the best interests of the child necessitate placement of the child with persons other than relatives. The age of the child's relative shall not be the only factor that the children's division takes into consideration when it makes placement decisions and recommendations to the court about placing the child with such relative.</p>
<p><b>MT</b></p>	<p><b>Mont. Code Ann. § 52-2-102 (2006):</b> 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 and when the home is approved by the department, 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.</p>	<p>Not enumerated in statute</p>	<p>Not enumerated in statute</p>
<p><b>NE</b></p>	<p><b>Neb. Rev. Stat. Ann. § 43-1308 (2006):</b> If the return of the child to his or her parents is not likely, the state board shall recommend referral for adoption and termination of parental rights, guardianship, placement with a relative, or, as a last resort, another planned, permanent living arrangement.</p>	<p>Not enumerated in statute</p>	<p>Not enumerated in statute</p>

<p><b>NV</b></p>	<p><b><i>Nev. Rev. Stat. Ann. § 128.110 (2006):</i></b>          In seeking to place the child, the person or agency may give preference to the placement of the child with any person related within the third degree of consanguinity to the child whom the person or agency finds suitable and able to provide proper care and guidance for the child, regardless of whether the relative resides within this state.</p>	<p><b><i>Nev. Rev. Stat. Ann. § 128.110 (2006):</i></b>          Any search for a relative with whom to place a child pursuant to this subsection must be completed within 1 year after the initial placement of the child outside of his home.</p>	<p>Not enumerated in statute</p>
<p><b>NH</b></p>	<p><b><i>N.H. Rev. Stat. Ann. § 169-C:6 (2006):</i></b>          Prior to any order authorizing foster placement, the child protective service worker shall inform the judge of efforts to locate any non-custodial parent or other relatives for temporary placement.</p>	<p>Not enumerated in statute</p>	<p>Not enumerated in statute</p>
<p><b>NJ</b></p>	<p><b><i>N.J. Stat. Ann. § 30:4C-12.1 (2006):</i></b>          In any case in which the Division of Youth and Family Services accepts a child in its care or custody, including placement, the division shall initiate a search for relatives who may be willing and able to provide the care and support required by the child.</p>	<p><b><i>N.J. Stat. Ann. § 30:4C-12.1 (2006):</i></b>          The search shall be initiated within 30 days of the division's acceptance of the child in its care or custody. The search will be completed when all sources contacted have either responded to the inquiry or failed to respond within 45 days. The division shall complete an assessment of each interested relative's ability to provide the care and support, including placement, required by the child.</p>	<p><b><i>N.J. Stat. Ann. §. 30:4C-12.1 (2006):</i></b>          If the division determines that the relative is unwilling or unable to assume care of the child, the division shall not be required to re-evaluate the relative. The division shall inform the relative of:          (1) the reasons for the division's determination;          (2) the responsibility of the relative to inform the division if there is a change in the circumstances upon which the determination was made;          (3) the possibility that termination of parental rights may occur if the child remains in resource family care for more than six months;          (4) the right to seek review by the division of such determination.</p>

<b>NM</b>	Not enumerated in statutes reviewed, but state policy requires that kin be considered first when an out-of-home placement is sought for a child under the Department's care ( <b>See NM state fact sheet</b> , available at <a href="http://www.childrensdefense.org/childwelfare/kinshipcare/fact_sheets/new_mexico.pdf">http://www.childrensdefense.org/childwelfare/kinshipcare/fact_sheets/new_mexico.pdf</a> ).	Not enumerated in statute	Not enumerated in statute
<b>NY</b>	<b>McKinney's Family Court Act § 10171</b> When the court determines that a child must be removed from his or her home, the court shall direct the local commissioner of social services to conduct an immediate investigation to locate any non-respondent parent of the child and any relatives of the child, including all of the child's grandparents, all suitable relatives identified by any respondent parent or any non-respondent parent and any relative identified by a child over the age of five as a relative who plays or has played a significant positive role in his or her life, and inform them of the pendency of the proceeding and of the opportunity for becoming foster parents or for seeking custody or care of the child, and that the child may be adopted by foster parents if attempts at reunification with the birth parent are not required or are unsuccessful.	Not enumerated in statute	Not enumerated in statute
<b>NC</b>	<b>N.C. Gen. Stat. Ann. § 7B-505 (2006):</b> The court shall first consider whether a relative of the juvenile is willing and able to provide proper care and supervision of the juvenile 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 juvenile with the relative unless the court finds that placement with the relative would be contrary to the best interests of the juvenile. In placing a juvenile in nonsecure custody under this section, the court shall also consider whether it is in the juvenile's best interest to remain in the juvenile's community of residence.	Not enumerated in statute	Not enumerated in statute
<b>ND</b>	Not enumerated in statutes reviewed, but state policy requires that kin be considered first when an out-of-home placement is sought for a child under the Department's care ( <b>See ND state fact sheet</b> , available at <a href="http://www.childrensdefense.org/childwelfare/kinshipcare/fact_sheets/northdakota.pdf">http://www.childrensdefense.org/childwelfare/kinshipcare/fact_sheets/northdakota.pdf</a> ).	Not enumerated in statute	Not enumerated in statute

<b>OH</b>	<p><b>Ohio Rev. Code Ann. § 5103.161 (2006):</b> If an agency has placed a child in a foster home or with a relative of the child, the agency shall notify the child's foster caregiver or relative if the agency seeks permanent custody of the child, or, if the agency already has permanent custody of the child, seeks to place the child for adoption. The notice also shall inform the relative that the relative can be considered for adoption. If the relative informs the agency that the relative wants to adopt the child, the agency shall inform the relative of the process for obtaining an application to adopt the child and that the child may be placed for adoption in another home even if the relative submits the application. If the agency is given permanent custody of the child and the foster caregiver or relative has informed the agency of the foster caregiver's or relative's desire to adopt the child, the agency shall consider giving preference to an adult relative over a nonrelative caregiver when determining an adoptive placement for the child, provided the adult relative satisfies all relevant child protection standards.</p>	Not enumerated in statute	Not enumerated in statute
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<p><b>OK</b></p>	<p><b>Okla. Stat. Ann. tit. 10, § 22 (2006):</b>  Children who have been abused, who are dependent or neglected, or whose parents, for whatever reason, may be unable or unwilling to provide care for their children, are best served when they can be cared for by grandparents or other suitable relatives instead of placing those children in foster care with the State of Oklahoma.</p> <p><b>Okla. Stat. Ann. tit. 10, § 7210 (2006):</b>  The Department of Human Services, the Department of Juvenile Justice, and each child-placing agency shall make special efforts to recruit foster placement for children in their custody from suitable relatives and kin of the child.</p> <p><b>Okla. Stat. Ann. tit. 10, § 21.1 (2006):</b>  Custody should be awarded or a guardian appointed in the following order of preference according to the best interests of the child to:</p> <ol style="list-style-type: none"> <li>1. A parent or to both parents jointly;</li> <li>2. A grandparent;</li> <li>3. A person indicated by the wishes of a deceased parent;</li> <li>4. A relative of either parent;</li> <li>5. The person in whose home the child has been living in a wholesome and stable environment</li> <li>6. Any other person deemed by the court to be suitable and able to provide proper care and guidance.</li> </ol>	<p>Not enumerated in statute</p>	<p>Not enumerated in statute</p>
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<p><b>OR</b></p>	<p><b>Or. Rev. Stat. Ann. § 419B.192 (2006):</b>          If the court finds that a child or ward is in need of placement or continuation in substitute care, there shall be a preference given to placement with relatives and persons who have a caregiver relationship with the child or ward. In attempting to place the child, the department shall consider the following:          (a) The ability of the person being considered to provide safety for the child or ward, including a willingness to cooperate with any restrictions placed on contact between the child and others, and to prevent anyone from influencing the child or ward in regard to the allegations of the case;          (b) The ability of the person being considered to support the efforts of the department to implement the permanent plan          (c) The ability of the person being considered to meet the child or ward's physical, emotional and educational needs          (d) Which person has the closest existing personal relationship with the child if more than one person requests to have the child or ward placed with them.</p>	<p><b>Or. Rev. Stat. Ann. § 419B.192 (2006):</b>          The Department of Human Services shall make reasonable efforts to place the child or ward with such persons and shall report to the court what efforts were made to effectuate such a placement.</p>	<p>Not enumerated in statute</p>
<p><b>PA</b></p>	<p><b>62 Pa. Stat. Ann. § 1303(b) (2006):</b>          If a child has been removed from the child's home under a voluntary placement agreement or is in the legal custody of the county agency, the county agency shall give first consideration to placement with relatives.</p>	<p>Not enumerated in statute</p>	<p><b>62 Pa. Stat. Ann. § 1303(b) (2006):</b>          The county agency shall document that an attempt was made to place the child with a relative. If the child is not placed with a relative, the agency shall document the reason why such placement was not possible.</p>
<p><b>RI</b></p>	<p><b>R.I. Gen. Laws § 40-11-12.2© (2006):</b>          Prior to the placement of a child in foster care, efforts shall include placement of the child with a blood relative or other family member if such placement is in the best interest of the child.</p>	<p>Not enumerated in statute</p>	<p>Not enumerated in statute</p>

<p><b>SC</b></p>	<p><b>S.C. Code Ann. § 20-7-2275(C) (2006):</b>  When a child has been removed from his home and is in the care, custody, or guardianship of the department, the department shall attempt to identify a relative who would be appropriate for placement of the child.</p> <p><b>S.C. Code Ann. § 20-7-764 (2006):</b>  In the absence of good cause to the contrary, preference must be given to placement with a relative or other person who is known to the child and has a constructive and caring relationship with the child.</p>	<p>Not enumerated in statute</p>	<p>Not enumerated in statute</p>
<p><b>SD</b></p>	<p><b>S.D. Codified Laws § 26-7A-19.1 (2006):</b>  Subsequent to a temporary custody hearing, if a placement is made of an apparent, alleged, or adjudicated abused or neglected child, placement preference shall be given to a relative.</p>	<p>Not enumerated in statute</p>	<p>Not enumerated in statute</p>
<p><b>TN</b></p>	<p><b>Tenn. Code Ann. § 37-2-403(d) (2006):</b>  Whenever a child is removed from such child's home and placed in the department's custody, the department shall seek to place the child with a fit and willing relative if such placement provides for the safety and is in the best interest of the child. Notwithstanding any provision of this section or any other law to the contrary, whenever return of a child to such child's parent is determined not to be in the best interest of the child, then such relative with whom the child has been placed shall be given priority for permanent placement or adoption of the child prior to pursuing adoptive placement of such child with a non-relative.</p>	<p>Not enumerated in statute</p>	<p>Not enumerated in statute</p>

TX	<p><b>Tex. [Fam.] Code Ann. § 262.201 (2006):</b> The court shall place a child removed from the child's custodial parent with the child's noncustodial parent or with a relative of the child if placement with the noncustodial parent is inappropriate, unless placement with the noncustodial parent or a relative is not in the best interest of the child.</p> <p><b>Tex. [Fam.] Code. Ann. § 264.753 (2006):</b> The department or other authorized entity shall expedite the completion of the background and criminal history check, the home study, and any other administrative procedure to ensure that the child is placed with a qualified relative or caregiver as soon as possible after the date the caregiver is identified.</p>	<p><b>Tex. [Fam.] Code Ann. § 262.309 (2006):</b> The Department of Family and Protective Services is not required to conduct a search for the relatives of a child for whom the department assumes care, control, and custody under this subchapter.</p>	Not enumerated in statute
UT	<p><b>Utah Code Ann. § 78-3a-307 (2006):</b> If, at the time of the shelter hearing, a child is removed from the custody of his parent and is not placed in the custody of his other parent, the court shall, at that time, determine whether there is a relative who is able and willing to care for the child.</p> <p>This section may not be construed as a guarantee that an identified relative will receive custody of the child. However, preferential consideration shall be given to a relative's request for placement of the child, if it is in the best interest of the child, and the provisions of this section are satisfied.</p>	<p><b>Utah Code Ann. § 78-3a-307 (2006):</b> The court may order the Division to conduct a reasonable search to determine whether there are relatives of the child who are willing and appropriate for placement of the child. The court shall order the parents to cooperate with the division, within five working days, to provide information regarding relatives who may be able and willing to care for the child.</p>	Not enumerated in statute
VT	<p>Not enumerated in statutes reviewed, but state policy requires that kin be considered first when an out-of-home placement is sought for a child under the Department's care (<b>See VT state kinship care fact sheet</b>, available at <a href="http://www.childrensdefense.org/childwelfare/kinshipcare/fact_sheets/vermont.pdf">http://www.childrensdefense.org/childwelfare/kinshipcare/fact_sheets/vermont.pdf</a>).</p>	Not enumerated in statute	Not enumerated in statute

<b>VA</b>	<p><b><i>Va. Code Ann. § 16.1-281 (2006):</i></b>          If the department concludes that it is not reasonably likely that the child can be returned to his prior family within a practicable time, consistent with the best interests of the child, it shall (a) include a full description of the reasons for this conclusion; (b) provide information on the opportunities for placing the child with a relative or in an adoptive home; (c) design the plan to lead to the child's successful placement with a relative if a subsequent transfer of custody to the relative is planned.</p> <p>Any order transferring custody of the child to a relative other than the child's prior family shall be entered only upon a finding that the relative is one who, after an investigation as directed by the court, (i) is found by the court to be willing and qualified to receive and care for the child; (ii) is willing to have a positive, continuous relationship with the child; (iii) is committed to providing a permanent, suitable home for the child; and (iv) is willing and has the ability to protect the child from abuse and neglect.</p> <p><b><i>Va. Code Ann. § 63.2-900 (2006):</i></b>          The local board shall first seek out kinship care options to keep children out of foster care and as a placement option for those children in foster care, if it is in the child's best interest.</p>	Not enumerated in statute	Not enumerated in statute
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<p><b>WA</b></p>	<p><b>West's RCWA 13.34.130:</b> 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: (i) Related to the child and with whom the child has a relationship and is comfortable; and (ii) willing and available to care for the child.</p> <p><b>West's RCWA 74.13.600</b> The department shall plan, design, and implement strategies to prioritize the placement of children with willing and able kin when out-of-home placement is required. These strategies must include: (a) Development of standardized, statewide procedures to be used when searching for kin of children prior to out-of-home placement. (b) Development of procedures for conducting active outreach efforts to identify and locate kin during all searches.</p>	<p><b>West's RCWA 74.13.600:</b> Reasonable efforts to interview known kin, friends, teachers, and other identified community members who may have knowledge of the child's kin are required within sixty days of the child entering out-of-home care. The department must also establish a process for ongoing contact with kin who express interest in being considered as a placement resource for the child.</p>	<p><b>West's RCWA 74.13.600:</b> When the decision is made to not place the child with any kin, the department must provide documentation as part of the child's individual service and safety plan that clearly identifies the rationale for the decision and corrective action or actions the kin must take to be considered as a viable placement option.</p>
<p><b>WV</b></p>	<p>Not enumerated in statutes reviewed, but state policy requires that kin be considered first when an out-of-home placement is sought for a child under the Department's care (<b>See WV fact sheet</b>, available at <a href="http://www.childrensdefense.org/childwelfare/kinshipcare/fact_sheets/westvirginia.pdf">http://www.childrensdefense.org/childwelfare/kinshipcare/fact_sheets/westvirginia.pdf</a>). <b>See also W. Va. Code Ann. § 49-6-8 (2006)</b> (stating that permanent placement of the child with a fit and willing relative may be considered).</p>	<p>Not enumerated in statute</p>	<p>Not enumerated in statute</p>
<p><b>WI</b></p>	<p>Not enumerated in statutes reviewed, but state policy requires that kin be considered first when an out-of-home placement is sought for a child under the Department's care (<b>See WI fact sheet</b>, available at <a href="http://www.childrensdefense.org/childwelfare/kinshipcare/fact_sheets/wisconsin.pdf">http://www.childrensdefense.org/childwelfare/kinshipcare/fact_sheets/wisconsin.pdf</a>). <b>See also Wis. Stat. Ann. § 48.835 (2006)</b> (noting that a parent may choose to place a child in the home of a relative for adoption without a court order).</p>	<p>Not enumerated in statute</p>	<p>Not enumerated in statute</p>
<p><b>WY</b></p>	<p>Not enumerated in statutes reviewed, but state policy requires that kin be considered first when an out-of-home placement is sought for a child under the Department's care (<b>See WY fact sheet</b>, available at <a href="http://www.childrensdefense.org/childwelfare/kinshipcare/fact_sheets/wyoming.pdf">http://www.childrensdefense.org/childwelfare/kinshipcare/fact_sheets/wyoming.pdf</a>).</p>	<p>Not enumerated in statute</p>	<p>Not enumerated in statute</p>