

Informal Kinship Care

WHAT IS INFORMAL KINSHIP CARE?

Informal kinship care refers to a living arrangement in which a relative of a child, who is not in the care, custody, or guardianship of the local department of social services, provides for the care and custody of the child due to a serious family hardship. The relative must provide care for the child 24 hours a day, seven days a week.

WHO IS CONSIDERED A RELATIVE?

A relative means an adult related to the child by blood or marriage.

WHAT CONSTITUTES A SERIOUS FAMILY HARDSHIP?

A serious family hardship means one of the following has occurred to the parent or legal guardian of the child: death, serious illness, drug addiction, incarceration, abandonment of the child, or assignment to active military duty.

IS THERE A DOMICILE REQUIREMENT?

Yes. The law applies to a child who is a resident of the State of Maryland prior to going into informal kinship care.

WHAT MUST BE SUBMITTED WITH THE INFORMAL KINSHIP CARE ENROLLMENT REQUEST?

The relative must submit a sworn affidavit verifying the informal kinship care relationship at the time of the enrollment request. The law requires that the affidavit contain specific information and be in a specific format. Although the affidavit need not be notarized, the relative must sign it attesting to the truth of its contents under penalty of perjury. If the student remains in informal kinship care, the relative must annually file a new affidavit with the school system at least two weeks prior to the start of the school year.

WHERE CAN A RELATIVE OBTAIN AN AFFIDAVIT?

The affidavit may be obtained at the local board of education, local department of social services, and the local office on aging.

IS DOCUMENTATION, IN ADDITION TO THE AFFIDAVIT, REQUIRED TO BE PROVIDED?

It is within the discretion of the local superintendent whether or not to require documentation of a serious family hardship. The local superintendent may also ask for, where possible, the telephone number and address of any authority authorized to share verifying information.

IF ADDITIONAL DOCUMENTATION IS REQUIRED, WHEN SHOULD IT BE PROVIDED?

Ideally, the supporting documentation should be provided to the school system with the affidavit at the time of enrollment, but this is often not possible. The school system is required to enroll the child pending receipt of the additional information. If the information is not provided within 30 days of submitting the affidavit, the school system can charge the relative tuition or remove the child from school.

MAY A SCHOOL SYSTEM INQUIRE WHY THE OTHER PARENT IS UNABLE TO CARE FOR THE CHILD?

No. The law does not require both parents to be unavailable. Rather, it requires the child to be living with a relative who provides for the care and custody of that child due to a serious family hardship.

HOW CAN BOTH THE CAREGIVER AND THE PARENT MAKE EDUCATIONAL DECISIONS?

The relative providing informal kinship care is authorized to make the full range of educational decisions for the child. The parent or legal guardian of the child, however, retains final decision-making authority regarding the child's educational needs. Each local jurisdiction should have a process for resolution in place in the event that a decision-making problem arises.

WHAT HAPPENS IF A CHANGE OCCURS IN THE INFORMAL KINSHIP CARE RELATIONSHIP?

If there is a change in the serious family hardship of the child or in the informal kinship care arrangement, the relative providing the kinship care is required to notify the local education agency in writing within 30 days of the change.

IS THERE A PENALTY FOR FRAUD?

Yes. The penalty for fraud is three times the cost of tuition for the time the child fraudulently attended a public school in the county and removal of the child from the public school.

WHERE CAN I GET ADDITIONAL INFORMATION?

Contact the Student Services and Strategic Planning Branch, Division of Student, Family, and School Support, Maryland State Department of Education at 410-767-0295.