



Our mission is to coalesce, inspire, and support the Head Start field as a leader in early childhood development and education.

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April 14, 2023

Administration for Children and Families  
U.S. Department of Health and Human Services  
Attn: Kathleen McHugh, Director, Policy Division, Children's Bureau

**RE: Comments on Separate Licensing Standards for Relative or Kinship Foster Family Homes**

To Whom It May Concern:

On behalf of the Head Start community, the National Head Start Association (NHSA) thanks the U.S. Department of Health and Human Services Administration for Children and Families (ACF) for the opportunity to comment on the [Notice of Proposed Rulemaking on Separate Licensing Standards for Relative or Kinship Foster Family Homes](#) (the Proposed Rule) (Federal Register, Vol. 88, pp. 9411-9420, February 14, 2023).

NHSA is a nonprofit organization committed to the belief that every child, regardless of circumstances at birth, has the ability to succeed in life. NHSA is the voice for more than 840,000 children and their families, 250,000 staff, and 1,600 Head Start grant recipients. Since 1974, NHSA has worked for policy changes that ensure all eligible children have access to the Head Start model.

**Supporting Relative and Kinship Foster Care**

NHSA believes, when foster care placements are necessary to protect a child's safety and wellbeing, the child welfare system should be encouraged to look first to safe, nurturing homes of relatives whenever possible. Head Start grant recipients know, from nearly 60 years of experience engaging families and children from the most at-risk backgrounds, services that enhance family stability and reduce children's exposure to traumatic life events have a measurable and substantial impact on children's social, emotional, and learning outcomes. We support the Proposed Rule allowing states to develop a separate set of standards for licensing and approving kinship foster care (which in this comment letter includes relative and fictive kin foster care), as we believe this could result in additional resources and supports for relative caregivers that are ultimately beneficial for the child. We also urge ACF to ensure that states take advantage of the flexibility in this Proposed Rule to continue to keep child safety paramount in licensing and approving kinship foster care families, through providing appropriate technical assistance and guidelines for developing separate standards for kinship care.



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### **Head Start Engaging with Foster Children and Foster Families**

From its earliest days, Head Start has been committed to providing early learning opportunities for vulnerable young children and partnering with families to address their long-term economic stability and better health prospects. Today, Head Start serves more than 800,000 children from birth to five years old and their families each year. Recognizing that children in foster care face a variety of risks that negatively affect their development, Head Start explicitly prioritizes serving children in the foster care system, [45 C.F.R. § 1302.14](#). Grant recipients are required to develop a community wide needs assessment that identifies the number of eligible young children in foster care, [45 C.F.R. § 1302.11\(b\)\(i\)\(B\)](#), and may reserve enrollment slots for children in foster care, [45 C.F.R. § 1302.15\(c\)](#). Children in foster care are automatically eligible to participate in Head Start, regardless of their family's income level. [45 C.F.R. § 1302.12\(c\)\(1\)\(iv\)](#). [In 2021-22](#), Head Start served more than 29,000 children in foster care and more than 20,000 children referred from child welfare agencies.

Recognizing that children placed by a state welfare agency away from parents or guardians inherently face family instability and would benefit from additional support and early intervention, Head Start considers all such children to be in foster care and thus categorically eligible for Head Start services. [45 C.F.R. § 1302.12\(c\)\(1\)\(iv\)](#). The Office of Head Start (OHS) has issued guidance for grant recipients further clarifying that it deems any child whom the state's child welfare agency has placed away from parents or guardians and in the care of relatives as being in foster care, and thus automatically eligible for Head Start. [ACF-IM-HS-19-03: Head Start and Early Head Start Eligibility for Children in Kinship Care](#). This is the case even if the kinship foster family is neither licensed nor receives payments from a state or local agency for the care of the child.

### **Increasing Support to Provide Stability for Relative Foster Families**

From Head Start grant recipients' work with relative families providing child caregiving duties, we know that eligibility to receive Title IV-E foster care maintenance payments could provide a level of financial support that furthers family stability for the child. While Head Start's program rules already deem children in non-licensed kinship foster care placements eligible for Head Start services, other family programs and supports may limit support or offer streamlined verification processes only to licensed or approved foster families. Head Start's experience establishing categorical eligibility for children in foster care has expanded Head Start grant recipients' ability to reach vulnerable children who are placed away from their parents or guardians. This Proposed Rule could remove one possible barrier to relative caregivers accessing additional supports and services to sustain care and provide greater stability for children.

At the same time, we understand that there are many reasons why a relative may choose to not be licensed or approved as a formal foster family home. We encourage ACF not to use the flexibilities and financial subsidies afforded by the Proposed Rule to elevate licensing of kinship foster care as the preferred approach in the child welfare system, or otherwise push relative caregivers into formal foster care



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arrangements. Programs like Head Start are committed to supporting children regardless of their family placement status, an additional support that will remain unchanged regardless of the details of any out-of-home placement.

### **Ensuring Child Safety Remains Paramount**

We agree with ACF's review of research in the field showing how kinship care is often the best option for children in foster care. However, we caution that state licensing standards must continue to focus on the health and safety of children placed with the relative caregiver. In developing separate standards for kinship foster families under the Proposed Rule, states must be cognizant of circumstances where relative care may not be in the best interests of a child. [Foster Care: How We Can, and Should, Do More for Maltreated Children](#) (Society for Research in Child Development, Social Policy Report, November 2020). States must provide adequate screening and oversight of kinship placements. In particular, it is important to think through and seek input from experienced practitioners in the child welfare system about how waiving or modifying specific licensing requirements (such as space, occupancy, family structure, language, or training) for relative caregivers could make a home a less safe and nurturing environment for children.

Thank you again for the opportunity to provide feedback on the Proposed Rule. The Head Start community is committed to working with state and local child welfare agencies to support foster families and ensure that all children have the opportunity to succeed. If you have questions, please contact me at [yvinci@nhsa.org](mailto:yvinci@nhsa.org).

Sincerely,

A handwritten signature in cursive script that reads "Yasmina Vinci".

Yasmina Vinci  
Executive Director