

Impact of Like-Kin Legislation on Child Welfare Practice

Like-Kin Definition and Eligibility for the Kinship Care Program

Governor Evers signed [2023 Wisconsin Act 119](#) into law on March 14, 2024. The changes to statute made by this Act, as outlined below, are not yet in effect – an effective date for [2023 Wisconsin Act 119](#) has not been set but may occur as soon as July 2024. Updates regarding implementation will be provided via formal memo issued by the department.

This legislation includes:

- **Expanded definition of “relative”** – Adds “first cousin once removed” to the definition of relative in 48.02(15)
- **Adding “like kin” definition** – Defines “like kin” and incorporates a tribal nation’s definition

48.02(12c) “Like-kin” means an individual who has a significant emotional relationship with a child or the child’s family that is similar to a familial relationship and who has not previously been the child’s licensed foster parent. For an Indian child, “like kin” includes individuals identified by the child’s tribe according to tribal tradition, custom or resolution, code, or law.
- **Expanded eligibility for the kinship care subsidy** – Caregivers in the above categories will be eligible to apply for financial support through the Kinship Care program (DCF 58)

What does this mean for families?

Broadens who is eligible to care for children and seek financial support, to be more inclusive of those who already know and love them and their families

- **Placement with a like-kin caregiver** – The law adds provisions in Chapters 48 and 938 to permit a court to place children with like-kin caregivers without time constraints
- **More caregivers eligible for financial support** – Like-kin caregivers will have expanded options to receive financial support
 - * Like-kin caregivers with placement through a court order will have the choice to apply to become a licensed foster home, apply for the kinship care subsidy, or remain unpaid
 - * Like-kin caregivers who are voluntarily caring for children (i.e., no court order) will be able to apply for the voluntary Kinship Care program

What does this mean for child welfare practice?

- **Option for like-kin caregivers to remain unlicensed** – Court-ordered placement with like-kin can continue if caregivers prefer not to become licensed (placement continues without financial support), with no timelines requiring a move
- **Additional time to license like-kin caregivers** – If like-kin caregivers want to become licensed, agencies have additional time to complete the process
 - * Placement with like-kin no longer falls under provisions that limit the time that a child can be placed with an “unlicensed non-relative” providing more time for agencies to license these homes
- **Kinship care benefits** will be an option for financial support that all like-kin caregivers can apply for, with either voluntary or court-ordered arrangements
- **Placement preferences for Indian children** must continue to be followed in accordance with ICWA/WICWA

Next Steps – Coming Soon!

The Division of Safety and Permanence is working to ensure proper support and technical assistance is available and is collaborating with DCF’s budget and finance teams to prepare for implementation.

