Fictive Kin

Relative placements are preferred by DCFS and the court over traditional non-relative foster homes. A child can be placed in the relative foster home even though the home is not a licensed foster placement. Relative homes that are willing to offer permanence also qualify for guardianship subsidies if they become licensed and guardianship is deemed appropriate. In 2015, the Illinois legislature passed a law that substantially expanded the definition of “relative” for purposes of placing children in substitute care. At that time, the Children and Family Services Act was amended to expand the definition of “relative” to include “fictive kin.” The term “fictive kin” was defined as follows:

“[A]ny individual, unrelated by birth or marriage, who is shown to have close personal or emotional ties with the child or the child’s family prior to the child’s placement with the individual.”

In other words, when DCFS removes children from their parents’ care, it has a third foster placement option: in addition to traditional non-relative care and relative care, it could place children with family friends or other persons who have ties to the family or the child. (DCFS rules later made it clear that a fictive kin placement had to be a person known to and trusted by the child. (89 Ill. Admin. Code, sec. 301(e)(1)(H)). The statute also required that fictive kin apply for licensing with DCFS within six months of the placement, but went on to expressly state that children cannot be removed from a fictive kin placement because the fictive kin fails to apply for licensing or fails to meet licensing standards.

Effective January 1, 2017, the legislature expanded the definition of “fictive kin” to include certain foster parents. Previously, a traditional foster parent could not be considered fictive kin because of the requirement that the fictive kin be someone known to the child prior to placement. The statute now provides that “fictive kin” can be someone who:

“...is the current foster parent of a child in the custody or guardianship of the Department pursuant to this Act and the Juvenile Court Act of 1987, if the child has been placed in the home for at least one year and has established a significant and family-like relationship with the foster parent, and the foster parent has been identified by the Department as the child’s permanent connection, as defined by Department rule.”