



DID YOU KNOW? FICTIVE KIN DEFINED AND EXAMPLES DEFINITION



Kentucky Revised Statute 600.020(28) defines fictive kin as an individual who is not related by birth, adoption, or marriage to a child, but who has an emotionally significant relationship with the child, biological parents, siblings, or half-siblings of the child. In the case of a child from birth to twelve (12) months of age, the fictive kin must have a significant relationship with the child's biological parents.

CONSIDERATIONS

When determining if a caregiver can be deemed fictive:

- Did you consider whether DCBS fostered the relationship with the potential placement?
- How significant is their relationship with the child, siblings, half-siblings, or biological parents?

If you are having trouble deciding, it is best to consult with your regional leadership before determining whether the family meets the statutory definition of fictive.

EXAMPLES

- *Example 1:* Kelli is out on a removal, and the family is adamant that they would prefer the child, Mo, to be placed with Kristin. Kristin has been a neighbor to the family for several years and has children the same age as Mo. Mo has often been at Kristin's house, playing with her kids. Kristin can be considered fictive as there has been a defined relationship between the two, but DCBS did not foster this relationship.
- *Example 2:* Kelli is out on a removal. She previously removed Mo and placed him with an approved foster home. Mo's parents completed their case plan, and Mo was returned. Unfortunately, a new incident occurred that led to his removal. Kelli contacted the previous foster home as there was no other appropriate family. This foster family had not maintained contact with Mo since his return home. This foster home cannot be considered fictive. Mo's relationship with this family was fostered by DCBS.
- *Example 3:* Mo previously returned home from being placed in the foster home. His DCBS case was closed. Mo's previous foster parents maintained contact with his parents. He often would take trips with them as they had children the same age and bonded while he was cared for. The foster family maintained regular contact with Mo and his family up until the unfortunate event he was removed again. Kelli was reassigned to the case and looked to place Mo back with the same foster family. Kelli reached out to her regional associate to see if it would be appropriate for this family to be considered fictive. This family can now be considered fictive due to the foster family building their relationship with Mo outside of DCBS involvement.
- *Example 4:* Kelli is at the hospital where a mother gave birth to a child who was born substance-exposed. The mother left against medical advice, no family has been located, and the dad is unknown. A NICU nurse is building a relationship with the child and would like the baby's placement. This nurse is not fictive because the statute clearly states for children 0-12 months, the fictive must have a significant relationship with the child's biological parents.

