

STANDARD FOR EXPEDITED RELATIVE AND FICTIVE KIN PLACEMENTS

PURPOSE

The purpose of this standard is to provide direction and guidance on the requirements for expedited relative and fictive kin placement homes. This standard will address the expedited relative and fictive kin placement requirements and procedures. This standard is intended to achieve statewide consistency in the development and application of CFS core services and will be implemented in the context of all applicable laws, rules and policies. The standard will also provide a measurement for program accountability.

INTRODUCTION

Placement of a child in an alternate care setting should be coordinated and structured to minimize trauma to the child and their family, to assure the child will be safe and receive needed services to reduce the long-term negative effects of the child's separation from their parents and to allow for continued connection between the child, their family, and the community. While the full licensure of a relative or fictive kin family is the standard of practice, there are times when it is in a child's best interest to place the child with a relative or fictive kin more quickly than the full licensure process will allow. This is especially true when delaying the child's placement would further traumatize or be otherwise harmful to the child's well-being. The rationale for expediting a placement is made on a case-by-case basis, according to how it will benefit the permanency and well-being of the child(ren). A placement should never be expedited if safety concerns exist with the potential resource relative or fictive kin family.

Below are some examples of when it would be inappropriate to expedite a placement with a relative or fictive kin pending completion of the licensure process:

- The regions have a shortage of foster homes and there has been little or no contact with the prospective relative or fictive kin family to assess their ability to care for the child(ren) or meet the five (5) PRIDE competencies; and
- Relatives or fictive kin want to foster a family member, but a more comprehensive evaluation is needed to determine the family's ability to address the child's needs according to the five (5) PRIDE competencies. Safety issues may have been present historically.

Subsequent to an expedited, unlicensed relative or fictive kin placement, all homes must complete the licensing process per IDAPA 16.06.01.480 which requires that all private homes providing care for children must be licensed in accordance with IDAPA 16.06.02 - Rules Governing Standards for Child Care Licensing.

IDHW rules, policies, and standards require that alternate care placements for children are:

- In compliance with Idaho Child Care Licensing Standards;
- The most family-like setting possible; and
- The least restrictive and the most appropriate level of care to meet the child's needs.

DEFINITIONS

Alternate Care

Twenty-four hour a day care provided for children in a location other than the family home. Examples of alternate care settings include: resource family, residential facility, treatment homes.

Code X

A *process* for obtaining an immediate, federal, name-based criminal history background check on an individual to allow for the expedited placement of a child with a relative or fictive kin in exigent circumstances, which include:

- A first emergency placement (imminent danger); or
- No more than thirty (30) days from initial placement when a relative or fictive kin is found; or
- When the child is in danger of losing their current foster care placement.

Expedited Placement

A *non-licensed placement* that is made in a shorter time frame, with a relative or fictive kin, pending licensure, because it is in the best interest of the child(ren). The rationale for expediting a placement is made on a case-by-case basis, according to how it will benefit the permanency and well-being of the child(ren) considering both the needs of the child(ren) and the family's ability to meet those needs.

Fictive Kin or Kin

Fictive kin or kin are non-relatives who have a significant, family-like relationship with a child. Fictive kin or kin may include godparents, close family friends, clergy, teachers or members of a child's Indian tribe.

Idaho "Name-Based" Background Check

A local name-based criminal history background check completed through the Idaho State Police for a fee.

Relative

A relative is a person related to a child by blood, marriage, or adoption (i.e. grandparent, great-grandparent, aunt, great aunt, uncle, great uncle, brother-in-law, sister-in-law, first cousin, sibling and half sibling).

Resource Family

May include foster families, adoptive families, relatives, or fictive kin. The term broadly refers to anyone who provides a safe, stable, loving home for a child when the child's parents or guardians are unable to provide one.

Resource Family Specialist

An individual, also known as licensing worker, responsible for the following:

- Recruitment and assessment of resource families;
- PRIDE pre-service training of resource families;
- Support and retention of resource families;
- Engaging the resource family in completing the Resource Family Development Plan; and
- In some cases, participates as a team member of the placement decision-making team.

Variance

A means of complying with the intent and purpose of a licensing rule in a manner other than that specifically prescribed in the rule (IDAPA 16.06.02.102.04). A variance is time-limited and may be considered for relatives, fictive kin, and non-relative resource families on a case-by-case basis.

Waiver

The non-application or waiving of a non-safety foster care licensing rule (IDAPA 16.06.02.102.03) which serves to promote a child's well-being while not compromising their safety. A waiver is extended to a **relative** resource family only.

IMPLEMENTING THE STANDARD

Children placed in the custody of the Department or through a voluntary agreement with someone other than a parent, must be placed in a resource family home that has been licensed by the Department or a licensing agency authorized by the State of Idaho.

Process for Relative/Fictive Kin Expedited Placement Pending Full Licensure

When a relative or fictive kin family is being considered for the expedited placement of a child, the following procedures must be completed and documented in the case record *and* in the narrative of the Foster Family Profile screen in iCARE prior to the placement of the child:

- (1) Placing social worker documents rationale for expedited placement in iCARE after identifying a child's relative or fictive kin who appears appropriate and willing to serve as an expedited placement and subsequently a licensed resource family.
 - (a) Prior to full licensure, approval for placement must be signed by the Program Manager or Lead Chief. A copy of the approval shall be placed in the child's file and the resource family file.
 - (b) The Resource Family Specialist will copy the iCARE narrative (rationale) in Family's iCARE Foster Family Profile screen.

- (2) Placing social worker checks adult household member's driver's license or other picture ID for proof of identity and age.

- (3)** Placing social worker checks iCARE Child Abuse/Neglect Registry and Sexual Offender Registry (Idaho State Police Registry) of all adult household members.
- (a)** If the placement is not an after-hour emergency placement, initiate Step #8 below with Step #3.
 - (b)** Document the results of the registry checks on the Relative/Fictive Kin Expedited Placement Assessment Form and in iCARE (child's and family's narrative).
 - (c)** If a valid/substantiated history of abuse or neglect is found, the safety of the child(ren) should be evaluated further through the full licensure process.
- (4)** Placing social worker completes the Code X Process to obtain federal name-based criminal history background checks of all adult household members. See Code X Process and attachment A: Code X-Expedited Placement Process Flow Chart.
- (a)** If there is a history of unlawful behavior that includes a designated crime or a criminal history that may pose a risk to children, the safety of the child(ren) shall be evaluated further through the full licensure process prior to placement.
 - (b)** The Code X Process requires the placing social worker to immediately or within 24 hours fax a copy of the Purpose Code X Request Form & any documents (rap sheet) received from law enforcement to DHW Central Criminal History Unit (CHU) at (208) 332-7991.
- (5)** Placing social worker conducts a home visit to check the safety of the home environment and assess the ability of relatives or fictive kin to meet the child's needs and the PRIDE competencies.
- (a)** The Relative/Fictive Kin Expedited Placement Assessment and Summary of Foster Care Home Environment Standards for Expedited Placement forms are completed by the placing social worker to document the safety of the expedited placement and serve as the basis for a more thorough PRIDE Mutual Assessment prior to full licensure. The forms should be filed in both the child and family's file.
- (6)** Relative or fictive kin family signs, prior to placement, the "Expedited Placement Agreement for Relatives and Fictive Kin" which includes the relative or fictive-kin's:
- (a)** Agreement to complete the IDHW Criminal History Background Check within five (5) business days (including a disclaimer to crimes/history and consequences of child's removal prior to full licensure if history is found).
 - (b)** Agreement to complete the child abuse and neglect registry check(s) within five (5) days (including a list of states all adults have resided in previous five years) if not yet completed.
 - (c)** Agreement to complete PRIDE pre-service training and the full licensure process (including completion of the resource family application and agreement to required time frames).
- (7)** Child Placed (non-licensed placement)

- (a) Placing social worker provides notification to the Resource Family Specialist Staff as soon as possible and no later than forty-eight (48) hours following placement.
 - (b) Until the relative or fictive kin family is fully licensed, no foster care costs may be paid using Title IV-E or IV-B funds. The placing social worker should consult with their supervisor to determine the most appropriate funding source of maintenance payments, if any, which may include a TAFI relative grant, Social Service Block Grant Funds, or General Funds. See *Foster Care Payments*.
- (8) Placing social worker contacts the appropriate “Adam Walsh” Child Abuse/Neglect Registries in other states if adult household members resided in states other than Idaho during previous five (5) years.
- (a) This step may have been more appropriately initiated in Step #3 if the placement was *not* an after-hour emergency placement.
 - (b) The Foster Care SharePoint includes a link to other states’ Child Abuse/Neglect Registry Checks.
- (9) Within five (5) days of the placement, the relative or fictive kin adult household members must initiate the Standard IDHW Criminal History Background Check online at <http://chu.dhw.idaho.gov>.
- (a) Adult household members complete the Criminal History Application and schedule their fingerprint appointments online.
- (10) Family submits a Foster/Adopt Application form via online or directly to the Licensing Unit prior to PRIDE pre-service training and the PRIDE mutual assessment.
- (a) The standard of practice is to allow a timeframe of thirty (30) days that the relative or fictive kin family has to complete the entire full licensure process following an expedited placement. The CFS hub/regional Program Manager or designee could extend the time frame based on circumstances outside the family’s or CFS’s control such as obtaining requested abuse and neglect registry checks from other states, etc.
- (11) Family signs up and attends PRIDE pre-service training (includes 1 hour orientation)
- (a) Per Standard of Practice, PRIDE pre-service training may be granted a variance/waiver to allow the relative or fictive kin family to complete PRIDE within six (6) months based on the Region’s PRIDE schedule thus not delaying full licensure and status as a IV-E eligible placement. See *Variances/Waivers in the Standard for the Recruitment and Licensing of Resource Parents*.
- (12) The Resource Family Specialist documents approval of any waivers and/or variances as required. See *Variances/Waivers in the Standard for the Recruitment and Licensing of Resource Parents*.
- (13) Criminal history clearances received and filed in the resource family file.

(a) Each regional CFS office has a staff person designated to access the criminal history website. Clearance screens are posted on the website and must be printed for the family's licensing file.

(14) Resource Family Specialist completes full PRIDE mutual assessment with the relative or fictive kin family.

(a) Building on the Relative/Fictive Kin Expedited Placement Assessment Form completed by the placing social worker, the Resource Family Specialist completes the PRIDE mutual assessment conducted simultaneously with, and as an integral part of, the PRIDE pre-service training.

(b) Written assessment should be completed and signed within sixty (60) days of child's placement. If the resource family has extenuating circumstances that prevent the timely completion of the written assessment, this time frame may be extended to ninety (90) days.

(15) The license is issued with the effective date entered in iCARE.

(a) All Rules Governing Standards for Child Care Licensing (IDAPA 16.06.02) must be evaluated and satisfied before a license is issued.

(b) The license effective date cannot be made, retroactively, the same date of the child's expedited placement date.

Note: The initial license effective date must replicate the date the home study was approved and signed by the supervisor.

(16) Expedited Placement becomes a licensed placement and is Title IV-E reimbursable.

Code X Process for Federal Name-Based Criminal History Background Checks

The Purpose Code X search is performed by local law enforcement and allows the placing social worker to receive an immediate state and federal *name-based* criminal history search in order to make an expedited placement decision in exigent circumstances which include:

- At first emergency placement (imminent danger); or
- No more than thirty (30) days from initial placement when a relative or fictive kin is found; or
- When the child is in danger of losing their current foster care placement.

Once the Code X Process has been completed on all adults in the home and there is no history of a designated crime(s) or a criminal history that may pose a risk to children, placement, following the Expedited Relative or Fictive Kin Placement Process, may occur.

The Code X Forms are found on the FACS Child Welfare SharePoint. Procedures include:

- (1) The *Purpose Code X Request Form* is completed by the social worker and given to law enforcement. A copy of the completed *Purpose Code X Form* is kept by both Law Enforcement and the social worker;

(2) Law Enforcement will provide the social worker with the results of the search immediately;

(3) If the social worker runs into barriers with the Law Enforcement Agency performing the checks, he/she should contact the Bureau of Criminal Identification listed on the Code X Instruction Sheet;

(4) Once a determination is made, the Purpose Code X Request Form and any findings (“rap sheet”) received from law enforcement must be faxed to the CHU immediately or within twenty-four (24) hours, if the placement is made after business hours.

NOTE: The social worker must destroy the “rap sheet” after it has been sent to the CHU due to state and federal laws. At no time should the rap sheet end up in the resource family or child’s file;

(5) The social worker must ensure the adult household members complete an application at the criminal history website within forty-eight (48) hours of using the Code X Process. A criminal history application must be completed by all adults residing in the household **and** appointments for finger printing must be scheduled within five (5) business days whether the child was placed or not. To access the criminal history application each adult member of the household must go to the CHU website: <https://chu.dhw.idaho.gov/>.

NOTE: The adults must be provided with the Agency ID # in order to complete the criminal history application.

The Social Worker must verify that all adults residing in the home have completed the criminal history application and scheduled an appointment for finger printing. To verify this information:

- The social worker should contact the designated CFS staff in their region that has access to the Criminal History Unit database;
- The social worker may require the applicants to provide their verification number to confirm they have initiated the Standard IDHW Criminal History Background check;
- Notification, by the Criminal History Unit, will be sent by e-mail to the designated contact persons in each region to inform him/her of applicants status within the process; and/or
- The social worker can call or e-mail the Criminal History Unit to verify information; and

(6) If a family does not follow through with fingerprinting, the social worker should contact the CHU, while simultaneously notifying the family that the child(ren) cannot continue to reside in the home unless they are compliant with the criminal history requirements.

Procedures for Idaho Name-Based Criminal History Background Checks

A local name-based criminal history background check may be used in the following circumstances:

- Expedited placements with relatives or fictive kin which do not meet the Code X definition of “exigent” when the relative or fictive kin has resided in Idaho for three (3) or more years;
- Live-in boyfriends/girlfriends of a biological parent involved in an active cases;
- Reimbursed child care providers who routinely provide babysitting services for a foster child;
- Biological parents in an active case; and
- Relatives, or other adults, from Idaho, that are visiting the resource home for an extended visit.

The ISP *Name-Based Criminal History Background Check Form* is available at the Idaho State Police website: <https://www.isp.idaho.gov/BCI/documents/NameCheck.pdf>

All requests must then be sent to the ISP Meridian office at 700 Stratford Drive, Suite 120, Meridian, ID., 83642. A check for \$20.00 must accompany all requests. Results of the ISP Name-Based Criminal History Background Check will be available within several days.

Since this is not a federal name-based background check, in the cases of expedited placements obtaining an ISP *Name Based Criminal History Background Check* rather than the Code X search, the expedited placement can only be made if applicants and adult household members have been residents of the state of Idaho for three (3) or more years. Verification of three (3) year residency can be found on income tax information and property tax information. If there is any reported history of unlawful behavior or valid/substantiated child abuse or neglect that would present a safety concern, the placement cannot be expedited but must go through the full licensure process that allows for a more thorough assessment.

Foster Care Payments

Although unlicensed, expedited relative or fictive kin placements may or may not receive reimbursement prior to completion of the licensing process, relatives or fictive kin *licensed* as a foster family must be afforded the opportunity to receive foster care payments for any children placed through the Department. A relative or fictive kin family may also, at their discretion, choose not to accept foster care reimbursement and/or apply for a “relative grant” through Self-Reliance or they may provide for the child’s care using their own financial resources.

NOTE: No foster care payments can be made using Title IV-E or IV-B funds with the following:

- Expedited placement with relatives or fictive kin until the full foster care license has been issued;
- A placement with unlicensed ICPC relatives in another state until a foster care license has been issued; or
- A placement with a family licensed by an Indian tribe where a fingerprint-based criminal history and child abuse and neglect registry check has not been completed.

Staff should consult with their supervisor in determining the most appropriate funding source for payments prior to licensure, which may include a TAFI relative grant through the Self Reliance Program, Social Services Block Grant funds, or General Funds.

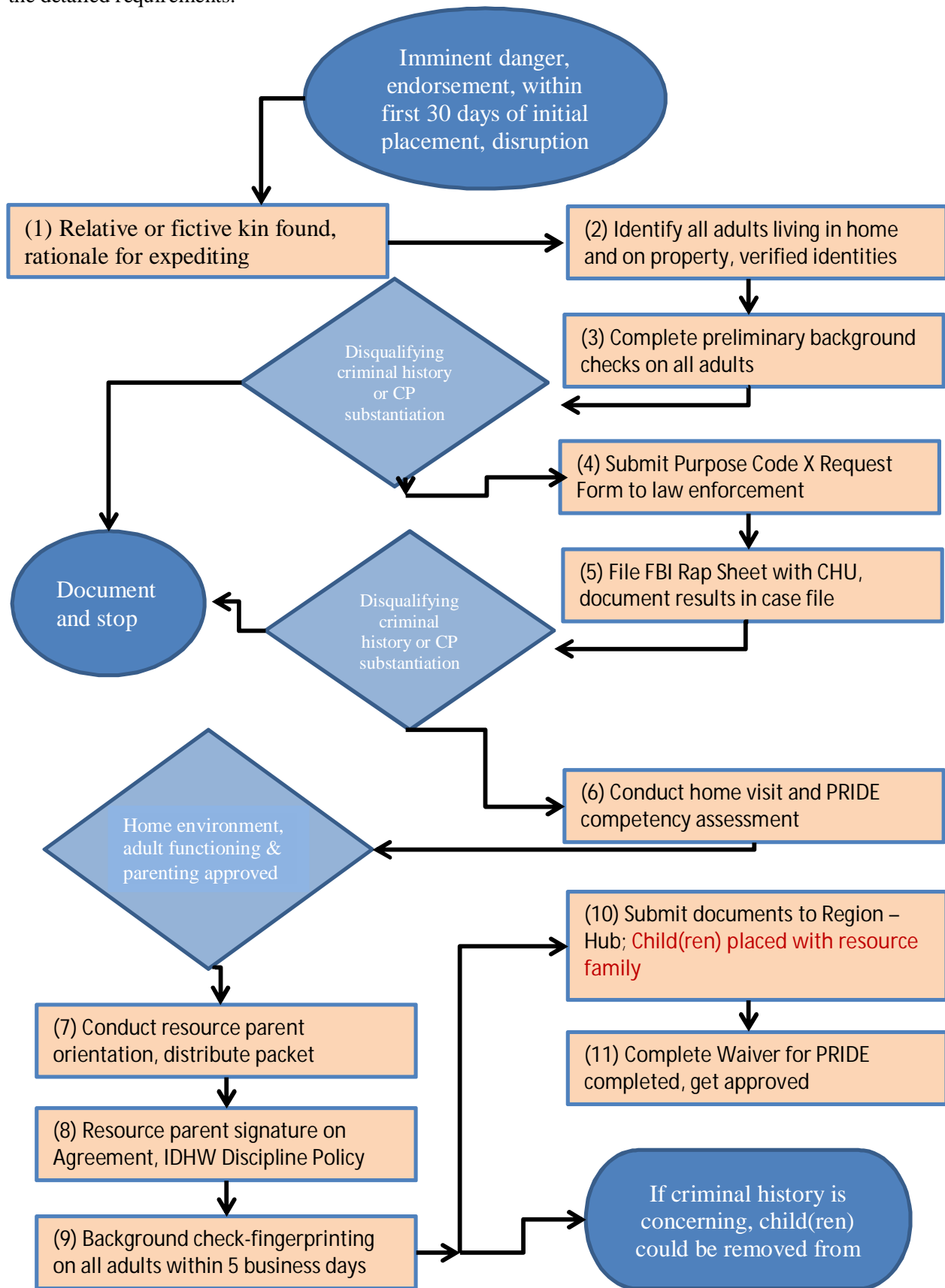
Eligibility Determination for Foster Care Payments

When any child is placed in the home of a relative or fictive kin caregiver, regional staff should submit a foster care eligibility packet to the Child Welfare Funding Team (CWFT) at Central Office in order for an eligibility determination to be completed. This will assure utilization of the appropriate funding source to pay the costs associated with foster care and maximize services for the foster child and family.

Any action taken not consistent with this standard must be pre-approved by the FACS Division Administrator or designee. The action, rationale and approval must be documented in the file.

Attachment A: Code X-Expedited Placement Process Flow Chart

Note: This flow chart is intended to provide a high level overview of the process. It does not include all the detailed requirements.



Attachment B: Idaho's Code X/expedited Relative/Fictive Kin Placement Practice

Idaho's Code X/Expedited Relative/Fictive Kin Placement Practice

Proceeding with a Code X and expedited placement is merely the beginning of the process for the family and child(ren). All relative/fictive kin expedited placements are required to comply with Idaho's foster care licensing rules, which includes completion of finger prints, PRIDE pre-service training, their home meeting all licensing requirements and a home study. If the family is not licensable, this impacts funding as they do not meet IV-E requirements and could potentially result in the child(ren) being displaced creating yet another traumatic experience.

In moving forward, Idaho practice is centered on the following philosophies:

- Placement with relatives/fictive kin still remains a priority in our practice as the benefits and outcomes for children are endless.
- Staff/contractors need to have a foundational understanding of licensing, Code X and Expedited placement requirements and process. They also need to have an understanding of the potential long-term implications of the placement decision as it could result in a permanency decision for the child(ren).
- Our practice should be purposeful in assessing the relative/fictive kin providers' functioning, ability to provide for a child's wellbeing and safety as well as assessing the ongoing needs of the family and child(ren). This assessment begins at our initial contact with the family and continues throughout the life of the case.
- If at any time in our initial code x/expedited assessment we identify red flags, concerns with the families ability to ensure the child(ren) safety or meet their needs we should slow down and consult with a supervisor/licensing worker and ensure we are completing a comprehensive assessment of the family. This could include taking the 30 days from initial placement to assess the family's capacities, utilizing Family Group Decision Making Meetings around decisions and/or referring the family to complete the full licensure process prior to placement.
- Our practice moves beyond the assessment process, providing ongoing support to the relative/fictive ensuring they have the capacities, skills, and abilities to meet the child's safety, wellbeing and permanency.
- We should never be making expedited placement decisions based off the thought or fear of not having any available resource families or lack of resource families.