

## 5204 - Kinship Caregiver Placements

When a child's situation requires placement outside his/her home, the CYD social worker will first consider individuals who have a significant relationship with the child or the child's parents, if they are willing and able to meet the child's needs including his/her need for safety and protection. **The DHS social worker must document in the case record the attempt to place a child with kin and if it is not possible, the reason why.**

Placement is defined as 24 hour out-of-home care and supervision of a child and is constituted when the child is removed from the home of his/her parent or legal custodian pursuant to a court order or placement agreement. (Cf. Section 5200 – Placement; 5201 – Placement Selection; 5210 – Legal Requirements for Placement). A kinship caregiver placement is constituted whenever a CYD committed child is placed with relatives or close family friends for more than 30 days.

**This does not include kin who are utilized in an agreement with the family as a short term safety intervention during an investigation or assessment.**

No potential kinship caregiver will be discriminated against on the basis of race, color, religion, gender, age, sexual orientation, ancestry, national origin including people of limited English proficiency, disability, living or perceived as living with HIV/AIDS, marital status, or sources of income.

- employees of the City of Philadelphia including those employed by the Department of Human Services may become kinship caregivers. (~~Cf. section (Pending): DHS employees as foster/kinship parents~~).

Kinship caregivers must meet all the regulatory requirements stipulated in Chapter 3700, Foster Family Care, of the Pennsylvania Code, Title 55, Department of Public Welfare, and CYD Policy.

- temporary approval may be granted for up to 60 days if a home does not meet all the required standards.
- placement of a CYD committed child in the home of kin **may not extend beyond 60 days without receipt of written ChildLine and State Police Clearances.**
- a waiver of a particular requirement may be requested from the State in writing if this does not threaten the child's health or safety.
- in all cases, either the requirements are met or the waiver granted by the 60th day **or the child must be removed from the kinship caregiver home.**

When a committed child is placed with kin, it is the choice of the approved kinship caregiver whether to accept the subsidy provided to foster parents. **If the caregiver chooses not to receive payment, he/she may be eligible for public benefits such as Social Security or TANF.** Kinship caregivers for children who remain committed to the Department are reimbursed via foster care payment and supervised by an assigned private provider agency. **A kinship family may also choose to assume legal custody of the child from DHS. If they do, there is no financial subsidy from DHS and other financial resources will be necessary to support the child.**

**All potential kinship caregivers will have their financial options and other factors that impact on this decision explained to them by the DHS social worker. This review is documented on the Kinship Care Choices form, which must be signed by the kinship caregiver(s) and DHS social worker.**

- No potential kinship caregivers will be determined as an unacceptable placement resource for a CYD committed child because of their decision regarding the financial options available to them, **if they meet the regulatory requirements and CYD policy.**
- **The notification letter that informs the caregiver of his or her approval as an emergency kinship caregiver includes the amount of the daily reimbursement that will be provided for the cost of caring for the child.**
- **A notification of denial must be sent to any applicant for kinship caregiver status who is not approved, along with information regarding the right to appeal the decision.**
- the CYD will confer paid kinship caregiver status **only** when the CYD is involved in the decision to place the child with kin and will not provide retroactive payment for care prior to assuming legal responsibility for the child(ren).
- the CYD will not confer paid kinship caregiver status if any child's parent resides in the same home as the kin.
- the CYD will terminate paid kinship caregiver status if a parent moves into the kin's home and resides there for more than 30 continuous days. Upon termination of payment, the CYD will initiate appropriate Home-based Services, if necessary, to maintain the family unit.
- CYD social workers are required to follow all policies for permanency planning, social service intervention, visitation, etc., for **all** kinship caregiver homes.

All kinship caregivers electing CYD reimbursement are referred by the Central Referral Unit (CRU) to a private provider assigned to the *geographical location* of the kinship caregiver home.

This referral must be made within three working days of the child's placement with the relative or other individual who has a significant relationship with the child or the child's family **whether or not it is known** that the child will remain in the home longer than 30 days.

- if the kinship caregiver home is out of state, the placement cannot occur without Interstate Compact for Placement of Children (ICPC) authorization (~~Cf. #5272, "Out of State Placement of Children"~~). During the ICPC approval process, the CYD social worker must ~~also work in conjunction with the Central Referral Units to locate a provider in the other state who can assume supervision of the home or~~ request courtesy supervision through the placement state's Children and Youth Agency.

#### **5204.1 - CYD social worker responsibilities for kinship caregiver assessments PRIOR to a child's placement**

CYD committed children may be placed in the home of a relative or other individual who has a significant relationship with the child or the child's family on an **only after all of the following are completed:**

- an initial on-site home evaluation, documented on the Kinship Caregiver Assessment, which includes a **complete** visual inspection of the home. (Cf. 5204.3 for a complete description of foster home residence requirements).
    - **at no time** will a child committed to the CYD be placed in a home without **any** of the following:
      - running water with an operable sink or tub.
      - an operable toilet.
      - an operable heating system, if seasonally necessary.
      - operable electricity.
      - operable smoke detectors on each level of the residence.
      - an operable telephone or 24-hour access by all household members to an operable telephone.
- CYD social workers must personally test or attempt to operate each of the items.**
- **at no time** will a child committed to the CYD be placed in a home with obvious structural damage which would be detrimental to the child's health or safety, or with exposed electrical wiring.
  - **at no time** will a child committed to the CYD be placed in a home where the child's designated sleeping area is inappropriate, for example, a stairwell, hall, bathroom, closet, or detached building; or the child cannot be provided with clean bed linens as appropriate.
  - **at no time** may more than six (6) children reside in the caregiver home, including both foster children and children who already reside in the home, without **first** obtaining a waiver from the State. (~~Cf. 5204.x regarding obtaining a waiver from the State~~)
- an initial assessment of the kinship caregiver(s) also documented on the Kinship Caregiver Assessment, which includes the following requirements:
    - an assessment of whether the kinship caregiver:
      - is willing to apply for written clearances, accept supervision, attend training, work toward permanency for the child, be part of the child's planning team, and obtain medical evaluations.
      - is physically and mentally capable of providing the appropriate care and supervision of the child(ren) while ensuring the child(ren)'s safety and well-being.
      - is capable of providing for the child(ren)'s emotional needs and any special needs.
      - is willing and able to facilitate appropriate contact with the birth parents (including phone calls) and will cooperate with visitation as required.
      - has the knowledge and ability to access any required services that the child(ren) may need.
      - **has any history of domestic violence**
  - the CYD social worker must request and see verification of the identification and Social Security numbers of all adult household residents.

- there must be a review of the FACTS database prior to placement
  - **at no time** can a child committed to the CYD be placed in a kinship care home if there is a prior history of involvement of any adult household resident with CYD, unless, at the discretion of the CYD social worker and his/her chain of command, an exception is warranted. Any exception must be approved by the social worker's chain of command up through the director.
  - receipt of an oral Childline clearance for all household members 18 years of age or older. **Written consent must be given for DHS to contact Childline to obtain the verbal clearance on the Childline Consent form.**
  - **at no time** can a child committed to the CYD be placed in a home where any resident is a perpetrator of a *founded report* of child abuse.
  - if the oral ChildLine clearance reveals that any household member is a perpetrator of an *indicated report*, a child **may not be placed until written clearances are received.**
    - upon receipt of the written ChildLine report a child **may** be placed in a kinship care home where an indicated perpetrator resides **if:**
      - the incident occurred five or more years before the anticipated placement **and**
      - at the discretion of the CYD social worker and chain of command, a decision to place is informed by the type of abuse and the nature of the circumstances.
- **receipt of an on-line State Police (criminal history) clearance for all household members 18 years of age and older.**
  - **at no time** can a child committed to the CYD be placed in a home in which any household member has been convicted of any of the disqualifying crimes listed in Section 5204.3.
  - **at no time** can a child committed to the CYD be placed in a kinship care home if there is a prior criminal history record of any adult household resident, unless, at the discretion of the CYD social worker and his/her chain of command, an exception is warranted. Any exception must be approved by the social worker's chain of command up through the director.
- obtaining signatures of all adult household members on applications for written ChildLine and State Police clearances
- an initial orientation and discussion with the kinship caregiver(s) which includes:
  - discussion and providing a copy of the CYD discipline policy (Cf. Section 1000, #1350, "Discipline of Children Committed to the CYD"), reporting of critical and unusual incidents (Cf. Section 1000, #1330), home safety, and first aid. The kinship caregiver is given emergency phone numbers for accessing the CYD 24 hours a day.
  - providing explanation and a copy of the Kinship Caregiver Choices form.
  - providing explanation and a copy of the Orientation about the Kinship Caregiver Roles, Responsibilities and Requirements document.

- providing an explanation and a copy of the Child's Initial Placement Information form which includes information on the child's health and educational status
- providing a copy of the Kinship Caregiver Medical Evaluation form..

Adult spouses or domestic partners in a home must both meet the kinship caregiver requirements and must initial page 1 of the Kinship Caregiver Assessment form to acknowledge willingness to complete training, work towards permanency for the child and accept supervision. Signatures of both adults is also required on page 2 of the Assessment form.

When these steps are completed, the home may be approved pending a more thorough assessment as long as the health and safety of the CYD committed child will not be jeopardized

Within 10 days of placement, the caregiver(s) must be sent the Kinship Care Approval Letter or, if not approved, the Notification of Denial of Emergency Caregiver Application.

The CYD social worker submits the Kinship Caregiver Approval Checklist and supporting documents to CRU within three working days of placement. The kinship caregiver is referred by the CYD Central Referral Unit (CRU) to a private provider assigned to the geographical location of the kinship caregiver home **whether or not it is known** that the child will remain in the home longer than 30 days. (If the caregiver information is not provided to CRU within two working days of the child's placement, the DHS social worker may be responsible for completing the full assessment of the home).

- all materials and information compiled by the CYD social worker, including the initial home assessment, are forwarded to the provider by the CRU within 2 working days.

#### **5204.12 - CYD Social Workers Responsibility for Children Currently in Placement**

- **Children Currently in Family Foster Care Placement** –The private provider social worker completes their agency kinship caregiver home study for any prospective kinship caregiver. The CYD social worker obtains oral Childline clearance checks, **on-line criminal history clearances**, checks FACTS for previous DHS involvement of prospective kinship caregiver(s), and gives information to the private provider.
- **Children Currently in Other Placement Settings (group, residential)** - The CYD social worker completes the DHS kinship caregiver assessment packet, including the caregiver orientation, and submits to CRU as previously discussed.

#### **5204.2 - Provider responsibilities for kinship caregiver assessments**

The private provider is required to make an initial visit to the home within two working days of accepting the referral.

- the private provider is responsible for completing the assessment of the kinship caregiver home and assuring receipt of all necessary documentation including the

written ChildLine and State Police clearances within 60 days of the child's placement with the relative or family friend.

- non-Pennsylvania homes or household members who have been residents of Pennsylvania less than a year must submit a full set of fingerprints for submission to the FBI for a Federal Criminal History Record report.
- kinship caregiver homes must comply with all State regulations regarding foster homes within 60 days of the placement or have a waiver granted by the State.

Private providers must notify the CYD social worker immediately if there are safety concerns regarding the child's placement.

If the provider determines that the home is out of compliance, but there is a reasonable likelihood that the home can be brought into compliance, the provider will document the nature of the non-compliance with respect to applicable law, regulation, or policy, and will notify DHS as soon as possible but not later than the 30th day of placement. DHS and provider will work together to bring the home into compliance.

Private providers must notify the CYD social worker **in writing** if they are unable to approve the kinship caregiver home as a foster home, or if the home will not meet the state requirements or CYD policy by the 60<sup>th</sup> day. This notification must document the reasons for the provider's recommendations and should be received by the CYD social worker by the 45<sup>th</sup> day of the child's placement whenever possible so that parents and other interested parties can be notified of the need to change placement location (Cf. #5261.2, "Discharges to other placements").

- the CYD social worker will meet with the provider and all parties involved in order to try to resolve the reason for moving the child(ren).
  - if the home cannot meet the state's requirements or CYD policy, **and the CYD is to retain custody**, the child must be removed from the kinship caregiver's home before the 60<sup>th</sup> day. The provider agency will work with DHS to move the child.
  - If the child is being moved to another kinship care home, the CYD social worker will obtain oral Childline clearances, **on-line criminal history clearances**, check FACTS for previous involvement of prospective kinship(s), and give the information to private provider social worker.

**5204.3 - CYD social worker's responsibilities if the kinship caregiver home is directly approved and monitored (Cf. #5820, Family Foster Care Services)**

If a home is directly monitored by CYD, the CYD social worker is responsible for completing the full assessment of the kinship caregiver home. Kinship caregiver homes must comply with all the provisions delineated in Family Foster Care Services at #5822, "Evaluation of Potential Foster Parents and Homes." These include, but are not limited to, receipt of an initial medical examination for the kinship caregiver.

The CYD social worker is responsible for insuring application and receipt of the written ChildLine and State Police clearances for all household members within 60 days of the child's placement with kin.

- for non-Pennsylvania homes or household members who have been residents of Pennsylvania less than a year a full set of fingerprints must be obtained for submission to the FBI for a Federal Criminal History Record report.
- no child may remain in a kinship caregiver home if the ChildLine and State Police clearances are not received by the 60th day **unless** a waiver has been granted by the State to extend the deadline for receipt.
- no child may remain in a home if the State Police Clearance or FBI clearance, if applicable, reveals that any member of the household has been convicted of **any** of the following offenses or an equivalent crime under Federal Law or the law of another state:
  - criminal homicide.
  - aggravated assault.
  - harassment.
  - kidnapping.
  - unlawful restraint.
  - rape.
  - statutory rape.
  - involuntary deviate sexual intercourse.
  - aggravated indecent assault.
  - indecent assault.
  - indecent exposure.
  - concealing the death of a child born out of wedlock.
  - endangering welfare of children.
  - dealing in infant children.
  - prostitution and related offenses.
  - obscene and other sexual materials and performances.
  - corruption of minors.
  - sexual abuse of children.
  - conviction of a felony offense related to controlled substances, drugs and devices **within the five year period immediately preceding** the clearance request.
  - the attempt, solicitation, or conspiracy to commit any of the offenses listed above.
- the date and type of convictions for offenses **other than those above** must be considered in determining a child's continued placement with the kin.
- if the written ChildLine clearance reveals that any household member is a perpetrator of a founded report of child abuse, the child must be removed from the home.
- if the written ChildLine clearance reveals that any member of the household is a perpetrator of an **indicated** report of child abuse a child **may** be placed or remain in the home if:
  - the incident occurred five or more years before the anticipated placement **and**

- at the discretion of the CYD social worker and his or her chain of command, a decision to place or allow to remain is informed by the type of abuse and the nature of the circumstances.

The CYD social worker:

- begins a kinship caregiver folder for the home (Cf. Family Foster Care Services at #5823, “Foster Family Case Records”).
- does a complete assessment of the kinship caregiver’s home in light of the requirements in the State regulations delineated below.
- ensures that areas requiring correction or modification on the initial home inspection are completed by the 60th day.
- ensures that medical exams are received on all adults in the household by the 30th day.
- ensures that all CYD committed children receive a medical and dental evaluation within 60 days of placement in the home.
- requests any waiver of a state regulation which may be necessary.
- ensures that the home is in compliance with all provisions regarding foster homes within 60 days of the placement or have a waiver granted by the State.
  - if the home is not in compliance by the 60th day, and no waiver was granted or requested, the child must be removed.

Kinship caregiver homes must comply with **all** provisions regarding foster homes within 60 days of the placement or have a waiver granted by the State.

The CYD social worker is responsible for quarterly visitation of the kinship caregiver home **in addition to the visitation requirements** for the CYD committed child.

The CYD social worker is responsible for completing a formal **annual** kinship caregiver home evaluation (Cf. Family Foster Care Services, at #5827, “Foster Home Monitoring and Evaluation”) and ensuring that the kinship caregiver completes at least six hours of agency approved training per year (Cf. Family Foster Care Services, at #5826, “Foster Parent Training and Development”).

#### **State regulations regarding foster homes:**

##### **Foster parent requirements:**

- foster parents must be at least 21 years of age.
- foster parents must pass a medical appraisal by a licensed physician.
- foster parents must be able to provide care, nurturing, and supervision to the children in their care.
- foster parents must demonstrate mental and emotional adjustment.
- foster parents must be able to work in partnership with the CYD.
- foster parents must participate in a minimum of six hours of training

annually.

**Foster home residence requirements:**

- the number of children living in a foster home is limited to six. (Cf. 5204.4)
- at least one flush toilet, wash basin, bath or shower with hot and cold running water.
- an operable heating system.
- 24-hour access to an operable telephone.
- no unsuitable area such as a hall or stairwell, unfinished attic or basement, garage, eating area, closet, shed, or detached building may be used for a foster child's sleeping area.
- foster children who are five years of age or over may not share the same room with other children of the opposite sex.
- general liability insurance and fire insurance coverage for the premises.

**Safety requirements:**

- **Firearms must be kept in a locked cabinet inaccessible to any children in the household.**
- medicine and containers of poisonous, caustic, toxic, flammable, or other dangerous material kept in the home must be distinctly marked or labeled as hazardous and stored in areas inaccessible to children under five years of age.
- emergency telephone numbers, including those for fire, police, poison control, and ambulance must be conspicuously posted by all telephones.
- fireplaces, fireplace inserts, and wood and coal burning stoves, if allowed by local ordinance, shall be installed, equipped, and operated according to manufacturer's specification and requirements specified by local ordinance.
  - this requires an inspection of the premises by the Department of Licenses and Inspection with a copy of the Certificate of Compliance included in the record.
- an operable smoke detector must be placed on each level of the residence.
  - the detector must be maintained in working condition at all times.
- a portable fire extinguisher, suitable for Class B fires, must be available in the kitchen and other cooking areas.
  - the extinguisher must be tested yearly or have a gauge to insure adequate pressure.
- protective safety caps must be placed on all electrical outlets accessible to children younger than five years of age;
- exposed electrical wires are prohibited.
- in motor vehicles, children eight (8) years of age or younger must be placed in an appropriate car seat that meets the Federal Motor Vehicle Safety Standard.

- the home cannot have any flaking paint, and any new paint used must be lead-free.
  - all foster homes are to be inspected for lead-based paints.

**Child's health care requirements:**

- after the initial health appraisal, children must receive medical evaluations according to the following schedule:
  - birth through six months: once every six weeks.
  - seven through 23 months: once every three months.
  - 23 months and older: once a year.
- children three years of age and older receive dental examinations at least once every nine months of placement after the initial dental examination.

**5204.4 - Request for a waiver of more than six children in an approved foster/kinship caregiver home**

Per state regulations, only six children are permitted in a foster or kinship care home, including the caregivers own children. When conducting a kinship caregiver assessment, if the social worker determines that the child(ren) to be placed in the home bring the total number of children to more than six, a request for a waiver of the regulatory limit must be requested from the OCYF Regional Office prior to placement. A waiver must be requested even in those situations in which the children are already residing in the home in order to be approved for kinship care..

The waiver request is made by the DHS social worker, and must be approved by the Regional Office *before* a kinship home can be approved and transferred to a private provider for full foster care licensure. A request should be made only if the kinship caregiver meets the other requirements for kinship caregiver approval, including clearances and the home inspection. Kinship caregivers must meet all regulatory requirements stipulated in Chapter 3700, Foster Family Care of the Pennsylvania Code and CYD policy.

The Regional Office requires specific information to consider when reviewing the request. This includes demographic information, a description of the foster parent/kinship duties beyond routine child care, why the family is the most appropriate available resource for the child and the projected length of time for more than six children to be with the foster family.

A request to place more than six children in a foster/kinship caregiver home is the only waiver that the DPW Regional Office can directly approve. Requests for a waiver of any other regulation are sent to the Regional Office for review and forwarded by them to the main state office in Harrisburg for approval.

*Procedure:*

- *The two forms necessary to request a waiver are the **Request for a Waiver of the Regulatory Limit of Six Children in a Foster Family/Kinship Caregiver Home** and the **Kinship Caregiver Assessment** form. Both are available in DHS Central under DHS Forms and in Forms Word.*
- *The Request for a Waiver form must be completed by the DHS social worker and signed by the supervisor, administrator and director.*
- *If the DHS social worker is conducting the kinship evaluation, he or she must have a completed, signed Kinship Caregiver Assessment form, which documents the results of clearances, the home inspection and safety requirements.*
- *The Waiver Request form and a copy of the Kinship Caregiver Assessment form must be faxed or may be brought to the Policy and Planning Support Center, Three Parkway Building, 1601 Cherry Street, 9<sup>th</sup> floor, (fax number 215-683-4092)*

*Note: If the kinship evaluation is being completed by A Second Chance, Inc.,*

*ASCI will fax the Kinship Caregiver Assessment form directly to Policy and Planning. The DHS social worker will be responsible for completing and forwarding the Waiver Request form.*

- *Policy and Planning will review the documents for completeness and will forward them to the OCYF Regional Office.*
- *A Regional Office field representative will be assigned to review the request and visit the kinship caregiver's home. If it is an urgent situation, the Regional Office will attempt to expedite their visit to the home.*
- *The Regional Office will verbally notify Policy and Planning of the results of their visit, followed by written notice of their decision to approve or reject the request.*

#### ***Emergency Requests***

- *In the event of an emergency request, Policy and Planning will contact the Director of the Department of Public Welfare at the Regional Office or in his/her absence, another member of the Philadelphia unit.*
- *A copy of the Waiver Request form and Kinship Caregiver Assessment will be faxed directly to the Regional Office, in addition to the original which is mailed to the OCYF Regional Director.*
- *The Regional Office will attempt to send one of their staff members to the home right away and can provide verbal consent. They will then send a follow-up letter.*

#### ***Follow-up:***

- *In those cases in which the waiver is approved, once a foster care provider is assigned, the DHS worker must notify the DPW Regional Director of the name of the provider agency so that OCYF can follow-up with the provider agency.*
- *If the waiver is **not** approved, **the children may not be placed or left in the home.***