

16.20 Custodial Relative/Kinship Foster Home Approval

Application: DCS Child Protective Services, Foster Care and Supervisory Staff and Contract Agency Staff

Authority: TCA 37-5-106, Adoption and Safe Families Act P.L. 96-272, TCA 37-4-201 et seq., Safe and Timely Interstate Placement Act of Children in Foster Care Act of 2006, P.L. 109-239; ACYF-CB-PI- 23-10, Administration for Children and Families.

Standards: COA: PA-AS 3, PA-As 8, PA-FC 10, PA-FKC 15.07, PA-FC 17, PA-KC 10.

Commissioner:

Date:

Original Effective Date: 03/05/07
Current Effective Date: 03/07/24

Supersedes: DCS 16.20 11/30/22
Last Review Date: 03/07/24

Glossary:

- ◆ Code X III Name Check:
 - A criminal background check used by social service agencies authorized under an approved state statute to receive criminal record information for the emergency placement of children where the child's health and safety may be endangered.
- ◆ Relative/Kinship Caregiver:
 - Individuals related to a child by blood, marriage, tribal custom, and/or adoption and other individuals who have an emotionally significant relationship with the child or the child's parents or other family members.
- ◆ Substantiated Report:
 - Any closed CPS case where a preponderance of evidence exists to support that the reported allegation(s) occurred.

Policy Statement:

When the child cannot safely remain in his or her home the Department of Children's Services seeks to place a child with persons whom the child and/or child's family has had a significant relationship to minimize the trauma of a custodial episode. This policy is also applicable to relatives and kin who are prospective placement resources for children under the Interstate Compact on the Placement of Children.

Purpose:

To ensure identified relatives and kin are equipped to provide care and meet the minimum guidelines to become a foster parent.

Procedures:**A. Placement Assessment**

1. Once a relative or kinship placement is identified, staff ensure that full disclosure of permanency options is reviewed with the family as outlined in policy [16.59](#), [Disclosure of Legal Options and Available Services for Relative Caregivers](#). As part of this discussion, the worker shows the potential relative/kin the [Disclosure of Legal Permanency Options Video](#) and provides the family a copy of the [Guide to Full Disclosure of Permanency Options](#) which includes a comparison chart.
2. If after full disclosure the family determines they are willing to be a placement for the child, an assessment of the family begins to determine if the placement is in the best interest of the child. DCS staff completes form **CS-0660, Disclosure Statement: Permanency Options for Relative or Kin Caregivers** with the family and provides a copy to the family.
3. DCS staff completes the following forms for each adult household member:
 - a) **CS-0559, Authorization for Release of Information and HIPAA Protected Health Information TO and From the Department of Children's Services and Notification of Release.**
 - b) **CS-1221, Waiver Agreement and Statement for Criminal History Checks (VECHS); and**
 - c) **CS-0691, Fingerprint Card Information**
4. DCS staff assess the family, home, and property by completing form **CS-4254, Relative/Kinship Home Study** (pending).
5. Forms **CS-0553, DCS Discipline Policy** and **CS-0670, Oath to Abide** is discussed with the relative/kin caregiver and signed.
6. Complete Income Tax Form W-9.
7. A copy of the [Protocol for Drug and Medication Expectations for Approved Foster Homes](#) and the [Controlled Substance and Medication Work Aid](#) is provided to ensure expectation of a drug-free environment.
8. When relative/kinship custodial placements cross regional lines, staff are to follow the [Statewide Custodial Relative/Kinship Placement Protocol](#) for guidance.

B. Background and Criminal Records Clearance

A complete criminal history check includes the following five (5) checks to ensure all adult household members meet state, federal and DCS qualifications regarding a criminal history. The completion of all checks must take into account current, maiden, and any other previous legal names. All findings identified from the criminal

background checks are documented on form **CS-0687, Background Check History and IV-E Eligibility Checklist**, with results attached.

1. Local criminal records check from local law enforcement or county court for each jurisdiction resided within the immediate six (6) months preceding placement consideration. All criminal charges listed in the local criminal history check for which there is no final disposition, whether identified in the local criminal history check or the Purpose Code X III Name Check, are clarified by obtaining additional, official documentation from the local court with jurisdiction, within one (1) business day of the child's placement.

Note: In cases where placements are attempted after regular business hours, the local criminal records check, or county court records are completed by the conclusion of the next business day.

2. Form **CS-0750, Background Criminal History-Expedited/Emergency, Purpose Code X III Name Check**.

A Code X is used by DCS under an approved state statute to receive criminal history information for the emergency placement of children preceding the delayed submission of fingerprints. Since a Code X is only a name check, measures to ensure the safety of children are implemented in the home until the results of fingerprints are received.

- a) Code X requests should only be made when the exigency of the situation prevents obtaining background checks via fingerprinting before placement is made. Additionally, if fingerprint results have been completed by DCS or Contract Agency on an individual within six (6) months, the fingerprinting does not need to be repeated and the results can be used for purposes of the placement approval.
 - b) In order to receive Code X information, staff must read and sign the TBI's Criminal Justice Release of Information (ROI) form. Each region is to determine a process for requesting and returning the ROI to DCS Internal Affairs.
 - c) Results of a Code X search can be disseminated within the agency as the usage of the criminal justice information is for the purpose of placement approval from expedited status to full approval status. The results are destroyed after evaluation of the record.
3. A DCS records check includes a check of Child Protective Services (CPS) records in TFACTS and is completed by the Family Service Worker (FSW)/Juvenile Service Worker (JSW) and recorded on form **CS-0741, Database Search Result**. DCS staff refer to Safety Notice: [Conducting an Efficient and Effective History Search](#) to ensure accurate search results and document findings using form **CS-0741, Database Search Results** for all household members age eighteen (18) years or older.

Note: The worker contacts the Child Abuse Hotline at 1-877-237-0004 for DCS records checks after-hours and weekends only when internet service is not available. The FSW/JSW is responsible for these checks during regular business hours.

- a) No placement is made nor home approved if the applicant or any other adult household member has been substantiated of child abuse or neglect unless a waiver is granted as outlined in DCS Policy [14.22, Child Protective Services Background Checks](#).
 - b) This waiver may only be approved by the Executive Director of the Office of Child Safety or designee and documented on form **CS-0921, Waiver of Criminal Convictions, Pre and In-Service Training Requirements, Non-Safety Issues, CPS Substantiations and Educational Requirements**.
 - c) Specific information related to CPS findings and records involving an applicant is maintained in the foster parent electronic record and addressed within the home study.
 - d) If the adult has resided in another state within the past five (5) years, the FPS/contract agency staff person or designee requests a check from each state's public child welfare agency's child abuse and neglect registry. See the Adam Walsh State Contacts for Child Abuse Registries for out of state contact information. Refer to the [Protocol for Requesting Out of State Abuse and Neglect Registry Checks](#) for further guidance regarding Adam Walsh checks.
4. An Internet Records Clearance includes the following:
- a) [National Sexual Offender Registry Clearance](#)
 - b) [Tennessee Department of Health Abuse Registry](#)
 - c) The Child Abuse Hotline performs the internet records clearance afterhours and weekends only. The worker is responsible for this clearance during regular business hours.
5. A TBI/FBI fingerprint check – When form **CS-0750, Background Criminal History-Expedited/Emergency, Purpose Code X III Name Check** is utilized for placement, all adult members of the household agree to be scheduled for fingerprinting within five (5) calendar days of placement to ensure completion within fifteen (15) calendar days.

C. Home Approval

1. If the relative/kinship caregiver is determined to be in the best interest of the child, and no concerns are noted during the interview, home inspection, references and criminal records check, the immediate supervisor, Team Coordinator (TC) and Regional Director/Designee must approve the relative/kinship foster home by signing form **CS-4254, Relative/Kinship Home Study**.

2. Documentation including the placement contract, ***CS-0565, Daily Rate Child Placement Contract***, will be provided to the Foster Parent Support Team for entry into the electronic record system within one business day. Homes should be entered as “expedited” until all criminal checks are completed as outlined in Section B and approval requirements are met. Once met, the home can be entered as fully approved for a period of two years.
3. Once all requirements are met and the relative/kinship home is approved, DCS staff will provide form ***CS-0702, Foster Home Approval*** to the relative/kinship caregiver.
4. The relative/kinship caregiver should report any changes to the initial home assessment within one (1) business day with the home’s electronic record being updated with a current assessment within fourteen (14) business days. These changes may include but are not limited to a change in the number/type of children for which the family is approved, a change in address, or the addition of household members/significant others residing in the home.
5. The following checks are required for a new adult household member who will reside in the foster home for more than fourteen (14) calendar days:
 - a) Internet Record Clearance checks are completed the first business day after the new adult household member entered the foster home. A complete local criminal background check is initiated the first business day after the new adult household member entered the foster home and completed with results within fourteen (14) calendar days. This includes all adults residing on the foster parent’s property (main residence, detached apartment, garage, trailers, etc.). This includes a search of all legal residences within the last six (6) months.
 - b) A complete local criminal background check is initiated the first business day after the new adult household member entered the foster home and completed within fourteen (14) calendar days. This will include all adults residing on the foster parent’s property (main residence, detached apartment, garage, trailers, etc.) and a search of all legal residences within the last six (6) months.
 - c) DCS Records checks are completed within fourteen (14) calendar days after the new adult household member entered the foster home.
 - d) Fingerprinting is arranged within fourteen (14) calendar days after the new adult household member entered the foster home. Verification of fingerprint scheduling is provided if the fingerprint result is dated beyond fourteen (14) calendar days.

Note: Criminal history checks should not be dated more than ninety (90) days prior to effective move-in date.

6. Foster homes that have new adults residing in the home who have not had a criminal history check as outlined in this section may not be paid and run the risk of a possible overpayment assessment.

D. Relative/Kinship Resources

1. At the time of placement, the DCS worker explains the following:
 - a) The relative/kinship caregiver receives a board rate reimbursement as outlined in DCS Policy [16.29 Foster Home Board Rates](#) once approved. Relative/kinship caregivers who require out of state background checks will receive the expedited rate until all approval requirements met. Guidance will be provided in completing **Income Tax form W-9** used to establish the caregiver as a vendor to receive payment.
 - b) Child medication is to be administered as instructed on the prescription label with dosages tracked on form **CS-0630, Foster Home Prescription Medication Record**.
 - c) DCS assists with linking the relative/kinship caregiver with additional support services within their community if applicable.
 - d) DCS assists with obtaining daycare vouchers when applicable.
 - e) Relative/kinship caregivers are provided a copy of form **CS-0727, Initial Intake, Placement and Well-Being Information and History** and a copy of the placement contract, **CS-0565, Daily Rate Child Placement Contract**, for each child at the time of placement.
 - f) Read the following statement and have caregivers initial where designated on the home study: Tennessee Code Annotated, Section 37-2-414(e): It is an offense for a foster parent from a kinship placement to knowingly allow a child in the foster parent's care to visit with the child's parent if the foster parent had knowledge of a current court order prohibiting the parent from visiting with the child. (B) A first violation of subdivision (e)(2)(A) is a Class C misdemeanor punishable by a fine only. (C) A second or subsequent violation of subdivision (e)(2)(A) is a Class B misdemeanor.
2. The relative/kinship family will be assigned a Foster Parent Support (FPS) worker. The FPS worker will conduct monthly home visits with the family providing support regarding family safety and well-being, training needs, respite or to assist with any board payment issues.
3. The assigned FPS worker will share training opportunities available to equip the relative/kinship caregiver with the child placed in their home.
4. The relative/kinship caregiver will be assigned a mentor to assist them in their fostering journey.

E. ICPC Placement Resources

1. ICPC requests from a sending state for the purpose of any type of relative/kinship placement, including a parent study, will be approved as outlined above.
2. A Tennessee parent who has been approved for the placement of a child who is in the custody/jurisdiction of another state is not eligible for the Federal Title IV-E reimbursement. Therefore, all requirements do not have to be met to approve placement. Parents are not required to be fingerprinted for a criminal history unless indicated by the sending state or a court order. The ***CS-4254, Relative/Kinship Home Study*** form is completed with recommendation provided to the requesting state.
3. The sending state is responsible for planning and issuing financial or medical assistance to a child who is under their jurisdiction.
4. Once the ICPC request has been approved and placement made, Tennessee DCS assists the child and the foster family to access any federally authorized funding or services for which they are eligible.

F. Continued Assessment

Relative/kinship foster homes are not required to be re-assessed as outlined in policy [***16.8, Responsibilities of Approved Foster Homes***](#). FPS staff will complete on-going anniversary assessments within one (1) month of the approval anniversary adding a new assessment in the electronic record until permanency is reached and the relative/kinship home is closed. The FPS worker will discuss the on-going safety and well-being of all household members, training needs, permanency outcomes, continued board payment, and home safety. The anniversary assessment process consists of the following items:

- a) A home visit by the FPS;
- b) Completion of form CS-0692, Foster Home Assessment or Reactivation.

G. Transfer of Expedited Foster Home

The transfer of a relative/kinship foster home cannot occur until full approval is met. Refer to DCS Policy [***31.3, Case Transfer Guidelines Between Regions, Agencies, and Facilities***](#) and the [***Protocol for Re-Activation or Re-Classifications of Foster Homes***](#).

Forms:

[***CS-0559, Authorization for Release of Information of HIPAA Protected Health Information TO and FROM the Department of Children's Services and Notification of Release***](#)

[***CS-0687, Background Check History and IV-E Eligibility Checklist***](#)

[CS-0553, Discipline Policy](#)

[CS-0565, Daily Rate Child Placement Contract DCS](#)

[CS-0630, Foster Home Prescription Medication Record](#)

[CS-0660, Full Disclosure Statement: Permanency Options for Relative or Caregiver Kin](#)

[CS-0691, Fingerprint Card Information](#)

[CS-4254, Relative/Kinship Home Study](#)

[CS-0670, Foster Parent Oath to Abide](#)

[CS-0687, Background Check History and IV-E Eligibility Checklist](#)

[CS-0692, Foster Home Assessment or Reactivation](#)

[CS-0702, Foster Home Approval](#)

[CS-0727, Initial Intake, Placement and Well-Being Information and History](#)

[CS-0741, Data Base Search Results](#)

[CS-0750, Background Criminal History-Expedited/Emergency Purpose Code X III Name Check](#)

[CS-0921, Waiver of Criminal Convictions, Pre and In-Service Training Requirements, Non-Safety Issues, CPS Substantiations and Educational Requirements](#)

[CS-1221, Waiver Agreement and Statement for Criminal History Checks \(VECHS\)](#)

[Income Tax form W-9](#)

Collateral Documents:

[14.22, Child Protective Services Background Checks](#)

[16.29, Foster Home Board Rates](#)

[16.59, Disclosure of Legal Options and Available Services for Relative Caregivers](#)

[The Interstate Compact on the Placement of Children Practice and Procedure Manual](#)

[Statewide Custodial Relative/Kinship Placement Protocol](#)

[*Protocol for Drug and Medication Expectations for Approved Foster Homes*](#)

[*Protocol for Requesting Out of State Abuse and Neglect Registry Checks*](#)

[*Controlled Substance and Medication Work Aid*](#)

[*National Sexual Offender Registry Clearance*](#)

[*Tennessee Department of Health Abuse Registry*](#)

[*Waiver Tip Sheet for Employment, Volunteering and Custodial Placements*](#)

[*Safety Notice: Conducting an Efficient and Effective History Search*](#)