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|----|---|--|-----------|
| 1  | <b>500</b>  | <b>Kinship</b>   |           |
| 2  |   |  |           |
| 3  | <b>500.1</b>  | <b>Table Of Contents</b>   |           |
| 4  |   |  |           |
| 5  | <b>501</b>  | <b>Kinship Services Philosophy, Active Search, And Preferences For Placement .....</b> | <b>1</b>  |
| 6  | <b>501.1</b>  | <b>Philosophy.....</b>   | <b>1</b>  |
| 7  | <b>501.2</b>  | <b>Definitions.....</b>  | <b>2</b>  |
| 8  | <b>501.3</b>  | <b>Diligent Search For Kin And Written Notice.....</b>                                 | <b>3</b>  |
| 9  | <b>501.4</b>  | <b>Preferences For Placement.....</b>  | <b>3</b>  |
| 10 | <b>501.5</b>  | <b>Factors That May Delay Placement Or Hinder Permanency.....</b>                      | <b>11</b> |
| 11 |   |  |           |
| 12 | <b>502</b>  | <b>Kinship Services - Preliminary Placement .....</b>                                  | <b>13</b> |
| 13 | <b>502.1</b>  | <b>Preliminary Placement Overview.....</b>   | <b>13</b> |
| 14 | <b>502.2</b>  | <b>Selection Of Kinship Caregiver For Preliminary Placement .....</b>                  | <b>14</b> |
| 15 | <b>502.3</b>  | <b>Background Screening Requirements For Preliminary Placement And Ongoing</b>         |           |
| 16 | <b>Care Regarding Non-Custodial Parent And Kinship Caregivers .....</b> |  | <b>15</b> |
| 17 | <b>502.3a</b>   | <b>Requirements For Unsupervised Access To A Child In Care .....</b>                   | <b>18</b> |
| 18 | <b>502.4</b>  | <b>Limited Home Inspection For Preliminary Placement .....</b>                         | <b>20</b> |
| 19 | <b>502.5</b>  | <b>Assessment Of Safety For Preliminary Placement .....</b>                            | <b>21</b> |
| 20 | <b>502.6</b>  | <b>Reference Check For Preliminary Placement.....</b>                                  | <b>21</b> |
| 21 | <b>502.7</b>  | <b>General Qualifying Requirements For Preliminary Placement.....</b>                  | <b>22</b> |
| 22 | <b>502.8</b>  | <b>Preliminary Placement With A Friend.....</b>  | <b>23</b> |
| 23 | <b>502.9</b>  | <b>Preliminary Placement With A Kinship Caregiver Out Of State .....</b>               | <b>27</b> |
| 24 | <b>502.10</b>   | <b>Notice Of Preliminary Placement.....</b>  | <b>28</b> |
| 25 | <b>502.11</b>   | <b>Preliminary Placement Coding In SAFE.....</b>                                       | <b>28</b> |
| 26 | <b>502.12</b>   | <b>Preliminary Placement Financial And Medical Support.....</b>                        | <b>28</b> |
| 27 | <b>502.13</b>   | <b>Preliminary Placement Visitation .....</b>  | <b>31</b> |
| 28 | <b>502.14</b>   | <b>Preliminary Placement - Child And Family Team .....</b>                             | <b>32</b> |
| 29 |   |  |           |
| 30 | <b>503</b>  | <b>Kinship Services - Evaluation And Support For Ongoing Care Of A Child .....</b>     | <b>34</b> |
| 31 | <b>503.1</b>  | <b>Evaluation Of Kinship Caregiver/Friend Capacity For Ongoing Care Of A</b>           |           |
| 32 | <b>Child</b>  | <b>.....</b>   | <b>34</b> |
| 33 | <b>503.2</b>  | <b>Child And Family Services Support Of The Kinship Caregiver/Friend While The</b>     |           |
| 34 | <b>Child Is In Child And Family Services Custody .....</b>              |  | <b>41</b> |
| 35 |   |  |           |
| 36 | <b>504</b>  | <b>Kinship Background Screening Process .....</b>                                      | <b>43</b> |
| 37 | <b>504.1</b>  | <b>Kinship Background Screening Process – Authority And Uses.....</b>                  | <b>43</b> |
| 38 | <b>504.2</b>  | <b>Kinship Background Screening Process – Expedited Request For Initial</b>            |           |
| 39 | <b>Background Screening For Preliminary Placement.....</b>              |  | <b>44</b> |
| 40 | <b>504.3</b>  | <b>Kinship Background Screening Process – Initiating Background Screening For</b>      |           |
| 41 | <b>Preliminary Placements And Ongoing Care .....</b>                    |  | <b>45</b> |
| 42 | <b>504.4</b>  | <b>Conducting Background Screening – BCI Support Team.....</b>                         | <b>48</b> |
| 43 | <b>504.5</b>  | <b>Conducting Background Screening – Office Of Licensing .....</b>                     | <b>51</b> |
| 44 | <b>504.6</b>  | <b>Analysis Of Background Screening Results .....</b>                                  | <b>51</b> |
| 45 | <b>504.7</b>  | <b>Documentation Of Results .....</b>  | <b>52</b> |
| 46 | <b>504.8</b>  | <b>Follow-Up Action For No Disposition, Outstanding Warrant, Or Review .....</b>       | <b>53</b> |

47 **504.9 Review Of History By The Statewide Kinship Background Screening Committee**  
48 **For Preliminary Placement..... 54**  
49 **504.10 Steps If Background Screening Is Denied After A Child Has Been Placed With A**  
50 **Kinship Caregiver/Friend ..... 56**  
51 **504.11 Communication Of Background Screening Results And Dissemination Of**  
52 **Records ..... 57**  
53  
54 **505 (NO LONGER USED)..... 61**  
55  
56 **506 Temporary Guardianship With The Kinship Caregiver And Court-Ordered**  
57 **Kinship Support Services..... 62**  
58  
59 **507 Periodic Review Of Kinship Placement ..... 65**  
60 **507.1 Removal Of A Child From The Home Of A Foster Care Licensed Or Unlicensed**  
61 **Relative Or Friend ..... 65**  
62  
63 **508 Statutory Timelines For Establishing Permanency ..... 67**  
64  
65 **509 Preparing Kin For Permanency Plan ..... 68**  
66  
67 **510 Temporary Guardianship With Child And Family Services And Licensed**  
68 **Kinship Foster Care..... 70**  
69  
70 **511 Permanent Guardianship With The Relative..... 72**  
71  
72 **512 Preparing Kin For Permanency Decision..... 73**  
73

74 **501 Kinship Services Philosophy, Active Search, And Preferences For**  
75 **Placement**

76 Major objectives:

- 77 A. Child and Family Services will make active and continued efforts to locate potential  
78 kinship caregivers for placement of a child in agency custody and to build and sustain  
79 family connections for the child.  
80
- 81 B. In selecting a placement for a child in agency custody, preferential consideration will be  
82 given to a non-custodial parent, parent, a legal guardian, a relative, or friend of the parent  
83 or guardian, as established in law, subject to the child's best interests. The child's wishes  
84 for placement will also be taken into consideration, if the child is of sufficient maturity to  
85 articulate their wishes.  
86

87  
88 **Applicable Law**

89 Utah Code Ann. [§80-2a-202](#). Removal of a child by a peace officer or child welfare caseworker -  
90 - Search warrants -- Protective custody and temporary care of a child.

91 Utah Code Ann. [§80-2a-301](#). Division's emergency placement of a child -- Background checks.

92 Utah Code Ann. [§80-3-301](#). Shelter hearing -- Court considerations.

93 Utah Code Ann. [§80-3-302](#). Shelter hearing -- Placement.

94 Utah Code Ann. [§80-3-303](#). Post-shelter hearing placement of a child in division's temporary  
95 custody.

96 U.S. Code [Title 25, Chapter 21](#). Indian Child Welfare.

97 U.S. Code [Title 42, Chapter 1305](#). Fostering Connections to Success and Increasing Adoption  
98 Act of 2008.  
99

100 **501.1 Philosophy**  
101

102 All children need permanency through enduring relationships that provide stability, familiarity,  
103 and support for the culture of the child; support the child's sense of self based on existing  
104 attachments; provide for the child's safety and physical care; and connect the child to their past,  
105 present, and future through continuing family relationships. First priority is to maintain a child  
106 safely at home. However, if a child cannot safely remain at home, kinship care has the potential  
107 for providing these elements of permanency by virtue of the kin's knowledge of and relationship  
108 to the family and child.  
109

110 All kinship work is done in the context of a Child and Family Team and includes family  
111 members. Kinship care includes elements of child protection, in-home services, family  
112 preservation, and foster care. When a child cannot safely remain home, kinship care is  
113 preferable to other out-of-home placements if the kinship caregiver can keep the child safe and  
114 appropriately meet the child's needs.

115 The caregiver's willingness and ability to care for and keep the child safe are fundamental. The  
116 kinship caregiver must have or acquire knowledge of the child, be able to meet the child's needs,

117 support reunification efforts, and be able to provide the child access to parents, siblings, and  
118 other family members through visits or caring for the child and siblings as a group.

119  
120 Ongoing assessment of the child’s safety, permanence, and well-being is important to the  
121 stability and value of kinship care. Ongoing assessment of safety is based on the components of  
122 safety decision-making, which include threats of harm, vulnerabilities of the child, and protective  
123 capacities of the kinship caregiver and their support system.

124  
125 Providing for kinship care in the Child and Family Services spectrum of services requires active  
126 efforts to identify and locate kin families with whom children may form or continue relationships  
127 at home or in temporary or permanent placements. Support to kinship caregivers is essential to  
128 the success of the child’s placement with the family and to the family’s ability to respond to the  
129 needs of the child. As members of the Child and Family Team, kinship caregivers will receive  
130 support from other family members and from informal and formal supports to provide for the  
131 child.

## 132 133 **501.2 Definitions**

- 134
- 135 A. Friend means an adult who has an established relationship with the child or a family  
136 member of the child and is not a natural parent of the child. A friend does not meet the  
137 definition of a relative of the child as defined in Utah Code Ann. §78A-6-307, and may  
138 be an extended relative of the child that is not included in the definition of relative. Child  
139 and Family Services shall consider the child's preferences or level of comfort with the  
140 friend and is required to consider no more than one friend designated by each parent of  
141 the child and one friend designated by the child, if the child is of sufficient maturity to  
142 articulate their wishes in relation to a placement. A friend must be licensed as a foster  
143 parent or be willing to become licensed as a foster parent within 120 days of the shelter  
144 hearing.
- 145
- 146 B. Guardian is a person who has been appointed by a judge to take care of a minor child  
147 personally and/or manage that person’s affairs until the child reaches majority at 18 years  
148 of age. The guardian (caregiver or responsible adult) has the authority to consent to the  
149 child’s marriage; enlistment in the armed forces; major medical, surgical, or psychiatric  
150 treatment; and to legal custody, if legal custody is not vested in another person, agency,  
151 or institution. [See: Utah Code Ann. [§80-1-102.](#)]
- 152
- 153 C. Kinship caregiver means a non-custodial parent, relative, or friend as defined in this  
154 section, who is selected for placement and care of a child in Child and Family Services  
155 custody.
- 156
- 157 D. Non-custodial parent is a natural parent as defined in Utah Code Ann. [§80-3-302](#) who is a  
158 biological or adoptive mother, an adoptive father, or a biological father who was married  
159 to the child’s biological mother at the time the child was conceived or born or who has  
160 had paternity established, and who has not been granted legal custody of the child.

- 161  
162 E. Preliminary Placement means an out-of-home placement with a non-custodial parent or  
163 relative, or a friend designated by the parent or child, if they are of sufficient maturity to  
164 articulate their wishes, with whom the child is comfortable with and is willing to become  
165 licensed as a foster parent as authorized in Utah Code Ann. [§80-3-302](#) and [§80-2a-301](#).
- 166 1. A Preliminary Placement caregiver who is a relative or is an ICWA-preferred  
167 placement may be married or cohabiting.
  - 168 2. A Preliminary Placement caregiver who is a friend or extended relative must be  
169 married or single and not cohabiting.
- 170  
171 F. Relative is defined in Utah Code Ann. [§80-3-102](#) as an adult who is the child's  
172 grandparent, great grandparent, aunt, great aunt, uncle, great uncle, brother-in-law, sister-  
173 in-law, stepparent, first cousin, stepsibling, or sibling; is a first cousin of the child's  
174 parent; is; or a relative who is the child's "grandparent, great-grandparent, aunt, great-  
175 aunt, uncle, great-uncle, brother-in-law, sister-in-law, stepparent, first cousin, stepsibling,  
176 or sibling, the first cousin of the parent, or an adult who is a permanent guardian or  
177 natural parent of the child's sibling. For an Indian child, relative also includes an  
178 "extended family member" as defined by the Indian Child Welfare Act (ICWA), [Title 25,](#)  
179 [Chapter 21](#), which is "by the law or custom of the Indian child's tribe or, in the absence  
180 of such law or custom, will be a person who has reached the age of eighteen and who is  
181 the Indian child's grandparent, aunt, or uncle, brother or sister, brother-in-law or sister-in-  
182 law, niece or nephew, first or second cousin, or stepparent."

### 184 **501.3 Diligent Search For Kin, Asserted Interest And Reporting To The** 185 **Courts**

186  
187 When a child enters protective custody, federal and state laws require Child and Family Services  
188 to actively search for relatives **of both legal parents** and provide notification and information  
189 regarding their rights and responsibilities. Efforts to locate kin and to build and sustain  
190 connections for the child will continue during the child's involvement with Child and Family  
191 Services. When a child cannot safely remain at home, kinship will be the first option. If the  
192 Child and Family Team is not able to place with kin, the caseworker will provide documentation  
193 in SAFE and to the court regarding the kinship efforts made. Non-relative placements should be  
194 the exception and, as such, should have exceptional justification and documentation.

195  
196 Within 30 days of removal, the caseworker will initiate diligent searches to identify and locate  
197 missing parents, grandparents, relatives, and/or potential kinship caregivers. The caseworker  
198 will work with the Child and Family Team, designated kin locators, or region appointed persons  
199 to provide kin with notice that a child with whom they have a relationship is in the custody of  
200 Child and Family Services. **Child and Family Services will inform any potential kinship**  
201 **caregiver that they will need to provide Child and Family Services with notice of interest to**  
202 **provide long-term permanency in order to pursue permanency for the child. Child and Family**  
203 **Services will inform potential kinship of the kinship preference timeframe. [See: Utah Code**

204 **Ann. §80-3-302.] Child and Family Services will document all kin who have asserted interest**  
205 **and will provide it to the court for each hearing.**

206

207 Caseworker Responsibilities

208 A. The caseworker will conduct a diligent and reasonable search to locate potential kinship  
209 caregivers (including the child's non-custodial parent, grandparents, other adult relatives,  
210 adults who are adoptive parents of the child's sibling, or friends willing to care for the  
211 child, by taking as many of the following steps as necessary:

212 1. Interview the custodial parent or guardian to obtain the names, addresses, and  
213 telephone numbers of all potential kinship caregivers (including adoptive parents  
214 of the child's siblings) or friends who may be able to provide care for the child, or  
215 who may be a resource to a kinship caregiver or friend that will have the child  
216 placed with them. Utilize tools such as genograms, social network mapping, and  
217 others, supporting the identification of possible kinship placements and  
218 connections.

219 a. If a custodial parent or guardian objects to Child and Family Services  
220 contacting a potential kinship caregiver, the supervisor and the caseworker  
221 may assess whether to still contact the potential kinship caregiver by  
222 considering the following factors:

223 (1) If the safety of the child or the custodial parent or guardian will be  
224 jeopardized if the potential kinship caregiver is contacted.  
225 (2) If contacting the potential kinship caregiver is in the best interest  
226 of the child.  
227 (3) If contacting the potential kinship caregiver will substantially limit  
228 Child and Family Services' ability to work with the custodial  
229 parent or guardian to the detriment of the child.

230 b. Searches are required with or without parental consent, subject to  
231 exceptions due to family violence or domestic violence. If the custodial  
232 parent or guardian is uncooperative in providing the names of potential  
233 kinship caregivers or friends who may have the child placed with them,  
234 the caseworker may contact the Assistant Attorney General (AAG) to  
235 request the court to order the custodial parent to provide the names of all  
236 potential kinship caregivers within five working days.

237 2. Interview the child for names, addresses, and telephone numbers of relatives or  
238 friends with whom the child is comfortable. If the child is of sufficient maturity  
239 to articulate their wishes regarding placement, Child and Family Services will  
240 consider relatives or friends designated by the child. If the basis for removing the  
241 child is sexual abuse of the child as described in Utah Code Ann. [§80-1-102](#), the  
242 child's wishes for placement shall take preference.

243 3. Ask participants at a Child and Family Team Meeting to help identify other  
244 potential kinship caregivers or friends who may be willing and able to care for the  
245 child.

246 a. Any relative or friend attending a Child and Family Team Meeting will be  
247 provided with the Kinship Notification Letter and the Kinship Pamphlet.

- 248 4. Interview and engage known maternal and paternal relatives or friends of the  
249 child.  
250 5. Conduct a search in SAFE on the parents to determine if the parent has had  
251 previous cases with Child and Family Services where the child has been adopted.  
252 If possible, obtain the contact information of the adoptive parent.  
253 6. As early as possible, contact the Native American tribe’s ICWA caseworker to  
254 request names, telephone numbers, and addresses of possible kin for any eligible  
255 Indian child, then follow-up with tribal placement preferences during case  
256 development.  
257 7. The caseworker will collaborate with the kin locator or region-appointed person  
258 to complete diligent searches on relatives and friends as defined in Utah Code  
259 Ann. [§80-3-102](#). Notices will be sent to all known relatives within 30 days of the  
260 removal. Continued searches will be made and notices provided throughout the  
261 case until the child has returned home, found permanency in a kinship placement,  
262 or, when no kinship placements are available, permanency with a non-relative is  
263 determined to be in the child's best interest.  
264

265 If there is a disruption in a placement, the Child and Family Team will look back at  
266 kinship options and resume search and engagement activities.  
267

- 268 B. The caseworker will contact the identified potential kinship caregivers or friends by  
269 telephone or in person, asking if they would like to be considered as a placement for the  
270 child, disclosing only the information necessary to assess their interest and/or to help  
271 identify additional kinship caregivers or friends who may have the ability to have the  
272 child placed with them. The potential kinship caregiver or friend will be informed that  
273 the information discussed is confidential and will only be used by Child and Family  
274 Services to address the best interests of the child. **Should the caregiver express their  
275 interest in providing permanency for the child, the caseworker will document that in  
276 SAFE.**  
277
- 278 C. The caseworker/kin locator or region-appointed person will provide written notice,  
279 including the [Kinship Pamphlet](#) to a non-custodial parent, all grandparents, and other  
280 adult relatives (including an adult who is an adoptive parent of the child's sibling) known  
281 to Child and Family Services or suggested by the legal parents within 30 days of removal,  
282 except when family or domestic violence justifies not providing notice. The written  
283 notice will:
- 284 1. Specify that the child has been or is being removed from the custody of the parent  
285 or parents of the child;
  - 286 2. Explain the rights, responsibilities, and options the relative has under federal,  
287 state, or local law to participate in the care and placement of the child, including  
288 any options that may be lost by failing to respond to the notice; and
  - 289 3. Describe the requirements to become a licensed resource family or to request  
290 court-ordered guardianship and any additional services and supports that are  
291 available for children placed in a kinship caregiver home.

292  
293 The caseworker will continue to search for kinship caregivers and connections  
294 throughout the case, engaging relatives and friends, and inviting them to be part of the  
295 Child and Family Team.

296  
297 Kinship searches are required when children are not placed with kin and are in custody  
298 for over 12 months with no permanency options, or if there is any disruption or change in  
299 placement unless a kinship search was done within the past 90 days.

300  
301 At the shelter hearing and subsequent hearings, the caseworker will report progress of  
302 kinship exploration to the Guardian ad Litem (GAL), AAG, and court.

- 303 1. Record all identified relatives or friends in SAFE located in the Person Screen
- 304 under the Relationships tab.
- 305 2. The ongoing caseworker will make phone or face-to-face contact and engage with
- 306 kin/friends who have expressed interest in being involved with the child.
- 307 3. Responses to the Notification to Kin Letters will be uploaded in SAFE in the
- 308 current case. The hardcopies will be filed in the green binder under the kinship
- 309 tab.
- 310 4. If the caseworker identifies a new relative or friend and needs contact
- 311 information, a new search for this kinship option will be completed by the kin
- 312 locator.

313  
314 Kin Locator or Region-Appointed Person Responsibilities:

- 315 A. The kin locator or region-appointed person will collaborate with the caseworker to
- 316 initiate searches for relatives and friends in order to provide notice within 30 days of
- 317 removal for all known relatives. Other relatives may be identified later in the case and
- 318 will be given the Notice to Relative Letter and the Kinship Pamphlet, and their
- 319 information will be documented in SAFE.
- 320
- 321 B. Kinship searches will be referred to the kin locator by the caseworker. Searches include:
- 322 1. Interviews of the parents, the child, and other family and friends.
- 323 2. A genogram or other family finding tools used during an interview or Child and
- 324 Family Team Meeting.
- 325 3. A check of the Utah Child Welfare database.
- 326 4. Social media.
- 327 5. Vital Records.
- 328 6. Eshare.
- 329 7. Office of Recovery Services (ORS).
- 330 8. Search of public records using CLEAR search program with Thomson Reuters.
- 331 This search will be completed for all children who come into Child and Family
- 332 Services custody and will include maternal, paternal, and adoptive relatives.
- 333 9. Returned Notice to Relative Letters.
- 334



- 335 C. Provide written notice (Notification to Relative Letter) to a non-custodial parent, all  
336 grandparents, all adoptive parents of the child's siblings, and other adult relatives known  
337 to Child and Family Services or suggested by the legal parents within 30 days of removal,  
338 except when family or domestic violence justifies not providing notice. The written  
339 notice will:
- 340 1. Specify that the child has been or is being removed from the custody of the parent  
341 or parents of the child;
  - 342 2. Explain the options the relative has under federal, state, or local law to participate  
343 in the care and placement of the child, including any options that may be lost by  
344 failing to respond to the notice; and
  - 345 3. Describe the requirements to become a licensed resource family or to request  
346 court-ordered guardianship and any additional services and supports that are  
347 available for children placed in a kinship caregiver home.  
348
- 349 D. Record all identified relatives or friends in SAFE located in the Relationships tab.  
350
- 351 E. Log returned Notification to Relatives response letters in SAFE Person Screen.  
352
- 353 F. Forward all returned Notification to Relatives letters to the caseworker for follow up.  
354 File these forms in the client's green binder under the kinship section and/or upload them  
355 into the child's case in SAFE.  
356
- 357 G. If unable to identify or locate a non-custodial parent or family member:
- 358 1. The authorized Child and Family Services worker must complete the ORS  
359 Kinship Locate Request form for each child (if kinship locate services are being  
360 requested for more than one child). All kinship locate requests must contain the  
361 following information:
    - 362 a. The child's name;
    - 363 b. The child's date of birth or Social Security Number;
    - 364 c. The individual's name;
    - 365 d. The individual's relationship to the child; and,
    - 366 e. The individual's date of birth or social security number.  
367 [See: Administrative Rules [R495-884-3](#) and [R495-884-4](#).]
  - 368 2. The Child and Family Services worker must provide the person's relationship to  
369 the child.
  - 370 3. Once the form is complete, the Child and Family Services worker will email it to  
371 [orskinshiplocator@ors.gov](mailto:orskinshiplocator@ors.gov).
  - 372 4. Urgent requests: If there is an emergency situation that requires immediate  
373 attention, the Child and Family Services worker will mark the email request as a  
374 High Priority in the subject line. If an individual is not known to the ORS  
375 information system, it is not possible to receive a quick response, even in a high  
376 priority situation.
  - 377 5. Information received from ORS regarding a child: If the request for kinship  
378 locate is for the child, ORS may provide Child and Family Services with the

379 name, date of birth, Social Security Number, and any paternity information for the  
380 child, if available.

381 6. Questions about the kinship locate process should be sent to the Child and Family  
382 Services state kinship program administrator, who will contact the ORS Child  
383 Support Policy and Training Unit, if necessary.  
384

#### 385 **501.4 Preferences For Placement**

386  
387 A. If parents share legal joint custody of a child but do not live together and Child and  
388 Family Services has determined that the child must be removed from one parent,  
389 protective custody is invoked. The child may be placed with the other parent according  
390 to the Preliminary Placement requirements for a non-custodial parent. Using the  
391 components of safety decision-making, determine with the other parent the supports  
392 necessary to keep the child safe. Report the legal joint custody status of the other parent  
393 to the court at the shelter hearing for the judge to make a decision about releasing the  
394 child to the other parent or ordering the child into Child and Family Services custody.  
395

396 B. There is a rebuttable presumption that placement of a child with the child's relative  
397 during a child welfare proceeding is in the best interest of the child. It requires Child and  
398 Family Services and the juvenile court to consider the rebuttable presumption at certain  
399 times throughout a child welfare proceeding, and requires the juvenile court to:  
400 1. determine whether Child and Family Services considered the rebuttable  
401 presumption and preferential consideration for placement of a child with a relative  
402 at the child welfare review hearing;  
403 2. provide preferential consideration to a relative's request for placement of a child at  
404 the permanency hearing; and  
405 3. consider whether a child's relative was given due weight as a placement for the  
406 child during the child welfare proceeding before entering a final order of adoption  
407 for the child.  
408

409 C. The following order of preference shall be applied when determining the person with  
410 whom a child will be placed in an emergency placement, provided that the person is  
411 willing and has the ability to care for the child, and is subject to the child's best interest:  
412 1. A noncustodial parent of the child in accordance with Utah Code Ann. [§80-3-302](#).  
413 2. A relative.  
414 3. A friend designated by the custodial parent, guardian, or the child, if the child is  
415 of sufficient maturity to articulate the child's wishes in relation to a placement.  
416 4. Former foster placement, or other foster placement designated by Child and  
417 Family Services.  
418 5. A shelter facility.  
419

420 D. In determining whether a friend is a willing and appropriate temporary emergency  
421 placement for a child, Child and Family Services:

- 422 1. Is required to consider no more than one friend designated by each parent or legal  
423 guardian of the child and one friend designated by the child, if the child is of  
424 sufficient maturity to articulate the child's wishes in relation to a placement;  
425 2. May limit the number of designated friends to two, one of whom shall be a friend  
426 designated by the child, if the child is of sufficient maturity to articulate the  
427 child's wishes in relation to a placement; and  
428 3. Shall give preference to a friend designated by the child, if:  
429 (a) the child is of sufficient maturity to articulate the child's wishes; and  
430 (b) Child and Family Services' basis for removing the child under Utah Code  
431 Ann. [§80-1-102](#) is sexual abuse of the child.  
432
- 433 E. An eligible Indian child must be placed within the foster/pre-adoptive placement  
434 preferences established by ICWA:  
435 1. A non-custodial parent of the child.  
436 2. Member of the child's extended family, according to the tribe's customary  
437 definition of extended family ([25 U.S.C. §1903\(2\)](#)).  
438 3. Foster home licensed, approved, or specified by the Indian child's tribe.  
439 4. Indian foster home licensed or approved by an authorized non-Indian.  
440 5. An institution for children approved by an Indian tribe or operated by an Indian  
441 organization that has a program suitable to meet the child's needs.  
442 6. If none of the above is possible, the child may be placed in a non-Indian foster  
443 home or other appropriate out of home placement.  
444
- 445 F. The selection of a placement will be consistent with the child's needs, first taking into  
446 consideration preference of placement found above. The type of out-of-home placement  
447 for the child, either the initial placement or change in placement, will be determined  
448 within the context of the Child and Family Team. Placement decisions will be made  
449 based upon best interests of the child, which will include the needs of the child and  
450 reducing the trauma of out-of-home care. The following considerations will be taken into  
451 account:  
452 1. Approved background screening requirements specified in Administrative Rule  
453 [R512-500](#).  
454 2. Sufficient information to determine whether:  
455 a. The relative or friend has any history of abusive or neglectful behavior  
456 toward other children that may indicate or present a danger to this child;  
457 b. The child is comfortable with the relative or friend;  
458 c. The relative or friend recognizes the parent's history of abuse and is  
459 committed to protect the child;  
460 d. The relative or friend is strong enough to resist inappropriate requests by  
461 the parent for access to the child, in accordance with court orders;  
462 e. The relative or friend is committed to caring for the child as long as  
463 necessary; and  
464 f. The relative or friend can provide a secure and stable environment for the  
465 child.

- 466 3. Assessment of safety will be based on safety decision-making principles, which  
467 include:
- 468 a. Potential threats of harm;
  - 469 b. Vulnerabilities of the child; and
  - 470 c. Protective capacities of the potential kinship caregiver and their support  
471 system.
- 472 4. The limited home inspection specified in Utah Code Ann. [§80-2a-301](#) is required  
473 for a non-custodial parent, relative, or friend. The limited home inspection is  
474 conducted in the home of the prospective kinship caregiver to determine if there  
475 are apparent safety risks in the home that present a potential threat of harm to the  
476 child. The limited home inspection determines if the following are met:
- 477 a. The home is free from observable health and fire hazards.
  - 478 b. There are adequate sleeping arrangements to meet the specific needs of  
479 each child.
  - 480 c. Any firearms, ammunition, hazardous chemicals, and/or medications are  
481 secured and not accessible to children.
- 482 5. References may be contacted to obtain input regarding placing the child with the  
483 potential kinship caregiver or information about other available relatives or  
484 friends who may care for the child.
- 485 6. Other considerations:
- 486 a. Is the relative committed to supporting reunification with the parents?
  - 487 b. Does the relative live in reasonable proximity to the child's home?
  - 488 c. Siblings placed together unless there is a safety concern or special  
489 circumstances.
  - 490 d. If the child's siblings were previously adopted, could the adoptive family  
491 provide permanency for this child?
  - 492 e. Educational needs, including proximity to the child's school and child's  
493 need for maintaining connections to school.
  - 494 f. Cultural factors, language, and religion specific to the child.
  - 495 g. Existing relationship between the child and a caregiver.
  - 496 h. Is the kin caregiver committed to maintaining a connection with siblings  
497 and relatives, including both sides of the family?
  - 498 i. Health and mental health needs, both for the child and the potential  
499 kinship caregiver.
  - 500 j. Potential for ongoing care or permanency with the caregiver to prevent  
501 unnecessary changes in placement.
- 502
- 503 G. Paternal and maternal relatives are to be considered equally when assessing for the best  
504 placement for the child.
- 505
- 506 H. For the purpose of a Preliminary Placement, siblings who have only one parent in  
507 common may be placed together with the sibling's relative, if it is in the unrelated  
508 sibling's best interests. The relative will meet the Preliminary Placement requirements

509 for a relative. Pursuit of a foster care license will be recommended to the caregiver if this  
510 is the selected ongoing placement for the child.

511  
512 I. When choosing from multiple placement options, the Child and Family Team will try to  
513 reach a consensus as to which kinship placement would be the most appropriate for the  
514 child using consideration listed above.

515  
516 J. A potential kinship caregiver will not automatically be excluded from consideration for  
517 Preliminary Placement of a child in Child and Family Services custody due to factors that  
518 may prevent them from becoming licensed through the Office of Licensing, such as a  
519 citizenship status that is undocumented.

520  
521 K. Preferential consideration means the Child and Family Team will consider the  
522 relative/friend for selection as a possible placement for the child, but does not guarantee  
523 that more than one potential kinship caregiver/friend will have background screening,  
524 limited home inspection, a Child-Specific Home Study, or that the child will be placed  
525 with the kinship caregiver/friend. Documentation of consideration and selection of  
526 potential kinship caregivers/friend by the Child and Family Team will be maintained in  
527 SAFE in Child and Family Team notes.

528  
529 L. Preferential consideration given to kinship caregivers in Utah Code Ann. [§80-3-302](#)  
530 expires **[120 days]eight months** from the date of the shelter hearing or, if no shelter  
531 hearing was held, then from the date the child was ordered into the custody of Child and  
532 Family Services. The Child and Family Team may consider potential kinship caregivers  
533 for placement after the **[120 days]eight months** have lapsed if it is in the best interest of  
534 the child. [See: Administrative Rule [R512-42](#), Adoption by a Relative.]

535  
536 M. Preferential consideration may be given to a friend if the friend is willing to become a  
537 licensed foster parent and is actively working towards licensure within 120 days of the  
538 shelter hearing, or if no shelter hearing was held, within 120 days of the child being  
539 ordered into the custody of Child and Family Services. [See: Practice Guidelines [Section](#)  
540 [502.8](#).]

## 541 542 **501.5 Factors That May Delay Placement Or Hinder Permanency**

543  
544 When selecting a kinship caregiver, consideration will be given to factors that may result in a  
545 delay of placement or that may hinder progress towards the child's permanency goals. Factors of  
546 concern will be communicated to the potential kinship caregiver/friend, which may lead them to  
547 recommend a different kinship caregiver/friend to prevent a delay in placement or to better  
548 support potential permanency options.

549  
550 A. Previous Child Abuse or Neglect Finding or Criminal History: Placement will likely be  
551 delayed if any adult in the home of the potential kinship caregiver/friend has had a  
552 previous child abuse or neglect finding or criminal history because more extensive

553 identity verification and evaluation of threat of harm to a child is required. The kinship  
554 caregiver/friend will also be required to obtain and provide legal documents further  
555 explaining the criminal history. In addition, a Region Background Screening Committee  
556 will likely be required to evaluate the history before a decision regarding approval or  
557 denial can be made.  
558

559 B. Out of Area/Out of State: If the potential kinship caregiver/friend lives out of the area,  
560 reunification efforts could be impacted by distance. Also, if the kinship caregiver/friend  
561 lives out of state, a significant amount of time may be required to complete the Interstate  
562 Compact for the Placement of Children (ICPC) requirements, including an out of state  
563 background screening and home study, which must be met prior to placement.  
564

565 C. Inability to Qualify for Adoption or as a Foster Parent:

- 566 1. If child abuse findings or criminal history do not meet the standards for the Office  
567 of Licensing, a kinship caregiver/friend would not be able to qualify for ongoing  
568 care of the child as a licensed foster parent or for adoption assistance, if that  
569 becomes the plan for the child.
- 570 2. If a kinship caregiver/friend is not able to provide documentation to show U.S.  
571 citizenship or residential status, ongoing care as a licensed foster parent and  
572 adoption assistance may not be an option; potential arrest or deportation may also  
573 be a concern.  
574

575 If a decision is made in any of these types of circumstances to recommend guardianship to the  
576 kinship caregiver/friend, the court must be fully educated on the risks and limitations for  
577 permanency.

578 **502 Kinship Services - Preliminary Placement**

 579 Major objectives:

- 580 A. Child and Family Services may place a child in custody into a Preliminary Placement  
 581 with a kinship caregiver (non-custodial parent or relative), or a friend designated by a  
 582 parent/guardian or child who is of sufficient maturity to articulate his or her wishes,  
 583 who is willing to become a licensed foster parent within six months or sooner of the  
 584 child being placed with them.  
 585
- 586 B. A Preliminary Placement is used to keep a child in Child and Family Services custody  
 587 safe while the Child and Family Team makes decisions regarding the child's ongoing  
 588 care and determines what steps are necessary to promote the safety, well-being,  
 589 stability, and permanency of the child.  
 590
- 591 C. Criteria for approving a kinship caregiver/friend for Preliminary Placement include  
 592 background screening, assessment of safety, limited home inspection, general qualifying  
 593 criteria, and may include a reference check.  
 594
- 595 D. The kinship caregiver/friend is responsible to meet the basic needs of the child while in  
 596 their care. The caseworker will educate and assist the kinship caregiver/friend on  
 597 possible financial and medical resources to support the child's needs.  
 598
- 599 E. The kinship caregiver/friend will assist in carrying out plans for visitation for the child  
 600 and will be engaged as a participant in the Child and Family Team.  
 601

 602  
 603 **Applicable Law**

 604 Utah Code Ann. [§26B-2-120](#). Background check -- Direct access to children or vulnerable  
 605 adults.

 606 Utah Code Ann. [§80-2a-202](#). Removal of a child by a peace officer or child welfare caseworker -  
 607 - Search warrants -- Protective custody and temporary care of a child.

 608 Utah Code Ann. [§80-2a-301](#). Division's emergency placement of a child -- Background checks.

 609 Utah Code Ann. [§80-2, Part 9](#). Interstate Compact on the Placement of Children.

 610 Utah Code Ann. [§80-3-301](#). Shelter hearing -- Court considerations.

 611 Utah Code Ann. [§80-3-302](#). Shelter hearing -- Placement.

 612 Utah Code Ann. [§80-3-303](#). Post-shelter hearing placement of a child in division's temporary  
 613 custody.

 614 U.S. Code [Title 25, Chapter 21](#). Indian Child Welfare.  
 615

 616 **502.1 Preliminary Placement Overview**

 617  
 618 A Preliminary Placement is an out-of-home placement with a non-custodial parent, relative, or a  
 619 friend (including an extended relative) of the custodial parent or guardian or child. A  
 620 Preliminary Placement is used to keep a child in Child and Family Services custody safe while  
 621 the Child and Family Team makes decisions regarding the child's ongoing care and determines

622 what steps are necessary to promote the safety, well-being, stability, and permanency of the  
623 child. Preliminary Placement with a kinship caregiver or friend is preferred over crisis care and  
624 may be considered for emergency foster care to avoid the use of another out-of-home placement  
625 with a caregiver who is unfamiliar to the child. The Preliminary Placement may also remain as  
626 the child's ongoing placement with the kinship caregiver becoming a licensed foster parent or  
627 being granted guardianship by the court. The Preliminary Placement may also remain as the  
628 child's ongoing placement with the friend becoming a licensed foster parent. Child and Family  
629 Services may not recommend that friends be granted guardianship of the child.

630  
631 A Preliminary Placement may be made while a child is in protective custody prior to a shelter  
632 hearing or after a court has ordered a child into the custody of Child and Family Services. A  
633 Preliminary Placement may continue while an evaluation is conducted and a plan is formed for  
634 ongoing care of the child.

635  
636 If it is determined that the Preliminary Placement will not be the ongoing placement for the  
637 child, the Preliminary Placement may assist in transitioning the child to an ongoing caregiver.  
638

## 639 **502.2 Selection Of Kinship Caregiver For Preliminary Placement**

640  
641 Child and Family Services, with the Child and Family Team is primarily responsible to select a  
642 kinship caregiver/friend for Preliminary Placement, taking into account preferences for  
643 placement, the best interest of the child, the kinship caregiver/friend's ability to meet qualifying  
644 requirements, and factors that may delay placement, result in multiple moves, or hinder progress  
645 towards the child's permanency goals.

646  
647 Out-of-Home Practice Guidelines [Section 300](#) apply during a Preliminary Placement with the  
648 following exceptions:

- 649
- 650 A. Traditional foster care placement screening or legal risk screening for foster/adoptive  
651 placements are not required when Preliminary Placement with a kinship caregiver/friend  
652 is being considered.
  - 653
  - 654 B. No crisis care or residential screening processes are required.
  - 655

656 The kinship caregiver will be at least 18 years of age; age 21 years or older is preferred because  
657 of age requirements to be licensed as a child-specific foster parent. A friend would be required  
658 to be aged 21 due to the requirement for them to obtain a foster parent license. In the event a  
659 non-custodial parent is younger than age 18 years, care must be given that the non-custodial  
660 parent has a permanent residence and sufficient means to care for and ensure the safety of the  
661 child, preferably with a responsible relative or other adult.

662  
663 It may be necessary for the child to receive temporary care while background screening and a  
664 limited home inspection are being completed, or while waiting for the non-custodial parent,  
665 kinship caregiver, or friend to arrive to pick up the child. This care may be provided at sites



666 identified by the region such as a crisis care facility or home, family support center, or other  
667 appropriate location.

668

### 669 **502.3 Background Screening Requirements For Preliminary Placement** 670 **And Ongoing Care Regarding Non-Custodial Parent And Kinship Caregivers**

671

672 A. PRELIMINARY PLACEMENT With Non-Custodial Parent: The following background  
673 screenings are required for the non-custodial parent and all individuals living in the home  
674 of the non-custodial parent.

675 1. If the child is being placed with a non-custodial parent, the following checks may  
676 be completed for the non-custodial parent and any other individuals living in the  
677 home before or within one day after a child is placed, excluding weekends and  
678 holidays, if based upon a limited investigation Child and Family Services  
679 determines that:

680 a. The non-custodial parent has regular, unsupervised visitation with the  
681 child that is not prohibited by law or court order; and

682 b. Based on the caseworker's best judgment and analysis of available  
683 information, there is no reason to believe that the child's health or safety  
684 will be endangered by making the placement prior to the background  
685 screening being completed.

686 2. Utah Criminal History Bureau of Criminal Identification (BCI): A non-  
687 fingerprint-based Utah BCI criminal history check must be approved for the non-  
688 custodial parent and all adults age 18 years and older living in the home.

689 3. Child and Adult Abuse and Neglect History Checks through SAFE: SAFE  
690 background checks for child and adult abuse and neglect must be approved for the  
691 non-custodial parent and all individuals living in the home.

692 4. Juvenile Criminal History: A name-based check through the Utah Criminal  
693 Justice System (UCJIS) must be approved for the non-custodial parent and all  
694 adults age 18 years and older living in the home.

695 a. A name-based check through the UCJIS must be approved for all  
696 individuals age 12 to 17 years old living in the home of the non-custodial  
697 parent.

698 5. The following background screenings are not required for the non-custodial  
699 parent, but Child and Family Services may require any of these checks if Utah  
700 criminal history or SAFE child abuse checks result in concerns about potential  
701 threat of harm to the child.

702 a. Federal Bureau of Investigation (FBI) Fingerprint-Based Criminal  
703 History Check.

704 b. Out of State Child Abuse Registry Check.

705

706 B. PRELIMINARY PLACEMENT With Kinship Caregiver Relative: The following  
707 background screenings are required for the kinship caregiver relative and all individuals  
708 living in the home of the kinship caregiver relative PRIOR to placement of a child.

- 709 1. Utah Criminal History Bureau of Criminal Identification (BCI): A non-  
710 fingerprint-based Utah BCI criminal history check must be approved for the  
711 kinship caregiver relative and all adults age 18 years and older living in the home.  
712 2. Child and Adult Abuse and Neglect History Checks through SAFE: SAFE  
713 background checks for child and adult abuse and neglect must be approved for the  
714 kinship caregiver relative and all individuals living in the home.  
715 3. Juvenile Criminal History: A name-based check through the Utah Criminal  
716 Justice System (UCJIS) must be approved for the kinship caregiver relative and  
717 all adults age 18 years and older living in the home.  
718 a. Juvenile Criminal History: A name-based check through the UCJIS must  
719 be approved for all individuals age 12 to 17 years old living in the home of  
720 the kinship caregiver relative.  
721
- 722 C. ONGOING CARE With Kinship Caregiver Relative: The following background  
723 screenings are required for the kinship caregiver relative and all adults age 18 years and  
724 older living in the home but may be completed AFTER placement of child has occurred.  
725 1. Federal Bureau of Investigation (FBI) Fingerprint-Based Criminal History Check:  
726 a. Live Scan fingerprint scanning must be completed or fingerprint cards  
727 submitted within 10 business days after placement of the child.  
728 2. Out of State Child Abuse Registry Check: An out of state child abuse registry  
729 check is required for any state in which the relative or other adult age 18 years  
730 and older living in the home has lived in the previous five years.  
731
- 732 D. PRELIMINARY PLACEMENT With Kinship Caregiver Friend BEFORE SHELTER  
733 HEARING: The following background screenings are required for the kinship caregiver  
734 friend and all individuals living in the home PRIOR to placement of a child.  
735 1. Utah Criminal History Bureau of Criminal Identification (BCI): A non-  
736 fingerprint-based Utah BCI criminal history check must be approved for the  
737 kinship caregiver friend and all adults age 18 years and older living in the home.  
738 2. Child and Adult Abuse and Neglect History Checks through SAFE: SAFE  
739 background checks for child and adult abuse and neglect must be approved for the  
740 kinship caregiver friend and all individuals living in the home.  
741 3. Juvenile Criminal History: A name-based check through the Utah Criminal  
742 Justice System (UCJIS) must be approved for the kinship caregiver friend and all  
743 adults age 18 years and older living in the home.  
744 a. Juvenile Criminal History: A name-based check through the UCJIS must  
745 be approved for all individuals age 12 to 17 years old living in the home of  
746 the kinship caregiver friend.  
747 (1) Federal Name-Based Check: A federal name-based criminal  
748 history check through Interstate Identification Index (III) must be  
749 approved for the kinship caregiver friend and all adults age 18  
750 years and older living in the home.  
751

- 752 E. ONGOING CARE With Kinship Caregiver Friend When Placement Occurred BEFORE  
753 Shelter: The following background screenings are required for the kinship caregiver  
754 friend and all adults living in the home but may be completed AFTER placement of child  
755 has occurred.
- 756 1. Federal Bureau of Investigation (FBI) Fingerprint-Based Criminal History Check:  
757 A fingerprint-based criminal history check for the kinship caregiver friend and all  
758 adults age 18 years and older living in the home.
    - 759 a. Live scan fingerprinting must be completed or fingerprint cards submitted  
760 within 15 calendar days of III check being completed.
    - 761 b. If the kinship caregiver friend or any adults age 18 years or older living in  
762 the home fail to complete live scan fingerprinting within the designated  
763 time frame, then the child shall immediately be removed from the home  
764 [see: Practice Guidelines [Section 301.2](#)].
  - 765 2. Out of State Child Abuse Registry Check: An out of state child abuse registry  
766 check is required for any state in which a kinship caregiver friend or other adult  
767 age 18 years and older living in the home has lived in the previous five years.  
768
- 769 F. PRELIMINARY PLACEMENT With Kinship Caregiver Friend AFTER SHELTER  
770 HEARING: The following background screenings are required for the kinship caregiver  
771 friend and all individuals living in the home PRIOR to placement of a child.
- 772 1. Federal Bureau of Investigation (FBI) Fingerprint Based Check: A fingerprint-  
773 based criminal history check for the kinship caregiver friend and all adults age 18  
774 years and older living in the home.
  - 775 2. Child and Adult Abuse and Neglect History Checks through SAFE: SAFE  
776 background checks for child and adult abuse and neglect must be approved for the  
777 kinship caregiver friend and all individuals living in the home.
  - 778 3. Juvenile Criminal History: A name-based check through the Utah Criminal  
779 Justice System (UCJIS) must be approved for the kinship caregiver friend and all  
780 adults age 18 years and older living in the home.
    - 781 a. Juvenile Criminal History: A name based check through the UCJIS must  
782 be approved for all individuals age 12 to 17 years old living in the home of  
783 the kinship caregiver friend.  
784
- 785 G. ONGOING CARE With Kinship Caregiver Friend When Placement Occurred AFTER  
786 Shelter: The following background screenings are required for the kinship caregiver  
787 friend and all adults living in the home but may be completed AFTER placement of child  
788 has occurred.
- 789 1. Out of State Child Abuse Registry Check: An out of state child abuse registry  
790 check is required for any state in which a kinship caregiver friend or other adult  
791 age 18 years and older living in the home has lived in the previous five years.
  - 792 2. Friend or Extended Family Member: In cases where a placement is made with a  
793 friend or kinship caregiver that is already a licensed foster parent, no additional  
794 background screening is required for Preliminary Placement or as part of the  
795 evaluation of capacity for ongoing care of the child, unless there is valid reason to

796 believe that the information obtained through the licensing process may no longer  
 797 be complete. The background screening has already been completed as a part of  
 798 the licensure process.  
 799

800 H. Option to Require Additional Background Screening Prior to Placement: Child and  
 801 Family Services may require a fingerprint-based national criminal history check, out of  
 802 state child abuse registry check, or out of country criminal history check prior to placing  
 803 a child in a Preliminary Placement with a kinship caregiver/friend when there is reason to  
 804 believe that the additional background screening may be necessary to prevent threat of  
 805 harm for the child.

806 a. If out of country documentation is needed, the following can be accepted. Note  
 807 that the United States territories of Puerto Rico, American Samoa, United States  
 808 Virgin Islands, and Guam are considered outside of the United States. Contact  
 809 information for embassies of countries outside of the United States can be  
 810 obtained at <http://www.embassy.org/embassies/>.

- 811 (1) A criminal history report from each country lived in; or
- 812 (2) A letter of honorable release from the United States Military or full-time  
 813 ecclesiastical service, from each country lived in; or
- 814 (3) Other written verification of criminal history from each country lived in or  
 815 efforts to obtain such history.  
 816

817 Examples of circumstances in which additional background screening may be appropriate  
 818 include need for verification of identity for a non-fingerprint-based Utah BCI criminal  
 819 history report, indication of multi-state offense on the Utah BCI criminal history report,  
 820 recent move to Utah, suspicious behavior or circumstances, or concerns regarding out of  
 821 state criminal or abuse activity reported by a person known to the individual.  
 822

### 823 **502.3a Requirements For Unsupervised Access To A Child In Care**

824  
 825 A. Background screenings must be completed for anyone who has unsupervised access to a  
 826 child in care over five hours a week, including respite, child care, and babysitting. [*See:*  
 827 Practice Guidelines [Section 305.2](#) and [Section 502.3a.](#)] Before care is provided,  
 828 information must be shared with the respite caregiver to ensure the child's needs are met.  
 829

830 B. Background check requirements for respite care in any licensed homes: DCFS will not  
 831 pay for the live scan fee. This check is completed by the Office of Licensing.

- 832 1. Complete FBI Finger Prints Cards (two hardcopy cards).
- 833 2. Complete non-foster care Background Screening Application.
- 834 3. Submit cards, Background Screening Application, and check for fee to local  
 835 licenser of licensed home.
- 836 4. Respite, child care, and babysitting may be provided by:
  - 837 a. Licensed out-of-home caregivers.
  - 838 b. Licensed specific out-of-home caregivers (care can only be between  
 839 licensed kinship caregivers known to the children).

- 840 c. Temporary placement in a licensed facility (Christmas Box House, Family  
841 Support Center).
- 842 d. Home of a licensed child care provider (must be licensed through the  
843 DHHS, Child Care Licensing Program).
- 844
- 845 C. Background check processes for unlicensed homes: This background check is completed  
846 by the Office of Licensing via the Child and Family Services TAC.
- 847 1. Process when Child and Family Services is paying for applicants' live scans (up  
848 two applicants per unlicensed home):
- 849 a. Complete FBI fingerprinting at Child and Family Services' location under  
850 B1561 code (\$10 fee applies).
- 851 b. Send non-foster care Background Screening Application, ID, and Social  
852 Security Card to region TAC.
- 853 c. Region TAC will submit Background Screening Application, ID, Social  
854 Security Card, and respite checklist (form PR23) to State Office  
855 background screening coordinator.
- 856 d. State Office background screening coordinator will send approved  
857 Background Screening Applications back to region TAC.
- 858 e. Walk-through will be completed by Child and Family Services.
- 859 2. Process when Child and Family Services is not paying for applicants live scans:
- 860 a. Complete FBI Fingerprints Cards (two hardcopy cards).
- 861 b. Complete non-foster care Background Screening Application.
- 862 c. Region TAC will submit cards, Background Screening Application, ID,  
863 Social Security Card, respite checklist (form PR23), and check for fee to  
864 State Office background screening coordinator.
- 865 d. State Office background screening coordinator will send approved  
866 Background Screening Applications back to region TAC.
- 867 e. Walk-through will be completed by Child and Family Services.
- 868
- 869 D. Visitation with child's non-licensed relative to maintain connections (includes overnight):  
870 Background check completed by region TAC.
- 871 1. First obtain approval from the Child and Family Team.
- 872 2. Using KBS02 form, region TAC will complete the checks below:
- 873 a. Utah Criminal.
- 874 b. Child and Adult Abuse, and LIS check.
- 875 c. FBI fingerprints to be completed at a Child and Family Services location  
876 under B1561 (\$10 fee still applies).
- 877 d. Walk-through will be completed by Child and Family Services.
- 878
- 879 E. Respite care for a licensed specific foster home, an unlicensed home, and visitation with a  
880 relative can take place in the respite caregivers' home after meeting the background  
881 screening and walk-through requirements above. For general licensed foster care homes,  
882 respite must take place in the licensed home.
- 883

884 F. Normalcy applies specifically to extracurricular, enrichment, or social activities that are  
885 age-appropriate for the child. This includes school, recreational, and peer activities that  
886 enrich a child’s whole development and gives them access to similar experiences as their  
887 peers. Reasonable and prudent parenting standards apply when the caregiver is making  
888 decisions regarding which activities a child can participate in. Normalcy is NOT an over-  
889 arching philosophy to determine what is “normal” for a family. The requirements of  
890 respite, child care, and babysitting apply to all children. Normalcy and visitation with  
891 relatives does not include relatives of the non-related foster parent. [See: Practice  
892 Guidelines [Section 300.7](#) and the [Background Screening For Unsupervised Access to](#)  
893 [Children in Care](#) chart.]  
894

#### 895 **502.4 Limited Home Inspection For Preliminary Placement**

896

897 A. The caseworker, supervisor, or other employee designated by the region director will  
898 conduct a limited home inspection (KBS16) in the home of the potential kinship  
899 caregiver/friend prior to placement to determine if there are apparent conditions that may  
900 present a threat of harm to the child, with one exception as indicated below.  
901

902 If the child is being placed with a non-custodial parent, the limited home inspection may  
903 be completed before or within one day after a child is placed, excluding weekends and  
904 holidays, if based upon a limited investigation Child and Family Services determines  
905 that:

- 906 1. The non-custodial parent has regular, unsupervised visitation with the child that is  
907 not prohibited by law or court order; and
- 908 2. Based on the caseworker’s best judgment and analysis of available information,  
909 there is no reason to believe that the child’s health or safety will be endangered by  
910 making the placement prior to completion of the limited home inspection.  
911

912 B. The limited home inspection determines if the following are met:

- 913 1. The home is free from observable safety, health and fire hazards. [See:  
914 Environmental Neglect in Practice Guidelines [Section 204.5.](#)]
- 915 2. There are adequate sleeping arrangements to meet the specific needs of each  
916 child; and
- 917 3. Any firearms, ammunition, hazardous chemicals, and/or medications are secured  
918 and not accessible to children.  
919

920 C. In situations where the non-custodial parent, kinship caregiver, or friend lives in Utah but  
921 outside of the region where the child resides, the caseworker will send a Request for  
922 Kinship Support Services (KBS09) to the region kinship supervisor in the region where  
923 the prospective kin/friend placement resides as soon as possible to request a limited home  
924 inspection. The receiving region will make contact with the non-custodial parent, kinship  
925 caregiver, or friend to schedule and complete the limited home inspection according to  
926 the urgency identified by the requesting region.  
927

## 928 **502.5 Assessment Of Safety For Preliminary Placement**

929

930 The caseworker, supervisor, or other person designated by the region director will conduct an  
931 assessment of safety for placement of a child with a potential kinship caregiver/friend, based on  
932 safety decision-making, which includes:

933

### 934 A. Specific and Observable Threats of Harm:

- 935 1. Background screening results,
- 936 2. Other persons who have regular access to the home, and
- 937 3. Age-specific environmental conditions.

938

### 939 B. Vulnerabilities of the Child:

- 940 1. The child's comfort level with the kinship caregiver/friend, and
- 941 2. Age and developmental level of the child.

942

### 943 C. Protective Capacities of the Kinship Caregiver/Friend and Their Support System:

- 944 1. Ability of the kinship caregiver/friend to meet or address the safety, physical, and  
945 emotional needs of the child, and
- 946 2. Access to resources.

947

## 948 **502.6 Reference Check For Preliminary Placement**

949

950 A. Child and Family Services may request the name and contact information for a reference  
951 from the potential kinship caregiver/friend and may contact the individual to obtain input  
952 about the potential kinship caregiver/friend's ability to safely care for the child. The  
953 caseworker may ask for information such as:

- 954 1. How familiar the individual is with the kinship caregiver/friend.
- 955 2. If the individual would recommend the placement of a child in the home of the  
956 kinship caregiver/friend.
- 957 3. What information the individual can provide regarding the kinship  
958 caregiver/friend's capacity to care for a child.
- 959 4. Whether the individual has knowledge of the kinship caregiver/friend's  
960 interaction with the child.
- 961 5. Whether the individual is aware of any other relatives or friends of the child to  
962 consider as a possible preliminary or long-term placement.
- 963 6. Any other information the individual can provide that will assist the caseworker in  
964 assessing the appropriateness of the placement.

965

966 B. The caseworker will assess the individual's level of familiarity with the potential kinship  
967 caregiver/friend before giving significant consideration to the information provided. If  
968 negative feedback is received from the individual, the caseworker will consider further  
969 assessment of the potential kinship caregiver/friend prior to making the Preliminary  
970 Placement.

971

972 **502.7 General Qualifying Requirements For Preliminary Placement**

973

974 In addition to requirements specified above for a non-custodial parent, kinship caregiver,  
975 relative, or friend, the following requirements must be met prior to approving Preliminary  
976 Placement of a child with a kinship caregiver/friend:

977

978 A. If the Preliminary Placement is being considered prior to the shelter hearing, Child and  
979 Family Services will ask the child's custodial parent or guardian to sign a Preliminary  
980 Placement Agreement stating that they:

- 981 1. Agree not to remove the child from the home of the kinship caregiver/friend.  
982 2. Agree not to have any contact with the child until after the shelter hearing, unless  
983 authorized by Child and Family Services in writing.

984

985 The caseworker will document in activity logs if the parent or guardian refuses or is not  
986 able to sign a parent/guardian Preliminary Placement Agreement. Child and Family  
987 Services may place a child with a kinship caregiver/friend if a parent refuses or is unable  
988 to sign a Preliminary Placement Agreement if it is in the child's best interest.

989

990 If the Preliminary Placement is being made after the shelter hearing and the court has  
991 ordered the child into Child and Family Services custody, no custodial parent or guardian  
992 agreement is required.

993

994 B. The kinship caregiver/friend:

995 1. Signs a Preliminary Placement Agreement stating that they:

996 2. Are able and willing to keep the child safe and provide daily care and nurturance.

997 3. Agree not to allow the custodial parent or guardian to have any contact with the  
998 child unless authorized by the court or Child and Family Services in writing.

999 4. Agree to contact law enforcement and Child and Family Services if the custodial  
1000 parent or guardian attempts to make unauthorized contact with the child.

1001 5. Are able and willing to take the child to medical, mental health, dental, and  
1002 educational appointments at the request of Child and Family Services.

1003 6. Are willing to apply for medical benefits through the Department of Workforce  
1004 Services within 10 business days of the child's placement.

1005 7. Agree to allow Child and Family Services and the child's GAL to have access to  
1006 the child.

1007 8. Are willing to support the child's permanency plan, including assisting the  
1008 custodial parent or guardian in reunification efforts at the request of Child and  
1009 Family Services.

1010 9. Are willing to follow all court orders.

1011 10. Have been informed and understand that Child and Family Services may continue  
1012 to search for other possible placements for long-term care of the child, if needed.

1013 11. Agree to submit a background screening application, copy of photo identification,  
1014 and fingerprints through Live Scan or hard copy cards for a fingerprint-based  
1015 background check within 10 business days of placement of the child.



- 1016 12. Agree to inform Child and Family Services of any changes or circumstances that  
1017 might affect the child’s well-being such as a change in health, address, or  
1018 caregiving arrangements.  
1019
- 1020 C. The child is comfortable with the kinship caregiver/friend.  
1021
- 1022 D. A supervisor approves the placement.  
1023
- 1024 E. Child and Family Services may not place a child with an individual who is prohibited by  
1025 court order from having access to that child.  
1026

## 1027 **502.8 Preliminary Placement With A Friend**

1028

1029 A child may be placed in the home of a friend (including an extended relative) designated by the  
1030 custodial parent or guardian of the child, if the friend is a licensed foster parent, or if the friend  
1031 agrees to become a licensed foster parent within six months of the child being placed with them.  
1032 All Out-of-Home Practice Guidelines in [Section 300](#) apply to the friend or extended relative of  
1033 the child. [*See: Administrative Rule [R512-500-4.](#)*]  
1034

1035 In determining whether a friend is a willing and appropriate placement for a child, Child and  
1036 Family Services is required to consider no more than one friend designated by each parent or  
1037 legal guardian of the child and one friend designated by the child if the child is of sufficient  
1038 maturity to articulate his or her wishes. Child and Family Services may limit the number of  
1039 designated friends to two, one of whom shall be designated by the child if the child is of  
1040 sufficient maturity to articulate his or her wishes. There are certain circumstances that allow us to  
1041 give preference to a friend designated by a child (versus kinship) if the child is of sufficient  
1042 maturity to articulate his or her wishes AND if the basis of removal is sexual abuse of a child.  
1043 This may be in circumstances within cultural communities that include kin support for forced  
1044 marriages or sexual relationships as described in the definition of sexual abuse found in Utah  
1045 Code Ann. [§80-1-102.](#)  
1046

1047 Child and Family Services staff will be aware that when a Preliminary Placement of a child is  
1048 made with a friend designated by the parent or child, the friend is not eligible for the specified  
1049 relative grant or other financial benefits through the Division of Workforce Services (DWS). At  
1050 this time, with the exception of cases where the child has a trust account and/or a parent with the  
1051 ability to pay child support, there are no financial supports available for friends until the friend  
1052 becomes a licensed foster parent. Staff will give careful consideration to whether the friend has  
1053 the financial capability to support the child’s needs during the period before completion of foster  
1054 care licensure. Friends chosen as caregivers for a child in custody may be eligible to receive a  
1055 Medicaid card for the child through DWS while pursuing foster parent licensure.  
1056

1057 When Child and Family Services makes a Preliminary Placement with an unlicensed friend, the  
1058 friend caregiver is required to be actively engaged in the process of obtaining foster parent  
1059 licensure within 60 days of the child being placed with them. If a friend caregiver receives a

1060 provisional license, the friend caregiver must continue the process and obtain foster parent  
1061 licensure within six months of the child being placed with them or the child will be removed  
1062 from the home of the friend caregiver. Foster parent licensure refers to being licensed as a foster  
1063 parent or obtaining a child-specific license through the Utah Department of Health & Human  
1064 Services (DHHS), Office of Licensing.

1065  
1066 When the kinship worker or other designated staff begin to meet with the friend caregiver after  
1067 the child is placed, information will be provided to the friend caregiver to assist them in caring  
1068 for the needs of the child and planning for the child's permanency. The kinship worker will  
1069 review with the friend caregiver the requirement that they obtain foster parent licensure, help  
1070 them understand the steps to complete for foster parent licensure, as well as what resources are  
1071 available to them once they become licensed.

- 1072  
1073 A. The kinship or other designated staff will discuss with the friend caregiver the advantages  
1074 and responsibilities of becoming a licensed foster care placement for the child. Resources  
1075 and advantages include:
- 1076 1. Monthly foster care payment.
  - 1077 2. Medical needs maintained by Child and Family Services to cover Medicaid,  
1078 dental, and mental health needs.
  - 1079 3. Access to and assistance from a Resource Family Consultant.
  - 1080 4. Further options for supports and resources, such as trackers, respite, and mental  
1081 health services, other than those found through the local mental health authorities.
  - 1082 5. Educational and training opportunities to assist them in meeting the needs of the  
1083 child.
  - 1084 6. Cluster support groups.
  - 1085 7. Respite care.
  - 1086 8. If the child's permanency goal changes to adoption, the AAG will facilitate a  
1087 process for termination of parental rights and the child will be assessed for  
1088 monthly adoption assistance.
  - 1089 9. Transition to Adult Living resources.
  - 1090 10. Health Care Nurse.

- 1091  
1092 B. In an effort to support the permanency needs of the child and expedite the ability of the  
1093 friend caregiver to obtain foster parent licensure, a caseworker and/or kinship worker will  
1094 complete the following after the placement of the child with the friend caregiver:
- 1095 1. Within two months (or earlier) of initial placement of the child with the friend  
1096 caregiver: The caseworker, kinship worker, or other designated Child and Family  
1097 Services staff will conduct a child and family team meeting for the purpose of  
1098 addressing the permanency needs of the child. The Child and Family Team  
1099 Meeting will include the following individuals (when applicable): the friend with  
1100 whom the children were placed, other potential kinship caregivers and relatives,  
1101 the caseworker, the kinship worker, and any other Child and Family Services staff  
1102 involved in the placement, including out of region staff if the placement is made  
1103 in another region. Other informal and formal supports to the family may include

- 1104 supportive family, friends, health care nurse, therapist, school representative,  
1105 daycare provider, etc.). Child and Family Services staff will do the following in  
1106 the Child and Family Team Meeting:
- 1107 a. Educate the friend caregiver regarding permanency timeframes and other  
1108 information associated with the case.
  - 1109 b. Review the advantages of becoming licensed with the friend caregiver  
1110 (listed in A1 above). Remind the friend caregiver that when the child was  
1111 initially placed with them, they agreed to become a licensed foster care  
1112 provider.
  - 1113 c. Review the progress of the friend caregiver in obtaining the provisional  
1114 license.
  - 1115 d. If the friend caregiver does not have the provisional license, assess  
1116 whether there are systemic issues that have prevented it or whether the  
1117 friend caregiver has not actively engaged in the process of obtaining the  
1118 provisional license. If the friend caregiver has not engaged in the process  
1119 of obtaining a provisional license, assess whether the friend caregiver is  
1120 able to care for the needs of the child and whether the child needs to be  
1121 moved to a new placement.
  - 1122 e. If the friend caregiver has received a provisional license, explain there are  
1123 further steps to achieve foster parent licensure and that the provisional  
1124 license will expire after six months.
  - 1125 f. Review the steps for obtaining foster parent licensure.
  - 1126 g. Review the progress of the friend caregiver in obtaining foster parent  
1127 licensure.
  - 1128 h. Assess whether the friend caregiver is actively engaged in the process of  
1129 obtaining the foster parent license. Examples of being “actively engaged”  
1130 include but are not limited to the following:
    - 1131 (1) Licensing application has been completed and given to the  
1132 caseworker or kinship worker.
    - 1133 (2) Child and Family Services kinship staff has been contacted to  
1134 schedule a home study.
    - 1135 (3) Medical appointments are scheduled or complete.
    - 1136 (4) FBI fingerprint background screening has been completed.
    - 1137 (5) Friend caregiver has begun required foster parent training.
  - 1138 i. If the friend caregiver is not actively engaged in the process of obtaining  
1139 foster parent licensure, assess whether the child needs to be removed from  
1140 the friend caregiver’s care and explore other placement options for the  
1141 child.
    - 1142 (1) Remind the friend caregiver that if foster parent licensure is not  
1143 completed prior to the provisional license expiring, the child will  
1144 be removed from their care.
    - 1145 (2) Introduce the concept of adoption to the friend caregiver and  
1146 provide education regarding the child’s need for permanency,  
1147 including educating the friend caregiver regarding the resources

- 1148 available through Adoption Assistance and post adoption support if  
1149 the friend caregiver becomes licensed.
- 1150 (3) If the friend caregiver has not yet become licensed, discuss any  
1151 obstacles to obtaining licensure and help formulate a written action  
1152 plan to overcome the barriers. The written plan will state Child  
1153 and Family Services' expectations of the friend caregiver, provide  
1154 specific steps and designate who is responsible for each step, and  
1155 outline specific dates to accomplish the steps prior to meeting in  
1156 two more months.
- 1157 2. Within four months (or earlier) of initial placement of the child with the friend  
1158 caregiver, if the friend caregiver has not yet received the foster parent license, the  
1159 caseworker or kinship worker will conduct a Child and Family Team Meeting for  
1160 the purpose of assessing the progress of the friend caregiver on the written plan  
1161 that was completed in the prior team meeting. Participants in the Child and  
1162 Family Team Meeting will include those outlined above in B1. Child and Family  
1163 Services staff will do the following in the Child and Family Team Meeting:
- 1164 a. Educate the friend caregiver that there are only two months remaining in  
1165 which they should have completed or be well into the process of obtaining  
1166 a foster parent license for the child placed in their home.
- 1167 b. Inform the friend caregiver that if foster parent licensure is not obtained  
1168 and/or if the friend is not actively engaged in the process of becoming  
1169 licensed within six months of the child being placed there, the child will  
1170 be removed from their care.
- 1171 c. Discuss any obstacles to obtaining licensure and modify the action plan to  
1172 overcome the barriers. The written plan will:  
1173 State Child and Family Services' expectations of the friend caregiver
- 1174 (1) Provide specific steps and designate who is responsible for each  
1175 step.
- 1176 (2) Outline specific dates to accomplish the steps in the action plan.
- 1177 (3) Schedule a further meeting to discuss any remaining barriers for  
1178 obtaining the foster parent license prior to the end of the sixth  
1179 month.
- 1180 (4) State in writing that if a foster parent license is not obtained within  
1181 six months of the child being placed there, then the child will be  
1182 removed from their care.
- 1183 (5) State in writing that if the foster parent license is not obtained by  
1184 the end of the sixth month, the next meeting will be to discuss a  
1185 transition for the child to another placement.
- 1186 d. Discuss other placement options for the child, and if possible, identify  
1187 who the child will be placed with if the friend caregiver is unable to obtain  
1188 the foster parent license.
- 1189 e. If the friend caregiver is not actively engaged in the process of licensure at  
1190 the time of the four month meeting, plans to transition the child to live

- 1191 with another relative or foster home will be arranged and pursued  
1192 immediately, in a manner that limits trauma to the child.
- 1193 3. Within six months of initial placement, if the friend caregiver has not received the  
1194 foster parent license and the child remains in the home while retaining the status  
1195 of being in foster care, the caseworker or kinship worker will:
- 1196 a. Assess whether the barriers to licensure or guardianship are the result of  
1197 barriers in the system or the result of the kinship caregiver's lack of follow  
1198 through on the written action plan.
- 1199 b. If the barriers to licensure are the result of systemic issues, the kinship  
1200 worker will staff the situation with a supervisor to determine if the barriers  
1201 will likely be overcome and the child may remain in the home pending  
1202 licensure. The staffing will include any steps that Child and Family  
1203 Services must take in order to assist in completion of the licensure  
1204 process. The staffing will be documented in the activity logs of each  
1205 child's case.
- 1206 c. If the barriers are a result of the friend caregiver's lack of follow through,  
1207 the kinship worker will conduct a child and family team for the purpose of  
1208 planning to transition the child from the friend caregiver's home into the  
1209 home of another relative or foster parent and addressing the child's  
1210 permanency plan. Participants in the Child and Family Team Meeting will  
1211 include those outlined above in B1, as well as the identified caregiver that  
1212 will have the child placed with them.
- 1213 d. Unless the friend caregiver is close to completing licensure and has  
1214 completed all the necessary steps to obtain the license, the child will be  
1215 removed and placed in a home that is willing to provide permanency for  
1216 the child.
- 1217 e. In unusual circumstances, the case may be staffed to determine if  
1218 remaining in the unlicensed home that does not have guardianship is in the  
1219 best interest of the child. This option will not be readily utilized. The  
1220 staffing shall be done first with the Child and Family Team. Then it will  
1221 be done with the State Office kinship administrator and the assistant  
1222 director of Child and Family Services.

## 1224 **502.9 Preliminary Placement With A Kinship Caregiver Out Of State**

- 1225
- 1226 A. If the non-custodial parent lives outside of Utah, all requirements under the ICPC,  
1227 including parent home study and background screening, must be completed as described  
1228 in Practice Guidelines General Major Objectives [Section 703](#) prior to placement of the  
1229 child out of state.
- 1230
- 1231 B. If a relative lives outside of Utah, all requirements under the ICPC, including relative  
1232 home study and background screening, must be completed as described in Practice  
1233 Guidelines General Major Objectives [Section 703](#) prior to placement of the child out of  
1234 state.

- 1235  
1236 C. If the friend who is designated for placement of the child lives outside of Utah, all  
1237 requirements under the ICPC, including fingerprint-based background screening and  
1238 being licensed as a foster parent in the receiving state, will be completed as described in  
1239 Practice Guidelines General Major Objectives [Section 703](#) prior to placement of the child  
1240 out of state.  
1241  
1242 D. If the child being placed is an Indian child and the kinship caregiver approved by the tribe  
1243 lives outside of Utah, the tribe must have completed their own approval or licensure for  
1244 the home prior to the child being placed out of state. Child and Family Services may  
1245 only make foster care maintenance payments to the home if the home is licensed by the  
1246 tribe or the receiving state, and may only make Title IV-E foster care maintenance  
1247 payments if fingerprint-based background checks and out of state child abuse registry  
1248 checks have been approved as part of the licensing process. If the tribe has custody of the  
1249 child, then ICPC does not apply.  
1250

### 1251 **502.10 Notice Of Preliminary Placement**

1252

1253 Notice must be provided to the court and all parties to a case when a child is placed in or moved  
1254 from a Preliminary Placement. Written notice must be provided within three days after making  
1255 or changing the placement, excluding weekends and holidays.  
1256

### 1257 **502.11 Preliminary Placement Coding In SAFE**

1258

- 1259 A. When the court orders a child into Child and Family Services custody, an SCF case will  
1260 be opened in SAFE.  
1261  
1262 B. The caseworker will open a Preliminary Placement with a non-custodial parent, kinship  
1263 caregiver, or friend in SAFE using the BHR code.  
1264

### 1265 **502.12 Preliminary Placement Financial And Medical Support**

1266

1267 The kinship caregiver/friend caregiver is responsible to meet the basic needs of the child while in  
1268 their care, including meeting the health care requirements specified in Practice Guidelines  
1269 [Section 303.5](#). The caseworker will educate the kinship caregiver about potential financial and  
1270 medical resources that may be available to assist them while caring for the child and will assist  
1271 them in submitting an application and supporting documents for financial and medical benefits to  
1272 the Department of Workforce Services (DWS), if needed. Applications for assistance will be  
1273 submitted to DWS within 10 business days after the child's placement.  
1274

1275 Child and Family Services staff will be aware that when a Preliminary Placement of a child is  
1276 made with a friend, the friend is not eligible for the specified relative grant or other financial  
1277 benefits through the Division of Workforce Services (DWS). At this time, with the exception of  
1278 cases where the child has a trust account and/or a parent with the ability to pay child support,

1279 there are no financial supports available for friends as caregivers for the child until the friend  
1280 becomes a licensed foster parent. Staff will give careful consideration to whether the friend has  
1281 the financial capability to support the child’s needs during the period before completion of foster  
1282 care licensure. Friends chosen as caregivers for a child in custody may be eligible to receive a  
1283 Medicaid card for the child through DWS while pursuing foster parent licensure.  
1284

1285 A. Financial Support:

1286 1. Child Support – Office of Recovery Services (ORS):

1287 a. If a child is placed with a non-custodial parent, that parent may contact  
1288 ORS to have an existing child support case reviewed to determine if child  
1289 support payments may be discontinued or reduced or the non-custodial  
1290 parent may apply to establish a child support case.

1291 b. If a child is placed with a relative or friend caregiver, the caseworker will  
1292 inform the relative or friend caregiver that when a child is ordered into  
1293 Child and Family Services custody, the court also orders the parent from  
1294 whom the child is removed to contact ORS to establish a child support  
1295 case to reimburse the state for cost of care. Some relatives are hesitant to  
1296 apply for public assistance and to sign the required Duty of Support form  
1297 when applying for financial or medical benefits because of fear it will  
1298 result in the person from whom the child was removed having an  
1299 obligation for child support. The relative needs to understand that the  
1300 court already ordered this financial obligation when the child was taken  
1301 into custody, and the relative receiving a specified relative grant does not  
1302 add to the financial obligation of the parent from which the child was  
1303 removed.

1304 2. Public Assistance – DWS:

1305 a. A non-custodial parent may apply for financial assistance, food stamps, or  
1306 child care through DWS. Income and assets of all members of the  
1307 household will be considered for determining eligibility.

1308 b. A relative may apply for specified relative financial assistance and  
1309 Medicaid to care for a related child through DWS. Eligibility for specified  
1310 relative assistance and Medicaid is based on the income and assets of the  
1311 child. Other DWS benefits for the relative will be based on the household  
1312 income.

1313 c. A friend may apply for Medicaid through DWS. Financial and other  
1314 benefits will be based on the household income.

1315 3. Child’s Unearned Income – Social Security or Supplemental Security Income:

1316 When a child in Child and Family Services custody receives unearned income,  
1317 such as Social Security or Supplemental Security Income (SSI), Child and Family  
1318 Services will become the representative payee for the child’s income as specified  
1319 in Practice Guidelines [Section 303.16](#). If the child is placed with a non-custodial  
1320 parent, unlicensed relative, or friend not eligible for a foster care payment  
1321 (hereinafter “caregiver”) in a Preliminary Placement, Child and Family Services

- 1322 will assess whether a Kinship Caregiver Maintenance Reimbursement will be  
1323 issued to the caregiver from the child’s trust account.
- 1324 a. The caregiver will complete the “Division of Child and Family Services  
1325 Kinship Caregiver Maintenance Reimbursement Agreement” form at the  
1326 time the child is placed with them. Each caregiver placement will require  
1327 a newly-completed and signed form.
- 1328 b. Child and Family Services will issue the kinship caregiver maintenance  
1329 reimbursement to the caregiver from the available funds in the child’s trust  
1330 account, minus the \$35 personal needs allowance, up to a maximum of the  
1331 basic daily foster care rate. The rate paid to the caregiver will be based on  
1332 the child’s age and the number of days the child is in the caregiver’s  
1333 home. [See: [Section 303.16.](#)]
- 1334 c. The caseworker is required to access the Trust Account System monthly to  
1335 request the kinship caregiver maintenance reimbursement, as well as  
1336 personal needs funds through the SAFE web system. [See: [Section](#)  
1337 [303.16.](#)]
- 1338 d. Payment will be issued the month after the child received care in the  
1339 caregiver’s home.
- 1340 e. This reimbursement is to be used for the maintenance and basic needs of  
1341 the child (such as housing, utilities, food, supervision, and personal  
1342 incidentals).
- 1343 f. The caregiver will not be required to provide Child and Family Services  
1344 with receipts for these maintenance and basic needs expenses, once the  
1345 maintenance reimbursement is established.
- 1346 g. The caregiver may submit a request for funds to the caseworker to help  
1347 pay for specific additional needs of the child. Approval is subject to  
1348 availability of funds and administrative approval. Receipts are required  
1349 for approved expenses.
- 1350 h. Child and Family Services will continue to verify the child lives with the  
1351 caregiver.
- 1352 i. The caregiver will notify the caseworker if the child no longer resides in  
1353 the home.
- 1354 4. Foster Care Payment: After completion of the foster care licensing process, a  
1355 friend or relative who is selected for ongoing placement of the child will receive a  
1356 foster care payment appropriate for the child’s level of need and the provider’s  
1357 level of training.
- 1358 5. Special Needs Payment: Special needs payments may be made for children who  
1359 are in a Preliminary Placement with a kinship caregiver/friend, according to limits  
1360 for children in out of home care, if other resources are not available to meet those  
1361 needs.
- 1362
- 1363 B. Health Care Resources: A kinship caregiver that is not a licensed foster parent is  
1364 responsible to seek resources to pay for health care for the child while in a Preliminary  
1365 Placement.



- 1366 1. Medicaid and Children’s Health Insurance Program (CHIP):  
 1367 a. Child and Family Services eligibility workers cannot issue Medicaid for a  
 1368 child who is in a Preliminary Placement with a non-custodial parent or  
 1369 relative who is not a licensed foster parent; however, the caseworker is  
 1370 still responsible to submit the DCFS Title IV-E and Medicaid Application  
 1371 within 30 days after the child is placed in Child and Family Services  
 1372 custody (see Practice Guidelines [Section 303.9](#)) so an initial Title IV-E  
 1373 eligibility determination can be completed. Eligibility workers can issue  
 1374 Medicaid for a child who is placed in a Preliminary Placement or ongoing  
 1375 placement with friend or extended relative who is licensed as a foster  
 1376 parent.  
 1377 b. A non-custodial parent, relative, or friend may apply for Medicaid or  
 1378 CHIP for the child through DWS. Income and assets of all persons in the  
 1379 household will be considered for determining eligibility for the child who  
 1380 is placed with a non-custodial parent. Income and assets of the child only  
 1381 will be considered for determining eligibility for a child who is placed  
 1382 with a relative or friend. Medicaid may be requested on the same  
 1383 application submitted for financial assistance.  
 1384 c. When submitting an application for Medicaid, a non-custodial parent,  
 1385 relative, or friend should request that the application for Medicaid be  
 1386 retroactive back to the date the child was placed in the home; which is  
 1387 allowable for up to 90 days.
- 1388 2. Private Medical Insurance: A non-custodial parent, relative, or friend may be able  
 1389 to provide for the child’s health care needs by adding the child to their own  
 1390 private medical insurance, when allowed by their insurance plan.
- 1391 3. MI706: An eligibility worker may issue an MI706 to the end of the month  
 1392 following the month a child is ordered into Child and Family Services custody, if  
 1393 the child is not enrolled in Medicaid when removed from the home. After that  
 1394 time and only as a last resort, the caseworker may request an MI706 from the  
 1395 Fostering Healthy Children nurse for specific health care needs of the child and  
 1396 for medical, dental, or mental health examinations required by Child and Family  
 1397 Services that the non-custodial parent, relative, or friend cannot pay for through  
 1398 other available resources. The non-custodial parent or relative should have  
 1399 applied for Medicaid, including requesting retroactive coverage, before an MI706  
 1400 is requested or issued by a nurse.

## 1402 **502.13 Preliminary Placement Visitation**

1404 The kinship caregiver/friend will assist in carrying out plans for visitation for the child.

### 1406 A. Child Visitation with Familial Connections:

- 1407 1. Pre-placement Visits with Potential Kinship Caregivers/Friends: If the child is not  
 1408 immediately placed in a Preliminary Placement, visitation between the potential  
 1409 kinship caregiver/friend and child will be part of a planned transition when it is

1410 determined that placement with the kinship caregiver/friend is in the best interest  
1411 of the child. Visitation between the potential kinship caregiver/friend and the  
1412 child may be limited and/or supervised until all requirements for Preliminary  
1413 Placement are met.

1414 2. Visitation with Siblings, Parents, and Other Relatives: Visitation for the child  
1415 with parents and siblings will be allowed in accordance with Practice Guidelines  
1416 [Section 303.1](#) when a child is in a Preliminary Placement. Visitation between the  
1417 child and extended relatives is allowable and may assist in helping the child  
1418 maintain valuable connections with the child's family. The Child and Family  
1419 Team will make a determination whether visitation between the child and the  
1420 extended relative is in the best interest of the child before visitation occurs.  
1421 Visitation between the child and extended relative will be individualized to meet  
1422 the needs of the child.

1423

1424 B. Caseworker Visitation with a Child, Kinship Caregiver, and Parents During a Preliminary  
1425 Placement:

1426 1. The caseworker will have an initial visit with the child by midnight of the second  
1427 day after making the Preliminary Placement. If the kinship caregiver resides in  
1428 another region, the caseworker may request the caseworker who conducted the  
1429 limited home inspection to make this visit for them.

1430 2. For the first four weeks of a Preliminary Placement, the caseworker will visit with  
1431 the child at least once per week in the home of the kinship caregiver/friend.

1432 3. The caseworker will follow Practice Guidelines [Section 302.2](#) regarding  
1433 purposeful visiting with a child, out-of-home caregiver, and parents when a child  
1434 is placed in a Preliminary Placement.

## 1436 **502.14 Preliminary Placement - Child And Family Team**

1437

1438 A. Role of the Child and Family Team:

1439 1. All kinship work is done in the context of a Child and Family Team. The team is  
1440 identified to bring together critical supports for the family. This may include the  
1441 biological parents, kinship caregivers, friends, children 12 years of age or older,  
1442 stepparents, other significant persons to family, the tribe/ICWA caseworker,  
1443 health care nurse, therapist, and school representative. The caseworker will  
1444 engage the kinship caregiver/friend to participate in the Child and Family Team.

1445 2. If the child has Native American heritage and is eligible as a registered tribal  
1446 member, Child and Family Services will establish contact with the tribe/ICWA  
1447 caseworker as early as possible to ensure the tribe is invited to participate in Child  
1448 and Family Team Meetings.

1449 3. The caseworker will prepare for the unique circumstances of each family prior to  
1450 a Child and Family Team Meeting. For example, if there are domestic violence  
1451 issues, the caseworker will consider separate Child and Family Team Meetings  
1452 for safety and confidentiality issues, and will prepare in advance to deal with  
1453 barriers, attitudes, relationship issues, safety issues, and legal concerns.

- 1454 4. If background screening for a potential kinship caregiver/friend has been denied,  
1455 the caseworker will discuss with the potential kinship caregiver/friend prior to the  
1456 Child and Family Team Meeting, other ways they may support the child and their  
1457 recommendations for another kinship caregiver/friend for Preliminary Placement.  
1458 The caseworker will not discuss any specific criminal history or child abuse  
1459 findings with the potential kinship caregiver/friend or the Child and Family Team  
1460 but may provide information about how a kinship caregiver/friend may obtain a  
1461 copy of their own criminal history or child abuse and neglect findings.  
1462
- 1463 B. Primary Purposes of Initial Child and Family Team Meeting:
- 1464 1. As soon as possible, the caseworker will conduct an initial Child and Family  
1465 Team Meeting. The initial Child and Family Team Meeting will include the  
1466 following:
- 1467 a. Sharing how Child and Family Teams work to support the goals of the  
1468 family.
- 1469 b. Explaining requirements for a Preliminary Placement.
- 1470 c. Gathering information to identify and notify possible kinship/friend  
1471 placements and supports.
- 1472 d. Explaining the court process/status.
- 1473 e. Explaining roles/responsibilities and how to work with Child and Family  
1474 Services.
- 1475 f. Explaining requirements of caring for the child, such as expectations for  
1476 medical, dental, and mental health care examinations.
- 1477 g. Explaining the process for evaluation of ongoing capacity of the kinship  
1478 caregiver/friend to care for the child and/or identifying the most  
1479 appropriate relatives or friends to be considered for ongoing placement for  
1480 the child.
- 1481 h. Exploring and developing strategies for other members of the Child and  
1482 Family Team to support the kinship caregiver/friend in caring for the child  
1483 and meeting agency requirements.
- 1484 2. The Child and Family Team will decide the best ongoing placement for the child  
1485 and identify ways members of the team can support the placement, taking into  
1486 consideration the best interests of the child, preferences for placement, and factors  
1487 that may delay placement or hinder permanency for the child.
- 1488 3. The Child and Family Team will make every effort to prevent a kinship  
1489 placement disruption by providing support to the family and working to overcome  
1490 any barriers. In the event that a disruption is imminent, the Child and Family  
1491 Team will look back at kinship options and resume search and engagement  
1492 activities.
- 1493 4. For Preliminary Placements made with a friend, the Child and Family Team  
1494 Meeting process outlined in Practice Guidelines [Section 502.8](#) must be followed.  
1495

1496 **503 Kinship Services - Evaluation And Support For Ongoing Care Of**  
 1497 **A Child**

1498 Major objectives:

- 1499 A. Child and Family Services will evaluate with a kinship caregiver/friend their capacity for  
 1500 ongoing care of the child.  
 1501  
 1502 B. The region in which a kinship caregiver/friend resides will provide support in accessing  
 1503 local resources and in responding to urgent concerns.  
 1504  
 1505 C. The region with jurisdiction of a child is responsible for supporting limited financial  
 1506 needs of the child that cannot be met by the kinship caregiver/friend.  
 1507  
 1508

1509 **Applicable Law**

1510 Utah Code Ann. [§26B-2-120](#). Background check -- Direct access to children or vulnerable  
 1511 adults.

1512 Utah Code Ann. [§80-2a-202](#). Removal of a child by a peace officer or child welfare caseworker -  
 1513 - Search warrants -- Protective custody and temporary care of a child.

1514 Utah Code Ann. [§80-2a-301](#). Division's emergency placement of a child -- Background checks.

1515 Utah Code Ann. [§80-2, Part 9](#). Interstate Compact on the Placement of Children.

1516 Utah Code Ann. [§80-3-301](#). Shelter hearing -- Court considerations.

1517 Utah Code Ann. [§80-3-302](#). Shelter hearing -- Placement.

1518 Utah Code Ann. [§80-3-303](#). Post-shelter hearing placement of a child in division's temporary  
 1519 custody.

1520 Utah Code Ann. [§80-3-305](#). Criminal background checks necessary prior to out-of-home  
 1521 placement.

1522 U.S. Code [Title 25, Chapter 21](#). Indian Child Welfare.  
 1523

1524 **503.1 Evaluation Of Kinship Caregiver/Friend Capacity For Ongoing**  
 1525 **Care Of A Child**  
 1526

1527 Child and Family Services will evaluate with the kinship caregiver/friend their capacity for  
 1528 ongoing care of the child, including consideration of long-term stability of placement, long-term  
 1529 view and permanency planning. The caseworker will initiate this evaluation process within 30  
 1530 days of the child being placed in a Preliminary Placement with a relative. The process will be  
 1531 initiated immediately when a child is placed in a Preliminary Placement with a friend. The  
 1532 process is initiated by submitting a Request for Kinship Support Services to the region kinship  
 1533 supervisor. If the caregiver resides outside of the region, the region kinship supervisor will send  
 1534 the request to the kinship supervisor in the region where the kinship caregiver resides to  
 1535 complete the evaluation. This evaluation consists of the following:

- 1536  
 1537 A. Background screening: Background screening results from background screening for  
 1538 Preliminary Placement and from the Office of Licensing review must be approved for  
 1539 ongoing care of a child in custody. If background screening is not approved, the

1540 caseworker and Child and Family Team will carefully consider how the child’s needs for  
1541 enduring safety and permanency will be met (long-term view) and what the permanency  
1542 goals, both primary and concurrent, for the child are before recommending that the court  
1543 grant guardianship to a kinship caregiver.  
1544

1545 B. The Initial Kinship/Specific Family Application form to be filled out by the kinship  
1546 caregiver/friend includes:

- 1547 1. Identifying information regarding the kinship caregiver/friend and the spouse, if  
1548 applicable).
- 1549 2. Others living in the household: children of the kinship caregiver/friend or others  
1550 residing in the home.
- 1551 3. References: At least two references and no more than four; only one may be a  
1552 relative.
- 1553 4. Previous home studies.
- 1554 5. If the kinship caregiver is currently licensed as a daycare provider.
- 1555 6. Questionnaire #1 for kinship caregiver and the spouse (if applicable): History  
1556 regarding the kinship caregiver’s family, relationships, and medical information.
- 1557 7. Emergency Plan Form.
- 1558 8. Kinship/Specific Income Statement Form.  
1559

1560 C. Reference checks: Child and Family Services will contact at least two references by  
1561 email or regular mail using the approved Reference Request as part of the Child-Specific  
1562 Home Study. Child and Family Services will receive at least two positive reference  
1563 letters in order to approve the home study.  
1564

1565 D. Questionnaire 2: This will be given to the kinship caregiver/friend and the spouse (if  
1566 applicable) at the time of the home study visit and will be completed by the kinship  
1567 caregiver/friend.  
1568

1569 E. Child-Specific Home Study: Through Child and Family Team Meetings, interviews, and  
1570 other conversations with the kinship caregiver/friend and others living in the home, the  
1571 kinship home study worker will evaluate the kinship caregiver/friend’s ability to provide  
1572 current and ongoing care for the child.

- 1573 1. The Child-Specific Home Study will be comprehensive, objective, and will  
1574 address the kinship caregiver/friend’s long-term ability to care for the child. It  
1575 may be used as a home study for a foster care license, as a report to the court for  
1576 recommendations for guardianship, and as an adoption home study if the child’s  
1577 permanency goal changes to adoption.
- 1578 2. The Child-Specific Home Study will include an assessment of the home  
1579 environment to evaluate if it meets the Office of Licensing health and safety  
1580 requirements. The Office of Licensing may issue a waiver (variance) of any rule  
1581 in regards to a kinship/specific home that does not impact the health or safety of  
1582 the specific child or sibling group. This requires prior written approval by the  
1583 director of the Office of Licensing. [See: Administrative Rule [R501-12-15](#).]

- 1584 3. The kinship home study caseworker will document the evaluation on the Child-  
1585 Specific Home Study form, which when completed will be a typed, professional  
1586 document of approximately 6-12 pages. The document may be presented to the  
1587 court, if requested. The Child-Specific Home Study is a protected record.  
1588
- 1589 F. Licensing and Adoption Home Study (called a pre-placement evaluation per Utah Code  
1590 Ann. §78B-6-128): The caseworker will ensure that the following requirements are  
1591 included in a home study. The home study may be done by Office of Licensing, Child  
1592 and Family Services or a DHHS home study contract):
- 1593 1. The home study must be completed or updated within 12 months of an adoptive  
1594 placement.
- 1595 2. Information gathered in the home study should include the following:
- 1596 a. Criminal background clearances for all adults in the home.  
1597 b. Child abuse registry clearances for all adults in the home.  
1598 c. Stable marital relationship and/or commitment and stability in existing  
1599 family relationships and/or the ability to sustain long-term relationships  
1600 that would provide a foundation for an adoptive child.  
1601 d. Relationship with the specific child intended to be placed in the home.  
1602 e. Commitment to the child as a permanent member of the family.  
1603 f. Parenting skills and emotional openness and flexibility to meet the unique  
1604 needs of the child.  
1605 g. Capacity, proper motivation, and realistic expectations of the specific  
1606 child who has experienced trauma and other effects of abuse and neglect  
1607 and may have other special needs.  
1608 h. How children living in the home will be affected by the placement of the  
1609 child.  
1610 i. How the kinship caregiver will preserve the child's family connections  
1611 and culture.  
1612 j. How supervision for the child will be arranged in accordance with the  
1613 child's age and developmental ability at times when the kinship caregiver  
1614 is not able to be in the home.  
1615 k. Who would take over care of the child if for some reason the current  
1616 caregiver is no longer able to be the primary caregiver.  
1617 l. Kinship caregiver/friend's current physical and mental health, including  
1618 health conditions, history, medications, and treatment of any family  
1619 member in the home and how these might affect ability to care for the  
1620 child. Both the primary caregiver and the spouse/partner (if applicable)  
1621 will fill out their portion of the approved Office of Licensing Medical  
1622 form and provide this form to their doctor to be completed and faxed back  
1623 to the home study worker.  
1624 m. The kinship caregiver/friend's financial capacity, including occupational  
1625 information and length of time on the job, how the kinship  
1626 caregiver/friend's employment affects their ability to care for the child in  
1627 either positive and/or negative ways, earnings, and ability to meet their

- 1628 own financial needs and needs of the child without being dependent on  
1629 foster care payments
- 1630 n. Home and neighborhood description, including the length of time the  
1631 kinship caregiver/friend has lived in the current home, sleeping  
1632 arrangements for the child and other ways the home might accommodate  
1633 the child's needs, benefits or risks for children including people who may  
1634 have regular access to the child, and a list of schools in the area.
- 1635 o. Social support system for both the parent and child.
- 1636 p. Knowledge of resources to help raise a child.
- 1637 q. Factors that may be barriers and contribute to disruption including:
- 1638 (1) History of emotional or psychological problems or substance  
1639 abuse.
- 1640 (2) Marital or relationship difficulties and incompatibilities that  
1641 seriously compromise the ability to meet the needs of the child.
- 1642 (3) Serious problems in child rearing.
- 1643 (4) Unrealistic expectations of self and child.
- 1644 (5) Disruptive and/or crisis filled lifestyle.
- 1645 (6) Criminal activity.
- 1646 3. For information on how and when to release the home study, refer to Practice  
1647 Guidelines [Section 305.6](#).
- 1648
- 1649 G. Educating the kinship caregiver/friend: Concurrently as the Child-Specific Home Study  
1650 is conducted, the kinship home study caseworker will educate the kinship  
1651 caregiver/friend about expectations of caring for a child who is under the jurisdiction of  
1652 the court, including:
- 1653 1. Carrying out the orders of the court.
- 1654 2. Working toward the child's permanency goal.
- 1655 3. Meeting the needs of the child while in their care.
- 1656 4. Being involved in the Child and Family Team process.
- 1657 5. Complying with Child and Family Services requirements, such as visits with  
1658 caseworkers, the child's visits with parents and siblings, maintaining the home-to-  
1659 home book, role of the GAL, health care visits, and education.
- 1660
- 1661 H. Information about the child will be given to the kinship caregiver/friend: The caseworker  
1662 and other team members will discuss with the kinship caregiver/friend information the  
1663 caseworker knows about the child and is relevant to the child's care, including medical,  
1664 dental, education, mental health, and any behavioral issues or special needs the child may  
1665 have. Best practice is allowing the kinship caregiver/friend an opportunity to review the  
1666 child's file before making any long-term decisions to care for the child. If the kinship  
1667 caregiver/friend is a licensed foster parent, refer to Practice Guidelines [Section 301.4](#) for  
1668 details about the information that may be shared with the kinship caregiver/friend.
- 1669 1. The file may have limited information. However, it is important to share any  
1670 relevant information that may help the relatives decide if they have the skills and  
1671 supports to raise the child. When a child has an existing file, the caseworker will

- 1672 inform the relatives that the information in the file is often subjective opinions of  
1673 the caseworker or therapist written at one time in the child's life. In addition,  
1674 circumstances that occur in a given time in the child's development can change  
1675 the way a child behaves and adjusts to life situations. For instance, the child may  
1676 have received many different mental health diagnoses. The mental health  
1677 diagnoses in a child's file are affected by each therapist's interpretation, the  
1678 child's developmental stage, factors in the child's environment, and different life  
1679 circumstances.
- 1680 2. The following guidelines will be used when the potential kinship caregiver/friend  
1681 views the child's file.
- 1682 a. Appropriate information about the child will be shared; however, neither  
1683 the biological parents' nor prior foster parents' medical, psychiatric,  
1684 psychological, or other personal information will be disclosed to the  
1685 relative.
- 1686 b. Child and Family Services must use prudent judgment in helping a kinship  
1687 caregiver/friend have information about the child that may be important  
1688 for the permanency and stability of the child's placement. Parents'  
1689 confidential information that may be important to caring for a child could  
1690 be shared in general non-identifying ways. For example, if a parent's  
1691 psychological diagnosis indicates schizophrenia, this specific information  
1692 about the parent cannot be disclosed to the relatives. However,  
1693 information regarding schizophrenia in general can be discussed.
- 1694 c. Child and Family Services file review guidelines:
- 1695 (1) The confidentiality agreement (SAFE form DCFS02) must be  
1696 signed. Special care will be given to addressing the sensitive  
1697 nature of confidential information about a child's family member.
- 1698 (2) The caseworker will orient the kinship caregiver/friend to the  
1699 structure of the files and where information is located.
- 1700 (3) The caseworker will instruct the kinship caregiver/friend to  
1701 consider specific types of information when available, such as  
1702 medical conditions, developmental delays, disabilities, mental  
1703 health diagnoses, placements and transfers, educational needs, and  
1704 other considerations for the child.
- 1705 (4) If a child has an existing file, the kinship caregiver/friend will want  
1706 to look for specific information in the file that will be important in  
1707 caring for the child. (*Red italic script* identifies information the  
1708 caseworker will copy for the kinship caregiver/friend review.)
- 1709 (a) Medical Information: *Immunizations, all allergies*  
1710 *including food allergies*, disabilities and treatments, current  
1711 medications and implications of discontinuing medications,  
1712 history of illnesses, conditions from abuse or neglect,  
1713 serious accidents, surgeries, past doctors, and hospital of  
1714 birth.



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- (b) Dental Information: Dental records, *past dentists*, orthodontic work, and *orthodontist*.
  - (c) Educational Information: *Schools and grades, evaluations, special education plans such as Individual Education Plans (IEPs) or Student Education and Occupational Plans (SEOPs), learning disability including specific disability, and test results.*
  - (d) Mental Health Information: *Current and prior therapists* and history of treatment, current and past medications, current and past diagnoses, including what the diagnoses means in raising a child. The kinship caregiver/friend will be encouraged to talk directly with the child’s mental health therapist when possible about how behaviors are connected with the diagnoses and how behaviors are best dealt with.
  - (e) Family History: *Health Data Report from SAFE*, culture, family situation, moves or stability factors, abuse and neglect history, domestic violence, reason for the child’s removal from their biological family, *genogram including the siblings (with their birth dates), and timelines.* Family members’ talents, hobbies, and interests. *Family photos and letters, if available.*
- d. After the kinship caregiver/friend has looked through the file, the caseworker will:
- (1) Talk with the kinship caregiver/friend about what they found in the file. Give them health and mental health diagnoses summary sheets, and answer questions they may have.
  - (2) Share helpful websites such as:
    - (a) American Academy of Child & Adolescent Psychiatry: [www.aacap.org](http://www.aacap.org).
    - (b) American Psychological Association: [www.apa.org](http://www.apa.org).
    - (c) American Academy of Pediatrics: [www.aap.org](http://www.aap.org).
    - (d) Substance Abuse and Mental Health Services Administration: [www.samhsa.gov](http://www.samhsa.gov).
  - (3) Give the kinship caregiver/friend time to process what they have learned. Encourage them to set another appointment to talk and ask other questions.
  - (4) Help the kinship caregiver/friend know the importance of keeping the child’s information and history.
  - (5) Encourage the kinship caregiver/friend to review the child’s file at intervals, especially after the child has been with the family for a couple of months.

- 1759                   3.     After disclosure, the caseworker will confirm with the kinship  
1760                   caregiver/friend their ability and willingness to become the placement  
1761                   option for the child.  
1762
- 1763 I.     Assessing Current Supports: Concurrently as the Child-Specific Home Study is  
1764             conducted, the kinship home study caseworker will help the kinship caregiver/friend  
1765             assess current resources that may be available to assist them in providing a stable  
1766             placement for the child, which may include:  
1767             1.     Assistance for a specified relative from DWS for financial assistance (for those  
1768                   that fit the definition of a relative).  
1769             2.     Health care resources, such as Medicaid, CHIP, or the family’s health insurance.  
1770             3.     Caregiver support groups such as the Utah Foster Care support groups and  
1771                   Grandfamilies.  
1772             4.     Informal supports such as community, schools, church, friends, and extended  
1773                   family.  
1774
- 1775 J.     Ongoing Care of the Child: If the kinship caregiver/friend who is a licensed foster parent  
1776             was the Preliminary Placement, the caseworker will assess with the kinship  
1777             caregiver/friend and the Child and Family Team the kinship caregiver/friend’s desire and  
1778             ability to provide ongoing care for the child.  
1779
- 1780 K.     Licensing or Temporary Guardianship: If the kinship caregiver is an unlicensed relative,  
1781             concurrently as the Child-Specific Home Study is conducted, the kinship home study  
1782             caseworker will provide information to the kinship caregiver to assist them in assessing  
1783             and comparing the possible resource supports and responsibilities associated with the  
1784             options of becoming a licensed foster parent or requesting temporary guardianship for  
1785             ongoing care of the child. If the kinship caregiver is a non-custodial parent, the  
1786             discussion will be limited to consideration for requesting temporary guardianship. If the  
1787             caregiver is an unlicensed friend identified by the parent, they are required to become  
1788             licensed within six months or sooner of the child being placed with them, and Child and  
1789             Family Services may not recommend the option of taking temporary guardianship of the  
1790             child.  
1791             1.     Discuss with the kinship caregiver/friend the advantages and responsibilities of  
1792                   becoming a licensed foster care placement for the child.  
1793                   a.     Resources and advantages include:  
1794                           (1)     Monthly foster care payment.  
1795                           (2)     Medicaid maintained by Child and Family Services to cover  
1796                           medical, dental, and mental health needs.  
1797                           (3)     Child and Family Services Resource Family Consultant help.  
1798                           (4)     Educational opportunities for meeting the needs of the child.  
1799                           (5)     Cluster support groups.  
1800                           (6)     Family’s own informal support network, such as community,  
1801                           schools, church, and extended family.  
1802                           (7)     Respite care

- 1803 (8) If the child’s permanency goal changes to adoption, the AAG will  
 1804 facilitate a process for termination of parental rights and the child  
 1805 will be assessed for monthly adoption assistance.
- 1806 b. Requirements to become a licensed foster parent include:
- 1807 (1) If married, both kinship caregivers/friends will complete the  
 1808 required training provided for kinship caregivers/friends through  
 1809 the current contractor for training, recruitment, and retention  
 1810 services.
- 1811 (2) All licensing requirements must be met including submission of an  
 1812 application, financial and medical documentation, obtaining  
 1813 written references, questionnaires, and safety home inspection.
- 1814 2. Discussing with the kinship caregiver the advantages and responsibilities of  
 1815 becoming a kinship caregiver and the process to request temporary guardianship  
 1816 of the child from the court. (Unlicensed friends identified by the parents as  
 1817 caregivers for the child will not be recommended by Child and Family Services  
 1818 for temporary guardianship and will be given instructions on becoming licensed  
 1819 foster parents.) Resources may include:
- 1820 a. Financial assistance for a specified relative (or from public assistance for a  
 1821 non-custodial parent) from DWS or child support from ORS.
- 1822 b. Medicaid or CHIP for the child or a private health insurance plan of the  
 1823 kinship caregiver to cover the child’s medical, dental, and mental health  
 1824 needs.
- 1825 c. Support groups through the private provider, Grandfamilies, and/or other  
 1826 sources.
- 1827 d. Family’s own informal support network, such as community, schools,  
 1828 church, friends, and extended family.
- 1829
- 1830 L. Initiating the Process to Apply to Become a Licensed Foster Parent: In order for the  
 1831 kinship caregiver/friend to apply to become a licensed child-specific foster parent, the  
 1832 caseworker or region kinship consultant will follow Practice Guidelines [Section 503.1](#)  
 1833 meeting current Utah Office of Licensing requirements. The region kinship supervisor or  
 1834 designated person will send a Request for Licensing a Child Specific Foster Home with  
 1835 the home study documentation to the Office of Licensing. The Office of Licensing will  
 1836 issue a provisional license when all of the necessary documentation is received from the  
 1837 kinship/specific caregiver and will work with the family to complete the licensing  
 1838 process. The caseworker will encourage the family to complete licensing requirements,  
 1839 including training, before the provisional license expires five months from the date of the  
 1840 provisional license being issued.

### 1842 **503.2 Child And Family Services Support Of The Kinship** 1843 **Caregiver/Friend While The Child Is In Child And Family Services Custody** 1844

- 1845 A. The region in which the kinship caregiver/friend resides will support the kinship  
 1846 caregiver/friend in responding to urgent concerns or accessing local resources (such as

- 1847 Medicaid and Specified Relative Grant through DWS, establishing a local Child and  
1848 Family Team or Utah Foster Care clusters).
- 1849
- 1850 B. If the kinship caregiver/friend lives in a different region than the region with jurisdiction  
1851 over the child, the caseworker/kinship worker will send a Request for Kinship Support  
1852 Services to the kinship supervisor in the sending region. The kinship supervisor will send  
1853 the request to the region kinship supervisor in the region where the prospective caregiver  
1854 resides to complete the evaluation.
- 1855
- 1856 C. The region that has jurisdiction for the child is responsible for supporting limited  
1857 financial needs of the child that cannot be met by the kinship caregiver/friend (such as  
1858 mileage, special needs payments, or MI706).
- 1859

1860 **504 Kinship Background Screening Process**

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**Major objectives:**

- A. Child and Family Services is authorized to conduct background screening for the purpose of assessing safety and threat of harm to a child when considering Preliminary Placement with a kinship caregiver for a child in agency custody.
- B. Child and Family Services will coordinate with the Office of Licensing to complete the background screening process for a kinship caregiver after Preliminary Placement has been made.
- C. A region Terminal Agency Coordinator (TAC) or alternate will complete background screening and will do an initial analysis of results.
- D. A region background screening committee will be established in each region to review background screening for Preliminary Placement.
- E. Background screening results will be safeguarded and disseminated only to those authorized to receive the information, in accordance with the Bureau of Criminal Identification (BCI) policies.

**Applicable Law**

- Utah Code Ann. [§26B-2-120](#). Background check -- Direct access to children or vulnerable adults.
- Utah Code Ann. [§80-2a-202](#). Removal of a child by a peace officer or child welfare caseworker - - Search warrants -- Protective custody and temporary care of a child.
- Utah Code Ann. [§80-2a-301](#). Division's emergency placement of a child -- Background checks.
- Utah Code Ann. [§80-2, Part 9](#). Interstate Compact on the Placement of Children.
- Utah Code Ann. [§80-3-301](#). Shelter hearing -- Court considerations.
- Utah Code Ann. [§80-3-302](#). Shelter hearing -- Placement.
- Utah Code Ann. [§80-3-303](#). Post-shelter hearing placement of a child in division's temporary custody.
- Utah Code Ann. [§80-3-305](#). Criminal background checks necessary prior to out-of-home placement.
- U.S. Code [Title 25, Chapter 21](#). Indian Child Welfare.

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**504.1 Kinship Background Screening Process – Authority And Uses**
**A. Authority:**

- 1. The BCI within the Department of Public Safety maintains criminal records in Utah. Child and Family Services accesses both Utah and national fingerprint-based criminal records through BCI in accordance with federal and state laws and BCI policies.

- 1904 2. Utah Code Ann. [§80-2a-301](#), [§80-3-303](#), and [§80-3-305](#) authorize Child and  
1905 Family Services to complete background screening for potential kinship  
1906 caregiver/friends of children in custody.  
1907 3. The Office of Licensing will complete the background screening process for  
1908 kinship caregiver/friends after Child and Family Services has conducted the non-  
1909 fingerprint-based check for Preliminary Placement.  
1910

1911 B. Uses of Background Screening Results in Kinship Care:

- 1912 1. Background screening conducted by the BCI Support Team or reviewed by the  
1913 Statewide Background Screening Committee is used to help assess safety and  
1914 threat of harm to a child for the purpose of approving or denying a Preliminary  
1915 Placement.  
1916 2. Background screening conducted by Office of Licensing is used to help confirm  
1917 the appropriateness of a Preliminary Placement and as part of the Child-Specific  
1918 Home Study and safety assessment for evaluation of a kinship caregiver/friend’s  
1919 capacity for ongoing care of the child. Office of Licensing background screening  
1920 results may also be used for the purpose of a foster care license, subsequent  
1921 adoption (if within 18 months of when the background screening was originally  
1922 approved and there is no reason to believe the background screening is  
1923 incomplete), or for a recommendation to the court for temporary guardianship.  
1924

1925 **504.2 Kinship Background Screening Process – Expedited Request For**  
1926 **Initial Background Screening For Preliminary Placement**  
1927

1928 A caseworker may request to expedite the initial background screening for Preliminary  
1929 Placement verbally. Steps to expedite background screening include:  
1930

- 1931 A. The caseworker will obtain and write down the following information for the kinship  
1932 caregiver/friend and for all adults age 18 years and older residing in the home on the  
1933 Expedited Background Screening for Preliminary Placement form (SAFE KBS00):  
1934 1. Name, including correct spelling of first, middle, last, maiden, alias, and previous  
1935 married names.  
1936 2. Social Security number, if a number has been issued.  
1937 3. Date of birth.  
1938 4. Relationship to the child.  
1939  
1940 B. The caseworker will view the photo identification of the kinship caregiver and other  
1941 adults age 18 years and older in the home to ensure the photo is of the same individual,  
1942 and spelling of name, date of birth, and if listed, Social Security number are correct. The  
1943 caseworker will also verify that the ID is not expired. Driver privilege cards and school  
1944 IDs are not acceptable identification. The caseworker will document on the form that this  
1945 has been completed.  
1946

- 1947 C. The caseworker will have the kinship caregiver/friend and each adult review and sign the  
 1948 form to verify that the information is correct and that Child and Family Services is  
 1949 authorized to conduct background screening for the purpose of Preliminary Placement.  
 1950
- 1951 D. The caseworker will request initial background screening for Preliminary Placement  
 1952 through the BCI Support Team. For on-call background screenings for Preliminary  
 1953 Placements, contact the BCI Support Team via phone.  
 1954
- 1955 E. The caseworker will provide the identifying information to the BCI Support Team by  
 1956 phone, email through state email, fax, or in person.
- 1957 1. The caseworker will give the BCI Support Team the name of the child being  
 1958 considered for placement and, if known, the child's date of birth, SAFE case  
 1959 number if a case is open, and if an out of region request, the caseworker's region  
 1960 and kinship caregiver/friend's region of residence.
  - 1961 2. The caseworker will give the BCI Support Team the information provided by the  
 1962 kinship caregiver/friend for all adults in the home, including the correct spelling  
 1963 for all names, and will verify to the BCI Support Team that each of the adults in  
 1964 the home signed the Expedited Background Screening for Preliminary Placement  
 1965 form.
  - 1966 3. As follow-up to a verbal, emailed, or faxed request, the caseworker will send the  
 1967 BCI Support Team the original Expedited Background Screening for Preliminary  
 1968 Placement form signed by the kinship caregiver/friend and adults in the home and  
 1969 by the caseworker.  
 1970
- 1971 F. The caseworker will notify the kinship caregiver/friend that this expedited background  
 1972 screening is preliminary and that the kinship caregiver/friend and other adults age 18  
 1973 years and older in the home must also complete additional background screening  
 1974 requirements to complete the process (see Practice Guidelines [Section 504.3](#)).  
 1975
- 1976 G. The BCI Support Team may notify the caseworker verbally if the background screening  
 1977 was approved, needs further review, is denied, or could not be completed based upon the  
 1978 verbal information presented. Specific details may be provided according to  
 1979 dissemination policies in practice guideline [Section 504.11](#).  
 1980
- 1981 H. If the result of the background screening is a mandatory denial then the BCI Support  
 1982 Team will send a denial letter to the applicant.  
 1983

### 504.3 Kinship Background Screening Process – Initiating Background Screening For Preliminary Placements And Ongoing Care

1987 The following steps are required before the kinship caregiver background screening is complete.  
 1988 If expedited background screening was used, these steps are required as follow-up to the  
 1989 expedited process. If expedited background screening was not used, these steps will initiate  
 1990 ongoing background screening.

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A. Caseworker Responsibilities:

1. The caseworker is responsible to ensure that required background screening is completed for all adults in the home. Another caseworker, such as a supervisor, region kinship consultant, or senior assistant caseworker, may assist with the tasks described below.
2. The caseworker will notify the kinship caregiver of background screening requirements and processes.
3. The caseworker will print the Kinship Background Screening Application (SAFE KBS01) from SAFE and will write on Page Two of the application the caseworker name and child’s name, date of birth, and SAFE case number.
4. The caseworker will make copies of the application for the kinship caregiver and all persons age 18 and older living in the home and will provide them written instructions for completing the background screening process, including how to access Live Scan or to submit hard copy fingerprint cards.
5. The caseworker will follow up to ensure the application and fingerprints were submitted.

B. Kinship Caregiver Responsibilities:

1. The kinship caregiver and each adult age 18 years or older residing in the home must obtain the Kinship Background Screening Application (SAFE KBS01) from the caseworker, complete the application following instructions on the form, submit copies of photo identification and Social Security cards, and bring it to the Child and Family Services office.
2. The kinship caregiver and any other adults age 18 years and older living in the home must submit fingerprints for an FBI national criminal records check.
  - a. Fingerprints may be submitted using Live Scan at Child and Family Services offices, following the procedures described below. The kinship caregiver or adults in the home are responsible to pay the fee for scanning the prints.
  - b. Fingerprints may be submitted using hard copy fingerprint cards, following the procedures described below. The kinship caregiver or adults in the home are responsible to pay the fee for having the prints rolled by a law enforcement agency or BCI and to pay the transmitting fee for scanning the fingerprint cards.
  - c. Live Scan or submission of fingerprint cards must be completed no later than 10 business days after the child’s placement in the home.

C. Live Scan Process:

1. Live Scan Operators. Live Scan operators are designated by the region and must receive training on scanning fingerprints and submitting Live Scan data from qualified persons, such as BCI trainers or other qualified Live Scan operators. The region will notify the Background Screening Coordinator at the State Office when making a change in Live Scan operators. Live Scan operators are



- 2035 responsible to verify applicant identity and to electronically scan and submit  
2036 fingerprints of background screening applicants to the BCI.
- 2037 2. Live Scan Appointment. Persons required to have a fingerprint-based background  
2038 screening will schedule an appointment for Live Scan by phone in advance. The  
2039 Kinship Background Screening Application (SAFE KBS01) must be completed  
2040 prior to the appointment.
- 2041 3. What Individuals Must Bring for Live Scan. Persons required to have a  
2042 fingerprint-based background screening will bring the following with them to  
2043 their Live Scan appointment:
- 2044 a. Original Kinship Background Screening Application (SAFE KBS01)  
2045 completed and signed.
- 2046 b. Photo Identification. This must be a current photo identification issued by  
2047 a state or federal government such as a driver license or identification card  
2048 issued by Department of Motor Vehicles or issued by the United States  
2049 government such as a passport. School identification and driver privilege  
2050 cards are not acceptable. If no United States identification is available,  
2051 current photo identification issued by the government of another country  
2052 may be used. If photo identification has expired, Live Scan cannot be  
2053 completed.
- 2054 c. Social Security card, if available at time of appointment.
- 2055 d. Fee to scan the prints. Each person is required to pay a fee to have  
2056 fingerprints scanned. Payments must be by cashier's check or money  
2057 order payable to DHHS. Some offices also accept cash.
- 2058 4. Live Scan Process. The Live Scan operator will complete the following steps for  
2059 the Live Scan process:
- 2060 a. Prepare the Live Scan Authorization Form.
- 2061 b. Hand out a copy of the FBI Privacy Rights to the Live Scan applicant.
- 2062 c. Receive payment.
- 2063 d. Verify and make an enlarged, clear copy of photo identification and Social  
2064 Security card. (If expiration date or corrections are listed on back, copy  
2065 both sides of identification.)
- 2066 e. Document Live Scan billing code, Live Scan operator's initials, and date  
2067 of Live Scan submission on the second page of the Kinship Background  
2068 Screening Application.
- 2069 f. Send the original Kinship Background Screening Application and a clear  
2070 copy of both sides of photo identification and Social Security card to the  
2071 BCI Support Team.
- 2072 g. Scan and upload a copy of the completed live scan authorization form into  
2073 the designated Google Drive folder. IDs and SSCs should not be uploaded  
2074 into the Google Drive folder.
- 2075
- 2076 D. Hard Copy Fingerprint Card Process:
- 2077 1. Obtain Copy of Fingerprint Cards: If any persons who need a fingerprint-based  
2078 check do not have access to a Child and Family Services Live Scan location, they

2079 can submit two hard copy 10-print fingerprint cards. Each person is responsible  
 2080 to go to a law enforcement agency or other agency approved by the BCI to have  
 2081 their fingerprints rolled on a 10-print fingerprint card. Each person is responsible  
 2082 to pay the cost charged by the agency to have the fingerprint rolled. Photo  
 2083 identification will be required.

2084 2. Submission of the Fingerprint Cards and Payment for Submission:

2085 a. The kinship caregiver or adult in the home will submit to the caseworker  
 2086 the Kinship Background Screening Application (SAFE KBS01), copy of  
 2087 photo identification, Social Security card, two sets of fingerprint cards,  
 2088 Live Scan Authorization Form, and payment for fee to scan and transmit  
 2089 the fingerprint cards.

2090 b. The caseworker will give the application, fingerprint cards, copies of  
 2091 photo identification and Social Security card, Live Scan Authorization  
 2092 Form, and payments to the BCI Support Team.

2093 c. The BCI Support Team will submit all of the above paperwork, except the  
 2094 payment, to the State Office background screening coordinator.  
 2095

#### 2096 **504.4 Conducting Background Screening – BCI Support Team**

2097  
 2098 The State Office BCI program manager will hire technicians for the BCI Support Team. Each  
 2099 BCI Support Team member must receive approval and training to conduct background screening  
 2100 through the Background Screening Coordinator at the Child and Family Services State Office  
 2101 and through BCI, and must have an approved fingerprint-based national criminal history check  
 2102 submitted through BCI to the FBI.  
 2103

2104 The BCI Support Team will conduct a background screening for each kinship caregiver and adult  
 2105 age 18 years and any youth ages 12-17 years older in the home (referred to below as “applicant”)  
 2106 to identify if an adult or child abuse or neglect finding or criminal history record exists for each  
 2107 applicant.  
 2108

2109 A. Verify Identity: The BCI Support Team will make a “good faith” effort to determine that  
 2110 the identification and information submitted for each applicant is valid and does not  
 2111 appear to be forged or altered, based upon review of the applicant information on any  
 2112 background screening application submitted and photo identification. If background  
 2113 screening for a Preliminary Placement is being conducted based upon an expedited verbal  
 2114 request, the effort to verify identity will be completed based upon information available  
 2115 in data systems and upon post-screening review of the application and photo  
 2116 identification after submission by the caseworker or Live Scan operator.  
 2117

2118 B. Child Abuse and Criminal Record Checks: The BCI Support Team will research the  
 2119 systems listed below, in accordance with laws and policies authorizing Child and Family  
 2120 Services to access these records, to determine if an applicant has child or adult abuse or  
 2121 neglect findings or a criminal history.

- 2122 1. Preliminary Placement Background Screening - Utah Criminal Justice  
2123 Information System (UCJIS):  
2124 a. UCJIS is searched to determine if the applicant has criminal convictions or  
2125 patterns of arrests or convictions that indicate a likely threat to safety of a  
2126 child. Analysis will be based upon statutory criteria specified in Utah  
2127 Code Ann. [§26B-2-120](#).  
2128 b. Utah Criminal History reports are run with a purpose code X if the  
2129 background screening is occurring BEFORE the shelter hearing and the  
2130 child is in the custody of Child and Family Services. The SAFE case  
2131 number will be entered into the audit field. If no SAFE case number has  
2132 been established, enter 111 (number one repeated three times) and the  
2133 child's name in the audit field. Purpose code C is used if the background  
2134 screening is occurring AFTER the shelter hearing or if child is not yet in  
2135 the custody of Child and Family Services.
- 2136 2. Preliminary Placement Background Screening – SAFE Management Information  
2137 System and Licensing Information System: The SAFE Management Information  
2138 System and Licensing Information System is searched for the following:  
2139 a. To determine if the applicant has findings of a severe type of child abuse  
2140 or neglect as defined in Utah Code Ann. [§80-1-102](#) accessible in the LIS  
2141 portion of SAFE, or if other child welfare or domestic violence case  
2142 history or patterns of behavior may pose a likely threat to the safety of a  
2143 child.  
2144 b. To determine if the applicant has findings of adult abuse.
- 2145 3. Preliminary Placement Background Screening-Juvenile Criminal History:  
2146 a. To determine if the applicant has juvenile criminal convictions or patterns  
2147 of arrests or convictions that indicate a likely threat to safety of a child.  
2148 Analysis will be based upon statutory criteria specified in Utah Code Ann.  
2149 [§26B-2-120](#).
- 2150 4. Preliminary Placement Background Screening-Federal Name Based Check  
2151 through Interstate Identification Index (III):  
2152 a. This check only applies for an expedited background screening on a  
2153 kinship caregiver friend if the background screening is occurring  
2154 BEFORE the shelter hearing as per emergency statute [§80-2a-301](#).  
2155 b. To determine if the applicant has criminal convictions or patterns of  
2156 arrests or convictions that indicate a likely threat to safety of a child.  
2157 Analysis will be based upon statutory criteria specified in Utah Code Ann.  
2158 [§26B-2-120](#).
- 2159 5. Preliminary Placement Background Screening-Fingerprint-Based:  
2160 a. This check applies for a preliminary placement with a kinship caregiver  
2161 friend when placing with a friend AFTER shelter hearing as per shelter  
2162 hearing statute [§80-3-303](#).  
2163 b. Fingerprint-based FBI national criminal history records are checked to  
2164 determine if the applicant has criminal convictions or patterns of  
2165 convictions that indicate a likely threat to safety of a child. Analysis will

- 2166 be based upon statutory criteria specified in Utah Code Ann. [§26B-2-](#)  
2167 [120](#).
- 2168 6. Completing Ongoing Background Screening – Fingerprint-Based Check:
- 2169 a. If fingerprinting has not already occurred, fingerprint-based FBI national  
2170 criminal history records are checked to determine if the applicant has  
2171 criminal convictions or patterns of convictions that indicate a likely threat  
2172 to the safety of a child. Analysis will be based upon statutory criteria  
2173 specified in Utah Code Ann. [§26B-2-120](#).
- 2174 b. Live Scan results of multi-state and FBI national criminal history records  
2175 are accessed through BCI/Applicant Background Checks (ABC)  
2176 Webpage, which may include obtaining hard copy reports.
- 2177 (1) If the Live Scan results are “approved,” no history exists.
- 2178 (2) If the Live Scan results indicate “research,” the BCI Support Team  
2179 must wait for either a result of “approved, pending, or needs  
2180 agency review” to determine if a criminal history exists.
- 2181 (3) If Live Scan results indicate “pending or needs agency review,” a  
2182 criminal history may exist and a hard copy report must be obtained  
2183 by printing the report from the BCI/ABC Webpage to determine if  
2184 background screening is approved or denied.
- 2185 c. If fingerprints were submitted on 10-print fingerprint cards, results will be  
2186 accessed through the BCI/ABC Webpage.
- 2187 7. Completing Ongoing Background Screening – Out-of-State Child Abuse Registry  
2188 Checks:
- 2189 a. Out of State Child Abuse Registry checks will be conducted for each state  
2190 in which an applicant resided in the previous five years to determine if the  
2191 applicant has findings of a severe type of child abuse or neglect that are  
2192 consistent with those defined in Utah Code Ann. [§80-1-102](#) or if other  
2193 child welfare case history or patterns of behavior may pose a threat of  
2194 harm to a child.
- 2195 b. The BCI Support Team will complete and submit the paperwork and any  
2196 payments required for the specific state, and if necessary work with the  
2197 applicant to obtain state-specific paperwork from them.
- 2198

2199 **504.5 Conducting Background Screening – Office Of Licensing**

2200

2201 A. As the authority to conduct background screening for prospective foster and adoptive  
2202 homes, the Office of Licensing will conduct background screening for kinship caregiver  
2203 and other adults age 18 years and older in the home after Child and Family Services has  
2204 completed background screening for Preliminary Placement.

2205

2206 B. The BCI Support Team will compile the background screening application, reports,  
2207 documentation submitted by the applicant for review, verify or attach copies of photo  
2208 identification and Social Security cards for each kinship caregiver, other adults age 18  
2209 and older, and youth ages 12-17 years in the home, and will submit these to the Office of  
2210 Licensing via the DACS system.

2211

2212 C. The Office of Licensing background screening coordinator will return the approved or  
2213 denied background screening application to the BCI Support Team via the Office of  
2214 Licensing DACS system.

2215

2216 D. The BCI Support Team will disseminate information from the Office of Licensing  
2217 Screening according to Practice Guidelines [Section 504.11](#).

2218

2219 **504.6 Analysis Of Background Screening Results**

2220

2221 The BCI Support Team will complete an initial analysis of the background screening results to  
2222 determine:

2223

2224 A. No Criminal History or Child/Adult Abuse or Neglect Findings: If the BCI Support  
2225 Team finds NO history from any of the management information systems or hard copy  
2226 reports, the BCI Support Team will approve the background screening.

2227

2228 B. Criminal History or Abuse or Neglect Findings That Require Mandatory Denial:

2229 1. If the BCI Support Team identifies criminal records that require mandatory denial  
2230 based upon Utah Code Ann. [§26B-2-120](#), the BCI Support Team may deny  
2231 background screening.

2232

2233 2. A child will not be placed in a Preliminary Placement if criminal history requires  
2234 mandatory denial. If there is any question about mandatory denial for a  
2235 Preliminary Placement, the BCI Support Team will refer the background  
2236 screening to the State Office BCI Program Manager or Kinship Program  
2237 Administrator for review and for a decision to approve or deny background  
2238 screening for Preliminary Placement.

2239

2239 3. If the result of the background screening is a mandatory denial, the BCI Support  
2240 Team will send a denial letter to the applicant.

2240

- 2241 C. Criminal History or Abuse or Neglect Findings That May Be Approved Without Review:  
 2242 1. If the BCI Support Team identifies child abuse or criminal records that do not  
 2243 require mandatory denial or that do not fall within the crime or abuse categories  
 2244 or time periods that are subject to review, based upon Utah Code Ann. [§26B-2-](#)  
 2245 [120](#), or severe types of child abuse or neglect records based upon Utah Code  
 2246 Ann. [§80-1-102](#), the BCI Support Team may approve the background screening  
 2247 or may staff the results with the State Office BCI Program Manager or Kinship  
 2248 Program Administrator before approving the background screening.  
 2249 2. If there is any question about being able to approve the background screening  
 2250 without review, the BCI Support Team will refer the background screening to the  
 2251 Statewide Background Screening Committee for review and for a decision to  
 2252 approve or deny background screening for Preliminary Placement.  
 2253
- 2254 D. Criminal History or Abuse or Neglect Findings Requiring Further Review Before  
 2255 Approval or Denial of Background Screening Can Be Determined: If the BCI Support  
 2256 Team identifies child or adult abuse or criminal records that do not require mandatory  
 2257 denial but fall within the crime or abuse categories or time periods that are subject to  
 2258 review based upon Utah Code Ann. [§26B-2-120](#), or severe types of child abuse or  
 2259 neglect records based upon Utah Code Ann. [§80-1-102](#), the BCI Support Team will  
 2260 refer the background screening to the Statewide Background Screening Committee for  
 2261 review and for a decision to approve or deny the background screening for Preliminary  
 2262 Placement.  
 2263

## 2264 **504.7 Documentation Of Results**

- 2265
- 2266 A. Documentation of Results on Expedited Kinship Background Screening Form:  
 2267 1. The BCI Support Team will document on the Expedited Kinship Background  
 2268 Screening form either “yes” or “no” for existence of child abuse or neglect  
 2269 findings or a criminal history, regardless of whether or not the history affects  
 2270 approval of the placement. Each entry will be initialed and dated by the BCI  
 2271 Support Team.  
 2272 2. In addition, the BCI Support Team will document on the Expedited Kinship  
 2273 Background Screening form the results of the initial analysis, indicating approved  
 2274 for no history, approved for records not subject to review, mandatory denial, or  
 2275 records requiring review. This entry will be initialed and dated by the BCI  
 2276 Support Team. No specific details of findings or history will be written on the  
 2277 application. Records will be retained for five years.  
 2278
- 2279 B. Statewide Background Screening Committee: A decision by the Statewide Background  
 2280 Screening Committee to approve or deny a background screening application will be  
 2281 documented by the BCI Support Team on the Expedited Kinship Background Screening  
 2282 form with notes of the committee discussion attached to the original application. No  
 2283 specific details of findings or history will be written on the Kinship Background  
 2284 Screening form or committee report. Records will be retained for five years.

- 2285
- 2286 C. Supporting Documentation:
- 2287 1. Supporting documentation will be attached to the original Kinship Background
- 2288 Screening Application (KBS01) and submitted to the Office of Licensing for their
- 2289 background screening. Supporting documentation will include Livescan reports
- 2290 and may include out of state child abuse registry checks, original/certified court
- 2291 dockets, police reports, etc. The BCI Support Team will store a copy of the
- 2292 application and reports in an encrypted Google Drive folder. Records will be
- 2293 retained for five years.
- 2294 2. If fingerprints were submitted through Live Scan, the BCI Support Team will
- 2295 print Live Scan results with the applicant's identifying information from the
- 2296 BCI/ABC webpage results:
- 2297 a. Approved.
- 2298 b. Pending/Needs Agency Review. Pending/Needs Agency Review indicates
- 2299 this person may have a criminal history. The hard copy report from Live
- 2300 Scan when Pending/Needs Agency Review is reported will be printed by
- 2301 the BCI Support Team from the ABC webpage. The original hard copy
- 2302 report must be included as supporting documentation for the background
- 2303 screening, even if the report indicates there is no criminal history.
- 2304 3. Ten-print fingerprint card results scanned in through the Livescan machine will be
- 2305 accessible through the BCI/ABC Webpage. Repeat process 2 from above. The
- 2306 original hard copy report from the 10-print fingerprint check must be included as
- 2307 supporting documentation, even if the report indicates there is no criminal history.
- 2308

#### 504.8 Follow-Up Action For No Disposition, Outstanding Warrant, Or Review

- 2311
- 2312 A. If the criminal history record reports no disposition, an outstanding warrant, or if the
- 2313 background screening report is subject to review by the Statewide Background Screening
- 2314 Committee, Child and Family Services will give the individual an opportunity to provide
- 2315 additional documentation before making a decision to deny the background screening.
- 2316
- 2317 B. A fingerprint-based check will have been completed to verify that the record being
- 2318 considered belongs to the applicant.
- 2319
- 2320 C. When applicable, the BCI Support Team will send a notice to inform the applicant that:
- 2321 1. The applicant's criminal history or findings of abuse or neglect require further
- 2322 review.
- 2323 2. The applicant is encouraged to submit a written statement about the applicant's
- 2324 age and circumstances under which the offense or incident occurred and to
- 2325 document rehabilitation, counseling, or psychiatric treatment received, additional
- 2326 academic or vocational schooling completed since the offense, or other
- 2327 information that the applicant believes is important for the review.

- 2328 3. The applicant will obtain court documentation to show final disposition of any  
2329 reports for which disposition was not available and documentation that  
2330 outstanding warrants have been resolved.
- 2331 4. All additional information requested from the applicant must be received by Child  
2332 and Family Services within 30 calendar days of the written notice.
- 2333 5. The review being conducted by the Statewide Background Screening Committee  
2334 is for the purpose of Preliminary Placement, and another background screening  
2335 review may be required by the Office of Licensing as part of evaluation of their  
2336 ongoing capacity to care for the child required by state law.
- 2337 6. When requested by a caseworker, the Statewide Background Screening  
2338 Committee may review the background screening results for babysitting,  
2339 visitation, or daycare purposes.  
2340

#### 2341 **504.9 Review Of History By The Statewide Kinship Background** 2342 **Screening Committee For Preliminary Placement** 2343

- 2344 A. When an applicant has a history or findings of abuse or neglect or criminal convictions  
2345 that require review before a decision can be made for Preliminary Placement, the  
2346 Statewide Background Screening Committee will conduct the review. Each region will  
2347 designate specific staff to be part of the Statewide Background Screening Committee,  
2348 consisting of designated professional staff and alternates who have been trained in  
2349 specific rules, statutes, Practice Guidelines, and committee protocol. Each region will  
2350 designate chairpersons and voting members to participate in these background screening  
2351 committees. Three or more members are needed for each review. Chairpersons need to  
2352 be an administrator or designated supervisor. Voting members of the committee may  
2353 include the region director, associate region director, program or child welfare  
2354 administrators, caseworkers, supervisors, resource family consultants, clinical  
2355 consultants, or members of the kinship/placement team.  
2356
- 2357 B. Each member of the Statewide Background Screening Committee will receive training on  
2358 the role of committee members, scope of responsibility for the Statewide Background  
2359 Screening Committee, and background screening criteria.  
2360
- 2361 C. At least three voting members must meet in order to approve or deny an applicant's  
2362 background screening. A decision will be based on a simple majority of the voting  
2363 members. The committee will meet virtually and may meet by telephone, if necessary.  
2364
- 2365 D. In the event of a conflict of interest, the Statewide Background Screening Committee  
2366 member will not participate in this screening. The committee will still need three voting  
2367 members.  
2368
- 2369 E. The BCI Support Team will provide available information to the Statewide Background  
2370 Screening Committee, including summaries of background screening reports and any  
2371 information provided by the applicant. Information will not be sent electronically, but



- 2372 will be shared via a virtual Google Meet. Criminal history reports (rap sheets) will not be  
2373 distributed to committee members. The BCI Support Team will share all information the  
2374 day of the meeting with all committee members and will ensure that all shared access of  
2375 criminal history summaries is revoked after the conclusion of the committee review.  
2376
- 2377 F. The Statewide Background Screening Committee will act on a background screening  
2378 application needing a review on the following business day.  
2379
- 2380 G. If further information is needed from the applicant, they will have ten business days to  
2381 respond to the written request from Child and Family Services. The Statewide  
2382 Background Screening Committee will review the applicant's information the following  
2383 business day from receiving the requested information.  
2384
- 2385 H. The Statewide Background Screening Committee may request additional information  
2386 from the applicant and may defer action on an application until the applicant submits this  
2387 information.  
2388
- 2389 I. The Statewide Background Screening Committee will not deny a background  
2390 screening application without giving the applicant an opportunity to provide  
2391 information regarding the history or findings that are being reviewed.  
2392
- 2393 J. The Statewide Background Screening Committee may approve a report without  
2394 additional information from the applicant if the report of history or findings contains  
2395 sufficient information to make a decision about the likely threat of harm to a child.  
2396
- 2397 K. The Statewide Background Screening Committee may deny a background screening  
2398 application in the event that an applicant fails to provide requested information within  
2399 the required time frame.  
2400
- 2401 L. The Statewide Background Screening Committee will carefully consider the applicant's  
2402 criminal history and/or child or adult abuse or neglect findings along with any  
2403 information submitted by the applicant to determine if approval of the background  
2404 screening will create a likely threat of harm to a child.  
2405
- 2406 M. The review will consider factors such as:  
2407 1. The date of the offense or incident;  
2408 2. The nature and seriousness of the offense or incident;  
2409 3. The circumstances under which the offense or incident occurred;  
2410 4. The age of the perpetrator when the offense or incident occurred;  
2411 5. Whether the offense or incident directly relates to abuse of a child or vulnerable  
2412 adult, including:  
2413 a. actual or threatened non-accidental physical or mental harm;  
2414 b. sexual abuse;  
2415 c. sexual exploitation;

- 2416 d. negligent treatment;  
2417 6. Any evidence provided by the person of rehabilitation, counseling, or  
2418 psychiatric treatment received, or additional academic or vocational schooling  
2419 completed by the person; and  
2420 7. Any other pertinent information.  
2421  
2422 N. Approval or denial will be determined according to standards established in Utah Code  
2423 Ann. [§26B-2-120](#). and Utah Code Ann. [§80-1-102](#).  
2424  
2425 O. If the committee denies the background screening, the BCI Support Team or Statewide  
2426 Background Screening Committee Chairperson will send the applicant a Kinship  
2427 Background Screening Committee denial letter. This denial letter will not include  
2428 specific reasons for the denial.  
2429

### 2430 **504.10 Steps If Background Screening Is Denied After A Child Has Been** 2431 **Placed With A Kinship Caregiver/Friend** 2432

- 2433 A. If a child was placed with a kinship caregiver/friend in an approved Preliminary  
2434 Placement, and subsequent background screening of an adult in the home is not  
2435 approved, Child and Family Services will:  
2436 1. Reassess safety based on safety decision-making (see Practice Guidelines [Section](#)  
2437 [507.1](#)).  
2438 2. Consult with the AAG and GAL assigned to the case.  
2439 3. Child and Family Services cannot approve ongoing placement of a child in Child  
2440 and Family Services custody with a kinship caregiver/friend that does not meet  
2441 background screening requirements.  
2442 4. Evaluate placement options and time frames in terms of immediate threat of harm,  
2443 placement stability, and long-term view with the Child and Family Team. The  
2444 team will decide if it is in the child's best interest to transition to another kinship  
2445 placement or to recommend to the court that guardianship be granted to the  
2446 kinship caregiver. If the child is placed with a friend that has been identified by  
2447 the parent and the background screening is not approved, the child must be moved  
2448 to a new placement as soon as possible, as the friend will not qualify to become a  
2449 licensed foster parent. Child and Family Services will not recommend that  
2450 temporary guardianship be granted to a friend.  
2451 5. If guardianship is going to be recommended to the court, educate the court on the  
2452 ramifications of granting guardianship without an approved background screening  
2453 (e.g., the family will not qualify for adoption assistance if they later decide to  
2454 adopt).  
2455  
2456 B. Prior to the Child and Family Team Meeting and before requesting a court hearing, the  
2457 caseworker will meet with the kinship caregiver to discuss ramifications of taking  
2458 guardianship when background screening was not approved (e.g., will not qualify for

- 2459 adoption assistance if they later choose to adopt) so the decision can be made with full  
2460 knowledge of the options.  
2461
- 2462 C. The Child and Family Team will make every effort to prevent a kinship placement  
2463 disruption by providing support to the family and working to overcome any barriers. In  
2464 the event that a disruption is imminent, and the child is in a relative placement, the Child  
2465 and Family Team will follow Practice Guidelines [Section 507.1](#), Removal of a Child  
2466 from the Home of a Foster Care Licensed or Unlicensed Relative Caregiver, and look  
2467 back at kinship options and resume search and engagement activities.  
2468
- 2469 D. If a decision is made to move the child to another placement, the caseworker will work  
2470 with the kinship caregiver/friend to transition the child to another appropriate placement  
2471 in a time frame consistent with the urgency identified through the safety assessment.  
2472
- 2473 The caseworker will move the child to another placement and provide written notice of  
2474 the change of placement to the court and all parties to the proceedings within three days  
2475 of the removal, excluding weekends and holidays.  
2476
- 2477 E. If the Child and Family Team decides not to recommend that the kinship relative  
2478 caregiver be granted guardianship, the caseworker may inform the kinship caregiver of  
2479 their option to obtain their own legal counsel to seek temporary guardianship of the child  
2480 from the court on their own.  
2481

## 2482 **504.11 Communication Of Background Screening Results And** 2483 **Dissemination Of Records**

- 2484
- 2485 A. Background Screening Results to Child and Family Services Staff:
- 2486 1. Expedited Request:
- 2487 a. If the caseworker verbally requested expedited background screening for a  
2488 Preliminary Placement and communication of the results is urgent, the  
2489 TAC/alternate may notify the caseworker verbally if the background  
2490 screening is approved, needs further review, is denied, or could not be  
2491 completed based upon the verbal information provided.
- 2492 b. The TAC/alternate will not provide specific details to a caseworker about  
2493 a background screening history that was initiated by a verbal request until  
2494 the TAC/alternate has received the Kinship Background Screening  
2495 Application providing written authorization for the screening and photo  
2496 identification. However, if dissemination of details is urgent to the  
2497 Preliminary Placement decision, the results may be shared but will be  
2498 considered tentative.
- 2499 2. UCJIS Report for Utah Criminal History, Juvenile Criminal History, III History,  
2500 and FBI Reports:
- 2501 a. The TAC/alternate may only communicate details contained in a Utah  
2502 criminal history, juvenile criminal history, III history, or FBI report

- 2503 obtained through UCJIS or the BCI/ABC Webpage to Child and Family  
2504 Services staff who are authorized to receive the information (such as  
2505 caseworker, supervisor, kinship consultant, or background screening  
2506 committee members who have been trained, tested, and fingerprinted, and  
2507 who have approved access rights through BCI).
- 2508 b. Any details shared will only be provided in a summary of the original  
2509 report.
  - 2510 c. All details can be shared verbally.
  - 2511 d. A dissemination log can be maintained and a dissemination form can be  
2512 completed to document the name of each person who received the  
2513 information, if dissemination was verbal or written, date, case number, and  
2514 signature of caseworker receiving the information. However, this is not  
2515 mandatory.
  - 2516 e. Any information reported prior to the TAC/alternate receiving the  
2517 background screening application, photo identification, and fingerprint-  
2518 based report will be considered tentative because positive identification of  
2519 the applicant and record has not occurred through the fingerprinting  
2520 process.
  - 2521 f. The Utah BCI, juvenile criminal history, III history and FBI reports (rap  
2522 sheets) may not be provided to staff and will not be transmitted  
2523 electronically by fax or email and will not be stored in a case file. The  
2524 TAC/alternate will ensure that any results printed from the UCJIS  
2525 database or received from an FBI report will be locked in a secure file  
2526 cabinet or will be shredded after being reviewed. Records will be retained  
2527 for five years.
- 2528 3. SAFE Report of Child or Adult Abuse or Neglect: The TAC/alternate may  
2529 provide the details of background screening reports obtained in SAFE to the Child  
2530 and Family Services caseworker or background screening review committee.  
2531
- 2532 B. Background Screening Results to the Court, Attorney General, and GAL:
- 2533 1. The TAC/alternate may provide a written summary of a Utah criminal history, III  
2534 history, or FBI report obtained through UCJIS or BCI for the purpose of  
2535 placement of children to the court, Attorney General’s Office, or GAL.
  - 2536 2. Any information reported prior to TAC/alternate receiving the background  
2537 screening application, photo identification, and fingerprint-based report will be  
2538 considered tentative because positive identification of the applicant and record has  
2539 not occurred through the fingerprinting process.
  - 2540 3. To disseminate Utah criminal history records to the court, Attorney General’s  
2541 Office, or GAL, the report will be run again in UCJIS using the purpose code X  
2542 and stating the name and title of the judge, AAG, or GAL in the audit field. This  
2543 serves as a dissemination log for audit purposes.
  - 2544 4. The TAC/alternate or caseworker may provide the details of background  
2545 screening reports obtained in SAFE to the court, Attorney General’s Office, or  
2546 GAL.

- 2547  
2548 C. Reporting and Records Dissemination for Region Background Screening Committee:  
2549 1. Information in Preparation for Committee Review:  
2550 a. The TAC is responsible to notify the caseworker or designated regional  
2551 kinship supervisor that a background screening application requires review  
2552 by the Region Background Screening Committee when relevant findings  
2553 or history of child abuse or criminal records are found. A summary of the  
2554 background screening reports may be provided according to dissemination  
2555 procedures for staff.  
2556 b. The TAC will send the applicant notice of the review and give the  
2557 applicant the opportunity to provide additional information required to  
2558 complete the review. The notice will also include information about how  
2559 the applicant may obtain their own criminal history or SAFE report of  
2560 child and adult abuse or neglect findings and steps to take if they believe  
2561 there are errors on the background screening report used by Child and  
2562 Family Services.  
2563 c. The TAC will compile and submit required documentation to the Region  
2564 Background Screening Committee for their review following  
2565 dissemination procedures for staff specified above.  
2566 2. Information Dissemination Following Committee Review:  
2567 a. The Region Background Screening Committee is responsible to notify the  
2568 TAC and caseworker or regional kinship supervisor of the committee's  
2569 decision to approve or deny background screening for Preliminary  
2570 Placement. Dissemination guidelines must be followed for release of  
2571 specific details of an applicant's criminal history.  
2572 b. The Region Background Screening Committee will return the original and  
2573 all copies of the application, report summaries, and supporting  
2574 documentation to the TAC to be stored in a locked file or destroyed. The  
2575 TAC will retain documentation of the committee decision with the  
2576 application and supporting documentation for five years.  
2577 c. If the Region Background Screening Committee denies the application,  
2578 the TAC or Region Background Screening Committee Chairperson will  
2579 send a written notice of denial to the applicant. Specific reasons for denial  
2580 will not be provided.  
2581  
2582 D. Background Screening Application and Supporting Information for Office of Licensing:  
2583 1. After background screening for Preliminary Placement has been completed and  
2584 fingerprint results received, the TAC/alternate will send the Kinship Background  
2585 Screening Application, out of state clearances (if applicable), [~~and~~] supporting  
2586 documentation (if application), and Live Scan results to the Child and Family  
2587 Services Background Screening Coordinator for submission to the Office of  
2588 Licensing. The TAC will retain a copy of the information in a locked file until  
2589 the stamped Kinship Background Screening Application is returned from the

- 2590 Background Screening Coordinator, who will record transfer of the information in  
2591 the dissemination log.
- 2592 2. The TAC will let the caseworker or regional kinship supervisor know if the Office  
2593 of Licensing has approved or denied the background screening application. The  
2594 TAC/alternate will retain the original Kinship Background Screening Application.  
2595 A copy of the application will be sent to the kinship home study caseworker to be  
2596 retained with the Child-Specific Home Study.
- 2597 3. If the kinship caregiver applies for a foster care license, a copy of the approved  
2598 background screening application will be submitted to the local licensor for the  
2599 Office of Licensing with the Child-Specific Home Study.
- 2600 4. Summaries of background screening reports may be communicated to the kinship  
2601 home study caseworker for consideration of safety as part of the home study  
2602 process following dissemination procedures. Specific background screening  
2603 details will not be included in the kinship home study report.
- 2604 5. Background screening reports and supporting documentation will not be  
2605 submitted to local licensor.
- 2606
- 2607 E. Reporting of Background Screening Status and Results to the Applicant:
- 2608 1. The caseworker is responsible to keep the applicant informed regarding the status  
2609 of background screening; specifically, if background screening is approved,  
2610 denied, or requires further review. However, the caseworker is prohibited from  
2611 reporting details of findings or history to the applicant, in accordance with BCI  
2612 policies.
- 2613 2. The caseworker may give the applicant information about how to obtain their own  
2614 criminal history or SAFE report of child or adult abuse or neglect findings.
- 2615 3. The TAC/alternate will notify the applicant of the opportunity to provide further  
2616 information if background screening for Preliminary Placement is going to be  
2617 reviewed by the Region Background Screening Committee and will send a written  
2618 notice if denied.
- 2619

2620 **505** (NO LONGER USED)  
2621

2622 **506 Temporary Guardianship With The Kinship Caregiver And**  
2623 **Court-Ordered Kinship Support Services**

2624  
2625 Major objectives:

2626 The Child and Family Services caseworker may recommend to the court that the child be placed  
2627 in the temporary guardianship of a kinship caregiver and that Child and Family Services provide  
2628 a comprehensive array of kinship support services to the child, the kinship caregiver, and the  
2629 parent. Friends identified by the parents as caregivers for the child and with whom the child was  
2630 placed in a Preliminary Placement but are not licensed foster parents at time the child is placed  
2631 are not eligible for temporary guardianship unless court ordered and Child and Family Services  
2632 will recommend that friends become licensed foster parents.  
2633

2634  
2635 **Applicable Law**

2636 Utah Code Ann. [§80-2-301](#). Division responsibilities.  
2637

2638 Practice Guidelines

- 2639 A. Temporary guardianship to the kinship caregiver and court-ordered kinship support  
2640 services may be recommended to the court when the initial permanency goal is  
2641 reunification and the kinship caregiver has agreed to:
- 2642 1. Work with the parent and Child and Family Services to reunify the child with the  
2643 parent.
  - 2644 2. Cooperate with Child and Family Services, the GAL, the AAG, and other support  
2645 agencies.
  - 2646 3. Follow all court orders.
  - 2647 4. Commit to the long-term permanency plan, which may include adoption or  
2648 permanent guardianship of the child by the kinship caregiver.
  - 2649 5. Resist and report inappropriate and unauthorized requests by the parent for access  
2650 to the child.
  - 2651 6. Commit to protect and care for the child as long as necessary.
  - 2652 7. Provide a secure and stable environment for the child.  
2653
- 2654 B. The kinship caregiver needs to have the ability, commitment, and resources to access and  
2655 use the services needed to address the child's developmental, mental health, educational,  
2656 or medical needs.  
2657
- 2658 C. The Child and Family Services caseworker needs to provide the kinship caregiver with  
2659 the following supports and services to meet the child's needs, assist the child's parents,  
2660 and meet the relative's needs as caregivers:
- 2661 1. Provide kinship support services for a minimum of six months unless otherwise  
2662 ordered by the court.
  - 2663 2. Contact the kinship caregiver within five working days of placement and visit the  
2664 kinship caregiver's home within 10 working days of placement to:  
2665 a. Observe the conditions and circumstances of the kinship caregiver's home.



- 2666 b. Determine the health, well-being, and safety of the child.
- 2667 c. Identify any resource and service needs of the kinship caregiver and the
- 2668 child.
- 2669 3. Assist in obtaining needed supports and services, which may include day care,
- 2670 respite care, transportation, and counseling.
- 2671 4. Assist in obtaining any necessary financial and medical assistance for the child
- 2672 and the kinship caregiver, within 30 days of placement, which needs to include:
- 2673 a. Explanation of the tasks needed for meeting eligibility criteria for specific
- 2674 funding sources.
- 2675 b. Technical assistance in securing documentation (i.e., Social Security
- 2676 cards, birth certificates, legal documents) necessary for completing
- 2677 financial applications.
- 2678 c. Advocacy for the kinship caregiver with potential funding sources
- 2679 throughout the application, interview, and evaluation processes.
- 2680 5. Provide an opportunity for input into the service plan and participation in ongoing
- 2681 Child and Family Team Meetings.
- 2682 6. Thoroughly discuss the reunification services, the permanency plan, and the
- 2683 permanency time frames with the kinship caregiver.
- 2684 7. Offer and provide training and workshops based on the needs and interests of the
- 2685 kinship caregiver.
- 2686 8. Conduct a minimum of one visit per month to the home of the kinship caregiver.
- 2687 The caseworker may make additional visits if the kinship caregiver needs
- 2688 assistance and instruction to deal with the child's special needs or if Child and
- 2689 Family Services has reason to believe that the parent may harass or interfere with
- 2690 the kinship caregiver and help is needed to cope with the interference.
- 2691 9. Assist in establishing a specific visitation plan as part of the service plan between
- 2692 the child and the parent and develop the rules that will govern the visits. Visits
- 2693 between the child and the parent will occur a minimum of one time per month. If
- 2694 problems arise with visitation, the kinship caregiver can request Child and Family
- 2695 Services to be actively involved in establishing visitation guidelines and
- 2696 schedules.
- 2697 10. Assist in maintaining relationships with other extended family when possible and
- 2698 appropriate.
- 2699 11. Provide access to a Child and Family Services family resource consultant to
- 2700 provide support, respond to questions and solve problems, offer referrals to
- 2701 training and workshops, conduct face-to-face quarterly field visits, and provide
- 2702 resource consultation.
- 2703
- 2704 D. The Child and Family Services caseworker provides the following services and supports
- 2705 to meet the child's needs and works collaboratively with the kinship caregiver to enable
- 2706 the child to receive needed services:
- 2707 1. Assist the kinship caregiver in setting up and attending the child's required mental
- 2708 health, dental, and health assessments. The assessment appointment needs to be
- 2709 scheduled within 30 days of placement. Ongoing treatment recommendations

- 2710 will be incorporated into the service plan and monitored by the caseworker. The  
2711 Child and Family Services caseworker will report to the court, the GAL, and the  
2712 AAG the status of the assessments.
- 2713 2. Conduct a minimum of one visit per month with the child (this may occur at the  
2714 same time as the visit with the kinship caregiver). The Child and Family Services  
2715 caseworker will visit with the child outside the presence of the kinship caregiver  
2716 to help assure that the child has a safe and healthy relationship with the caregiver.
  - 2717 3. Contact an individual other than the kinship caregiver who knows the child and  
2718 who can provide feedback on the child's well-being.
  - 2719 4. Facilitate contact and visits between the child and the parent unless safety  
2720 concerns exist.
  - 2721 5. Share information about the parent's activities and progress toward reunification  
2722 or other permanency options.
  - 2723 6. Prepare the child to return to the parent's care or another permanent arrangement  
2724 including adoption or permanent guardianship by the kinship caregiver.
  - 2725 7. Assist in maintaining relationships with siblings through visits and shared  
2726 activities whenever possible.
  - 2727 8. Provide an opportunity for input into the service plan, when age appropriate, and  
2728 identify the roles and responsibilities of the child in the service plan.
  - 2729 9. Advocate for the child in negotiating with other service systems and brokering  
2730 access to resources for the child.
- 2731
- 2732 E. The Child and Family Services caseworker needs to provide the following services to  
2733 parents that will support and enhance their functioning as parents:
- 2734 1. Involve parents in service planning and thoroughly inform them of their roles and  
2735 responsibilities in the plan (if circumstances warrant, separate plans may be  
2736 developed for each parent).
  - 2737 2. Invite parents to participate in ongoing Child and Family Team Meetings to assess  
2738 progress in meeting the service plan and the permanency planning goals.
  - 2739 3. Assist parents in addressing the problems that led to their child's placement in  
2740 kinship care and deliver or provide access to the services needed to remedy those  
2741 problems to achieve reunification.
  - 2742 4. Include as part of the service plan a visitation schedule to maintain contact with  
2743 the child that meets the needs of the child, parent, and kinship caregiver in  
2744 consultation with the GAL.
  - 2745 5. Deliver or provide access to services and resources to prepare the parents for  
2746 reunification or other permanency options for the child.
- 2747

2748 **507 Periodic Review Of Kinship Placement**2749 Major objectives:

2750 Child and Family Services will periodically re-evaluate the appropriateness of the kinship/friend  
2751 placement in consultation with the Child and Family Team.  
2752

2753 **Applicable Law**

2754 Utah Code Ann. [§80-2-301](#). Division responsibilities.  
2755  
2756

2757 Practice Guidelines

2758 A. The Child and Family Services caseworker needs to assess the kinship/friend placement  
2759 and the reunification efforts within six months of the placement, unless otherwise ordered  
2760 by the court. The assessment needs to address the following:

- 2761 1. Has the parent made reasonable efforts to comply with the offered reunification  
2762 services and the service plan?
- 2763 2. Is the continuation of the placement in the child's best interests by supporting the  
2764 safety, permanency, and well-being of the child?
- 2765 3. Can the child and the kinship caregiver/friend maintain a stable relationship and  
2766 function effectively with reduced or increased services from Child and Family  
2767 Services?
- 2768 4. Does the child have an ongoing need for financial assistance beyond basic  
2769 maintenance?
- 2770 5. Does the child and kinship caregiver/friend require the ongoing services of a  
2771 caseworker?
- 2772 6. Can the child's needs be met through the kinship caregiver/friend's use of  
2773 community resources and has the kinship caregiver/friend agreed to access or  
2774 continue to maintain those services?  
2775

2776 B. The Child and Family Services caseworker needs to report the findings of the placement  
2777 assessment and make a recommendation to the court as to whether:

- 2778 1. The placement with the kinship caregiver/friend continues to be in the best  
2779 interest of the child.
- 2780 2. The child should be returned home.
- 2781 3. The child should be placed in the custody of Child and Family Services.  
2782

2783 **507.1 Removal Of A Child From The Home Of A Foster Care Licensed  
2784 Or Unlicensed Relative Or Friend**

2785  
2786 A. When considering the removal of a child from a foster care licensed or unlicensed  
2787 relative or friend when that relative or friend is no longer able to care for the child due to  
2788 health or ongoing ability, consultation with the Assistant Attorney General assigned to  
2789 the case is required.  
2790

- 2791 B. Child and Family Services may not remove a child from a relative (as legally defined in  
2792 Utah Code Ann. [§80-3-102](#) and the Indian Child Welfare Act 25 U.S.C. §1901-63), who  
2793 is a licensed or unlicensed caregiver on the basis of the relative’s age or health, unless the  
2794 following criteria are met:
- 2795 1. There is a preponderance of the evidence that the licensed or unlicensed relative  
2796 or friend is incapable of caring for the child and the child will be placed  
2797 with another relative. [See: Utah Code Ann. [§80-2a-304.](#)]
  - 2798 Or,
  - 2799 2. There is clear and convincing evidence that the relative or friend is incapable of  
2800 caring for the child and the child will be placed with another foster parent who is  
2801 NOT a relative.
- 2802
- 2803 C. If a relative or friend who is a licensed foster parent requests that the child be moved to  
2804 another placement, they will give a ten-day notice to the caseworker and complete the  
2805 form PR100 Request for Agency Action to Remove a Foster Child, which can be found  
2806 in the Home-to-Home Packet. If Child and Family Services, in consultation with the  
2807 AAG, decides that removal of the child from the relative or friend is in the child’s best  
2808 interest, Child and Family Services will provide a ten-day notice, except for in the case  
2809 where safety is an immediate concern. [See: Practice Guidelines [Section 305.3.](#)]
- 2810
- 2811 D. If Child and Family Services is considering the removal of a child in DCFS custody from  
2812 an unlicensed relative or friend, the following must have taken place:
- 2813 1. When possible, the removal or change in placement has been discussed in the  
2814 Child and Family Team Meeting and is part of the ongoing plan,
  - 2815 2. The kinship caregiver(s) has been given notice of the removal prior to the  
2816 removal,
  - 2817 3. Another kinship placement will be made, or
  - 2818 4. If no kinship options are available, efforts to notify and engage kin have been  
2819 documented and provided to the placement committee,
  - 2820 5. If the unlicensed relative or friend disagrees with this decision, they may address  
2821 the court.
- 2822
- 2823 E. If a relative or friend has temporary guardianship of the child while Child and Family  
2824 Services is providing services to the family, a removal cannot take place without a  
2825 warrant or court order.
- 2826

2827 **508** **Statutory Timelines For Establishing Permanency**  
2828  
2829 (*See: Practice Guidelines [Section 301.2.](#)*)  
2830

2831 **509 Preparing Kin For Permanency Plan**2832 Major objectives:2833 Child and Family Services will adequately prepare the child's kin for a permanency plan.  
28342835  
2836 **Applicable Law**2837 Utah Code Ann. [§80-2-301](#). Division responsibilities.  
28382839 Practice Guidelines2840 A. In order to recommend the most appropriate permanency plan for the child, the Child and  
2841 Family Services caseworker needs to ensure the following issues are addressed:

- 2842 1. If reunification with the parent is recommended:
- 
- 2843 a. Conditions, circumstances, or risks that resulted in removal of the child
- 
- 2844 have been sufficiently reduced.
- 
- 2845 b. Reunification with the parent is in the best interest of the child.
- 
- 2846 c. Substantial efforts to comply with the service plan have been made by the
- 
- 2847 parent.
- 
- 2848 d. A transition plan for the child's safe return home includes follow-up
- 
- 2849 supervision, services to the child, and services to the parent.
- 
- 2850 2. If permanent guardianship with the kinship caregiver/licensed friend is
- 
- 2851 recommended:
- 
- 2852 a. Reasonable efforts to reunify the child and parent were not successful or
- 
- 2853 were not ordered by the court.
- 
- 2854 b. Permanent guardianship is in the best interest of the child and is preferable
- 
- 2855 to other permanency options.
- 
- 2856 c. The kinship caregiver/licensed friend is informed of the child's special
- 
- 2857 needs and the circumstances of the child's removal.
- 
- 2858 d. The child and the kinship caregiver/licensed friend can maintain a stable,
- 
- 2859 safe, and nurturing relationship.
- 
- 2860 e. The child's needs can be met through the kinship caregiver/licensed
- 
- 2861 friend's use of community resources.
- 
- 2862 f. The kinship caregiver/licensed friend has been informed that they may
- 
- 2863 contact the Child and Family Services family resource consultant at any
- 
- 2864 time in the future if services or supports are needed for themselves or the
- 
- 2865 child.
- 
- 2866 g. The parent has been informed of the child support obligation they will be
- 
- 2867 required to provide if the kinship caregiver continues to receive a TANF
- 
- 2868 Specified Relative payment.
- 
- 2869 3. If termination of parental rights and adoption are recommended:
- 
- 2870 a. Facts and circumstances support termination.
- 
- 2871 b. Reasonable efforts to reunify the child and the parent were unsuccessful or
- 
- 2872 were not ordered by the court.
- 
- 2873 c. ICWA requirements have been met for an Indian child.

2874  
2875

- d. Attitudes and wishes of the child regarding adoption and termination of parental rights have been considered.

2876 **510 Temporary Guardianship With Child And Family Services And**  
2877 **Licensed Kinship Foster Care**

2878 Major objectives:

2879 The Child and Family Services caseworker may recommend to the court that temporary  
2880 guardianship of the child be ordered to Child and Family Services, the child be placed in the  
2881 home of a kinship caregiver/friend, the identified kinship caregiver/friend becomes a licensed  
2882 foster care provider, and Child and Family Services provides out-of-home care services.  
2883

2884  
2885 **Applicable Law**

2886 Utah Code Ann. [§80-2-301](#). Division responsibilities.  
2887

2888 Practice Guidelines

- 2889 A. The Child and Family Services caseworker will adhere to out-of-home procedures and  
2890 Practice Guidelines when a child is placed in kinship foster care. The Child and Family  
2891 Services caseworker needs to provide the kinship caregiver/friend with the following  
2892 supports and services to meet the child's needs, assist the child's parents, and meet the  
2893 kinship caregiver/friend's needs:
- 2894 1. Assist in obtaining needed supports and services, which may include day care,  
2895 respite care, transportation, and counseling.
  - 2896 2. Access to a family resource consultant to provide support, respond to questions  
2897 and solve problems, offer referrals to training and workshops, conduct face-to-  
2898 face quarterly field visits, and provide resource consultation.
  - 2899 3. Conduct additional visits to the home of the kinship caregiver/friend if the kinship  
2900 caregiver/friend needs assistance and instruction to deal with the child's special  
2901 needs, or if Child and Family Services has reason to believe that the parent may  
2902 harass or interfere with the kinship caregiver/friend and help is needed to cope  
2903 with the interference.
  - 2904 4. Assist in establishing a specific visitation plan between the child and the parent  
2905 and develop rules that will govern the visits. If problems arise with visitation, the  
2906 kinship caregiver/friend can request Child and Family Services to be actively  
2907 involved in establishing visitation guidelines and schedules.
- 2908
- 2909 B. In order to assist the kinship caregiver/friend to become a licensed foster home, the Child  
2910 and Family Services caseworker needs to:
- 2911 1. Provide follow-up assistance and advocacy until the kinship caregiver/friend  
2912 receives foster parent licensure.
  - 2913 2. Forward to the Office of Licensing a copy of the completed Kinship Home Study  
2914 and the results of the criminal background check on the kinship caregiver/friend  
2915 and all members of the household over the age of 18 years.
  - 2916 3. Offer services and supports, as appropriate, to assist the kinship caregiver/friend  
2917 in adapting the home to meet licensing standards and the needs of the child.  
2918



- 2919 C. Placement recorded in SAFE: When a child is receiving court-ordered In-Home Services  
2920 (PSS) and has been placed in the home of a non-custodial parent or kinship  
2921 caregiver/friend, the kinship placement needs to be recorded in SAFE. The role of Kin  
2922 Caregiver will be recorded as KR. The role of Kin Child will be recorded as KC.  
2923 Placement with a non-custodial parent will be coded as NCP. Placement with a kinship  
2924 caregiver/friend will be coded as BHR.  
2925

2926 **511 Permanent Guardianship With The Relative**

2927 Major objectives:

2928 When, at the shelter hearing or subsequent hearing, the court orders permanent guardianship of  
2929 the child to the relative and the child is no longer under the jurisdiction of the court, the Child and  
2930 Family Services caseworker needs to contact the relative to explain available services.  
2931

2932  
2933 **Applicable Law**

2934 Utah Code Ann. [§80-2-301](#). Division responsibilities.  
2935

2936 Practice Guidelines

2937 The Child and Family Services caseworker needs to do the following:  
2938

- 2939 A. Contact the relative within five working days of the permanency order to:
- 2940 1. Outline all possible financial and medical resources available for the child and  
2941 family, discuss the financial impact to selecting certain financial supports, and  
2942 provide technical assistance in securing the documentation necessary for  
2943 completing financial applications.
  - 2944 2. Provide information on available community resources including educational,  
2945 recreational, and medical services that could assist the child and the relative  
2946 family.
- 2947
- 2948 B. Assist the family with voluntary in-home services if requested by the kinship caregiver.  
2949
- 2950 C. Inform the relative that they may contact the Child and Family Services family resource  
2951 consultant at any time in the future if services or supports are needed for themselves or  
2952 the child.  
2953

2954 **512 Preparing Kin For Permanency Decision**

2955 Major objectives:

2956 The Child and Family Services caseworker will make reasonable efforts to adequately prepare  
2957 kin/friend for permanency hearings and decisions.  
2958

2959  
2960 **Applicable Law**

2961 Utah Code Ann. [§80-2-301](#). Division responsibilities.  
2962

2963 Practice Guidelines

2964 A. At the permanency hearing, the Child and Family Services caseworker may recommend  
2965 the following permanency options:

- 2966 1. Reunification with parents.
- 2967 2. Adoption by the kinship caregiver/friend.
- 2968 3. Permanent guardianship with the kinship caregiver/licensed friend.
- 2969 4. Non-relative adoption.
- 2970 5. Individualized Permanency.

2971  
2972 B. If Permanent Guardianship is being recommended by Child and Family Services, the  
2973 caseworker will follow Practice Guidelines [Section 308.2](#).  
2974