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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."
183

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.
 - 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.

385 **501.4 Preferences For Placement**

- 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 from the date of the shelter hearing or, if no shelter hearing was held,
531 then from the date the child was ordered into the custody of Child and Family Services.
532 The Child and Family Team may consider potential kinship caregivers for placement
533 after the 120 days has lapsed if it is in the best interest of the child. [See: Administrative
534 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.
- 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.
- 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.
- 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.
- 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.

602 **Applicable Law**

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

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

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

919 C. In situations where the non-custodial parent, kinship caregiver, or friend lives in Utah but
920 outside of the region where the child resides, the caseworker will send a Request for
921 Kinship Support Services (KBS09) to the region kinship supervisor in the region where
922 the prospective kin/friend placement resides as soon as possible to request a limited home
923 inspection. The receiving region will make contact with the non-custodial parent, kinship
924 caregiver, or friend to schedule and complete the limited home inspection according to
925 the urgency identified by the requesting region.
926
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.
- 1401

1402 **502.13 Preliminary Placement Visitation**

1403

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

1405

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.
1435

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.
 - (b) American Psychological Association: www.apa.org.
 - (c) American Academy of Pediatrics: www.aap.org.
 - (d) Substance Abuse and Mental Health Services Administration: 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

- 1882 Utah Code Ann. [§26B-2-120](#). Background check -- Direct access to children or vulnerable adults.
- 1883 Utah Code Ann. [§80-2a-202](#). Removal of a child by a peace officer or child welfare caseworker -
- 1884 - Search warrants -- Protective custody and temporary care of a child.
- 1885 Utah Code Ann. [§80-2a-301](#). Division's emergency placement of a child -- Background checks.
- 1886 Utah Code Ann. [§80-2, Part 9](#). Interstate Compact on the Placement of Children.
- 1887 Utah Code Ann. [§80-3-301](#). Shelter hearing -- Court considerations.
- 1888 Utah Code Ann. [§80-3-302](#). Shelter hearing -- Placement.
- 1889 Utah Code Ann. [§80-3-303](#). Post-shelter hearing placement of a child in division's temporary custody.
- 1890 Utah Code Ann. [§80-3-305](#). Criminal background checks necessary prior to out-of-home placement.
- 1891 U.S. Code [Title 25, Chapter 21](#). Indian Child Welfare.

1896

 1897 **504.1 Kinship Background Screening Process – Authority And Uses**

1898

- 1899 A. **Authority:**
 - 1900 1. The BCI within the Department of Public Safety maintains criminal records in
 - 1901 Utah. Child and Family Services accesses both Utah and national fingerprint-
 - 1902 based criminal records through BCI in accordance with federal and state laws and
 - 1903 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

1984 The following steps are required before the kinship caregiver background screening is complete.
1985 If expedited background screening was used, these steps are required as follow-up to the
1986 expedited process. If expedited background screening was not used, these steps will initiate
1987 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-2-120](#).
- 2167 6. Completing Ongoing Background Screening – Fingerprint-Based Check:
- 2168 a. If fingerprinting has not already occurred, fingerprint-based FBI national
2169 criminal history records are checked to determine if the applicant has
2170 criminal convictions or patterns of convictions that indicate a likely threat
2171 to the safety of a child. Analysis will be based upon statutory criteria
2172 specified in Utah Code Ann. [§26B-2-120](#).
- 2173 b. Live Scan results of multi-state and FBI national criminal history records
2174 are accessed through BCI/Applicant Background Checks (ABC)
2175 Webpage, which may include obtaining hard copy reports.
- 2176 (1) If the Live Scan results are “approved,” no history exists.
- 2177 (2) If the Live Scan results indicate “research,” the BCI Support Team
2178 must wait for either a result of “approved, pending, or needs
2179 agency review” to determine if a criminal history exists.
- 2180 (3) If Live Scan results indicate “pending or needs agency review,” a
2181 criminal history may exist and a hard copy report must be obtained
2182 by printing the report from the BCI/ABC Webpage to determine if
2183 background screening is approved or denied.
- 2184 c. If fingerprints were submitted on 10-print fingerprint cards, results will be
2185 accessed through the BCI/ABC Webpage.
- 2186 7. Completing Ongoing Background Screening – Out-of-State Child Abuse Registry
2187 Checks:
- 2188 a. Out of State Child Abuse Registry checks will be conducted for each state
2189 in which an applicant resided in the previous five years to determine if the
2190 applicant has findings of a severe type of child abuse or neglect that are
2191 consistent with those defined in Utah Code Ann. [§80-1-102](#) or if other
2192 child welfare case history or patterns of behavior may pose a threat of
2193 harm to a child.
- 2194 b. The BCI Support Team will complete and submit the paperwork and any
2195 payments required for the specific state, and if necessary work with the
2196 applicant to obtain state-specific paperwork from them.
- 2197

2198 **504.5 Conducting Background Screening – Office Of Licensing**

2199

- 2200 A. As the authority to conduct background screening for prospective foster and adoptive
2201 homes, the Office of Licensing will conduct background screening for kinship caregiver
2202 and other adults age 18 years and older in the home after Child and Family Services has
2203 completed background screening for Preliminary Placement.
- 2204
- 2205 B. The BCI Support Team will compile the background screening application, reports,
2206 documentation submitted by the applicant for review, verify or attach copies of photo
2207 identification and Social Security cards for each kinship caregiver, other adults age 18
2208 and older, and youth ages 12-17 years in the home, and will submit these to the Office of
2209 Licensing via the DACS system.
- 2210
- 2211 C. The Office of Licensing background screening coordinator will return the approved or
2212 denied background screening application to the BCI Support Team via the Office of
2213 Licensing DACS system.
- 2214
- 2215 D. The BCI Support Team will disseminate information from the Office of Licensing
2216 Screening according to Practice Guidelines [Section 504.11](#).
- 2217

2218 **504.6 Analysis Of Background Screening Results**

2219

2220 The BCI Support Team will complete an initial analysis of the background screening results to
2221 determine:

2222

- 2223 A. No Criminal History or Child/Adult Abuse or Neglect Findings: If the BCI Support
2224 Team finds NO history from any of the management information systems or hard copy
2225 reports, the BCI Support Team will approve the background screening.
- 2226
- 2227 B. Criminal History or Abuse or Neglect Findings That Require Mandatory Denial:
- 2228 1. If the BCI Support Team identifies criminal records that require mandatory denial
2229 based upon Utah Code Ann. [§26B-2-120](#), the BCI Support Team may deny
2230 background screening.
- 2231 2. A child will not be placed in a Preliminary Placement if criminal history requires
2232 mandatory denial. If there is any question about mandatory denial for a
2233 Preliminary Placement, the BCI Support Team will refer the background
2234 screening to the State Office BCI Program Manager or Kinship Program
2235 Administrator for review and for a decision to approve or deny background
2236 screening for Preliminary Placement.
- 2237 3. If the result of the background screening is a mandatory denial, the BCI Support
2238 Team will send a denial letter to the applicant.
- 2239

- 2240 C. Criminal History or Abuse or Neglect Findings That May Be Approved Without Review:
 2241 1. If the BCI Support Team identifies child abuse or criminal records that do not
 2242 require mandatory denial or that do not fall within the crime or abuse categories
 2243 or time periods that are subject to review, based upon Utah Code Ann. [§26B-2-](#)
 2244 [120](#), or severe types of child abuse or neglect records based upon Utah Code Ann.
 2245 [§80-1-102](#), the BCI Support Team may approve the background screening or may
 2246 staff the results with the State Office BCI Program Manager or Kinship Program
 2247 Administrator before approving the background screening.
 2248 2. If there is any question about being able to approve the background screening
 2249 without review, the BCI Support Team will refer the background screening to the
 2250 Statewide Background Screening Committee for review and for a decision to
 2251 approve or deny background screening for Preliminary Placement.
 2252
- 2253 D. Criminal History or Abuse or Neglect Findings Requiring Further Review Before
 2254 Approval or Denial of Background Screening Can Be Determined: If the BCI Support
 2255 Team identifies child or adult abuse or criminal records that do not require mandatory
 2256 denial but fall within the crime or abuse categories or time periods that are subject to
 2257 review based upon Utah Code Ann. [§26B-2-120](#), or severe types of child abuse or neglect
 2258 records based upon Utah Code Ann. [§80-1-102](#), the BCI Support Team will refer the
 2259 background screening to the Statewide Background Screening Committee for review and
 2260 for a decision to approve or deny the background screening for Preliminary Placement.
 2261

2262 **504.7 Documentation Of Results**

- 2263
- 2264 A. Documentation of Results on Expedited Kinship Background Screening Form:
 2265 1. The BCI Support Team will document on the Expedited Kinship Background
 2266 Screening form either “yes” or “no” for existence of child abuse or neglect
 2267 findings or a criminal history, regardless of whether or not the history affects
 2268 approval of the placement. Each entry will be initialed and dated by the BCI
 2269 Support Team.
 2270 2. In addition, the BCI Support Team will document on the Expedited Kinship
 2271 Background Screening form the results of the initial analysis, indicating approved
 2272 for no history, approved for records not subject to review, mandatory denial, or
 2273 records requiring review. This entry will be initialed and dated by the BCI
 2274 Support Team. No specific details of findings or history will be written on the
 2275 application. Records will be retained for five years.
 2276
- 2277 B Statewide Background Screening Committee: A decision by the Statewide Background
 2278 Screening Committee to approve or deny a background screening application will be
 2279 documented by the BCI Support Team on the Expedited Kinship Background Screening
 2280 form with notes of the committee discussion attached to the original application. No
 2281 specific details of findings or history will be written on the Kinship Background
 2282 Screening form or committee report. Records will be retained for five years.
 2283

- 2284 C. Supporting Documentation:
- 2285 1. Supporting documentation will be attached to the original Kinship Background
- 2286 Screening Application (KBS01) and submitted to the Office of Licensing for their
- 2287 background screening. Supporting documentation will include Livescan reports
- 2288 and may include out of state child abuse registry checks, original/certified court
- 2289 dockets, police reports, etc. The BCI Support Team will store a copy of the
- 2290 application and reports in an encrypted Google Drive folder. Records will be
- 2291 retained for five years.
- 2292 2. If fingerprints were submitted through Live Scan, the BCI Support Team will
- 2293 print Live Scan results with the applicant's identifying information from the
- 2294 BCI/ABC webpage results:
- 2295 a. Approved.
- 2296 b. Pending/Needs Agency Review. Pending/Needs Agency Review indicates
- 2297 this person may have a criminal history. The hard copy report from Live
- 2298 Scan when Pending/Needs Agency Review is reported will be printed by
- 2299 the BCI Support Team from the ABC webpage. The original hard copy
- 2300 report must be included as supporting documentation for the background
- 2301 screening, even if the report indicates there is no criminal history.
- 2302 3. Ten-print fingerprint card results scanned in through the Livescan machine will be
- 2303 accessible through the BCI/ABC Webpage. Repeat process 2 from above. The
- 2304 original hard copy report from the 10-print fingerprint check must be included as
- 2305 supporting documentation, even if the report indicates there is no criminal history.
- 2306

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

- 2307
- 2308
- 2309
- 2310 A. If the criminal history record reports no disposition, an outstanding warrant, or if the
- 2311 background screening report is subject to review by the Statewide Background Screening
- 2312 Committee, Child and Family Services will give the individual an opportunity to provide
- 2313 additional documentation before making a decision to deny the background screening.
- 2314
- 2315 B. A fingerprint-based check will have been completed to verify that the record being
- 2316 considered belongs to the applicant.
- 2317
- 2318 C. When applicable, the BCI Support Team will send a notice to inform the applicant that:
- 2319 1. The applicant's criminal history or findings of abuse or neglect require further
- 2320 review.
- 2321 2. The applicant is encouraged to submit a written statement about the applicant's
- 2322 age and circumstances under which the offense or incident occurred and to
- 2323 document rehabilitation, counseling, or psychiatric treatment received, additional
- 2324 academic or vocational schooling completed since the offense, or other
- 2325 information that the applicant believes is important for the review.

- 2326 3. The applicant will obtain court documentation to show final disposition of any
2327 reports for which disposition was not available and documentation that
2328 outstanding warrants have been resolved.
- 2329 4. All additional information requested from the applicant must be received by Child
2330 and Family Services within 30 calendar days of the written notice.
- 2331 5. The review being conducted by the Statewide Background Screening Committee
2332 is for the purpose of Preliminary Placement, and another background screening
2333 review may be required by the Office of Licensing as part of evaluation of their
2334 ongoing capacity to care for the child required by state law.
- 2335 6. When requested by a caseworker, the Statewide Background Screening
2336 Committee may review the background screening results for babysitting,
2337 visitation, or daycare purposes.
2338

2339 **504.9 Review Of History By The Statewide Kinship Background** 2340 **Screening Committee For Preliminary Placement**

- 2341
- 2342 A. When an applicant has a history or findings of abuse or neglect or criminal convictions
2343 that require review before a decision can be made for Preliminary Placement, the
2344 Statewide Background Screening Committee will conduct the review. Each region will
2345 designate specific staff to be part of the Statewide Background Screening Committee,
2346 consisting of designated professional staff and alternates who have been trained in
2347 specific rules, statutes, Practice Guidelines, and committee protocol. Each region will
2348 designate chairpersons and voting members to participate in these background screening
2349 committees. Three or more members are needed for each review. Chairpersons need to
2350 be an administrator or designated supervisor. Voting members of the committee may
2351 include the region director, associate region director, program or child welfare
2352 administrators, caseworkers, supervisors, resource family consultants, clinical
2353 consultants, or members of the kinship/placement team.
2354
- 2355 B. Each member of the Statewide Background Screening Committee will receive training on
2356 the role of committee members, scope of responsibility for the Statewide Background
2357 Screening Committee, and background screening criteria.
2358
- 2359 C. At least three voting members must meet in order to approve or deny an applicant's
2360 background screening. A decision will be based on a simple majority of the voting
2361 members. The committee will meet virtually and may meet by telephone, if necessary.
2362
- 2363 D. In the event of a conflict of interest, the Statewide Background Screening Committee
2364 member will not participate in this screening. The committee will still need three voting
2365 members.
2366
- 2367 E. The BCI Support Team will provide available information to the Statewide Background
2368 Screening Committee, including summaries of background screening reports and any
2369 information provided by the applicant. Information will not be sent electronically, but

- 2370 will be shared via a virtual Google Meet. Criminal history reports (rap sheets) will not be
2371 distributed to committee members. The BCI Support Team will share all information the
2372 day of the meeting with all committee members and will ensure that all shared access of
2373 criminal history summaries is revoked after the conclusion of the committee review.
2374
- 2375 F. The Statewide Background Screening Committee will act on a background screening
2376 application needing a review on the following business day.
2377
- 2378 G. If further information is needed from the applicant, they will have ten business days to
2379 respond to the written request from Child and Family Services. The Statewide
2380 Background Screening Committee will review the applicant's information the following
2381 business day from receiving the requested information.
2382
- 2383 H. The Statewide Background Screening Committee may request additional information
2384 from the applicant and may defer action on an application until the applicant submits this
2385 information.
2386
- 2387 I. The Statewide Background Screening Committee will not deny a background
2388 screening application without giving the applicant an opportunity to provide
2389 information regarding the history or findings that are being reviewed.
2390
- 2391 J. The Statewide Background Screening Committee may approve a report without
2392 additional information from the applicant if the report of history or findings contains
2393 sufficient information to make a decision about the likely threat of harm to a child.
2394
- 2395 K. The Statewide Background Screening Committee may deny a background screening
2396 application in the event that an applicant fails to provide requested information within
2397 the required time frame.
2398
- 2399 L. The Statewide Background Screening Committee will carefully consider the applicant's
2400 criminal history and/or child or adult abuse or neglect findings along with any
2401 information submitted by the applicant to determine if approval of the background
2402 screening will create a likely threat of harm to a child.
2403
- 2404 M. The review will consider factors such as:
2405 1. The date of the offense or incident;
2406 2. The nature and seriousness of the offense or incident;
2407 3. The circumstances under which the offense or incident occurred;
2408 4. The age of the perpetrator when the offense or incident occurred;
2409 5. Whether the offense or incident directly relates to abuse of a child or vulnerable
2410 adult, including:
2411 a. actual or threatened non-accidental physical or mental harm;
2412 b. sexual abuse;
2413 c. sexual exploitation;

- 2414 d. negligent treatment;
- 2415 6. Any evidence provided by the person of rehabilitation, counseling, or
- 2416 psychiatric treatment received, or additional academic or vocational schooling
- 2417 completed by the person; and
- 2418 7. Any other pertinent information.
- 2419
- 2420 N. Approval or denial will be determined according to standards established in Utah Code
- 2421 Ann. [§26B-2-120](#). and Utah Code Ann. [§80-1-102](#).
- 2422
- 2423 O. If the committee denies the background screening, the BCI Support Team or Statewide
- 2424 Background Screening Committee Chairperson will send the applicant a Kinship
- 2425 Background Screening Committee denial letter. This denial letter will not include
- 2426 specific reasons for the denial.
- 2427

2428 **504.10 Steps If Background Screening Is Denied After A Child Has Been**

2429 **Placed With A Kinship Caregiver/Friend**

2430

- 2431 A. If a child was placed with a kinship caregiver/friend in an approved Preliminary
- 2432 Placement, and subsequent background screening of an adult in the home is not
- 2433 approved, Child and Family Services will:
- 2434 1. Reassess safety based on safety decision-making (see Practice Guidelines [Section](#)
- 2435 [507.1](#)).
- 2436 2. Consult with the AAG and GAL assigned to the case.
- 2437 3. Child and Family Services cannot approve ongoing placement of a child in Child
- 2438 and Family Services custody with a kinship caregiver/friend that does not meet
- 2439 background screening requirements.
- 2440 4. Evaluate placement options and time frames in terms of immediate threat of harm,
- 2441 placement stability, and long-term view with the Child and Family Team. The
- 2442 team will decide if it is in the child's best interest to transition to another kinship
- 2443 placement or to recommend to the court that guardianship be granted to the
- 2444 kinship caregiver. If the child is placed with a friend that has been identified by
- 2445 the parent and the background screening is not approved, the child must be moved
- 2446 to a new placement as soon as possible, as the friend will not qualify to become a
- 2447 licensed foster parent. Child and Family Services will not recommend that
- 2448 temporary guardianship be granted to a friend.
- 2449 5. If guardianship is going to be recommended to the court, educate the court on the
- 2450 ramifications of granting guardianship without an approved background screening
- 2451 (e.g., the family will not qualify for adoption assistance if they later decide to
- 2452 adopt).
- 2453
- 2454 B. Prior to the Child and Family Team Meeting and before requesting a court hearing, the
- 2455 caseworker will meet with the kinship caregiver to discuss ramifications of taking
- 2456 guardianship when background screening was not approved (e.g., will not qualify for

- 2457 adoption assistance if they later choose to adopt) so the decision can be made with full
2458 knowledge of the options.
2459
- 2460 C. The Child and Family Team will make every effort to prevent a kinship placement
2461 disruption by providing support to the family and working to overcome any barriers. In
2462 the event that a disruption is imminent, and the child is in a relative placement, the Child
2463 and Family Team will follow Practice Guidelines [Section 507.1](#), Removal of a Child
2464 from the Home of a Foster Care Licensed or Unlicensed Relative Caregiver, and look
2465 back at kinship options and resume search and engagement activities.
2466
- 2467 D. If a decision is made to move the child to another placement, the caseworker will work
2468 with the kinship caregiver/friend to transition the child to another appropriate placement
2469 in a time frame consistent with the urgency identified through the safety assessment.
2470
- 2471 The caseworker will move the child to another placement and provide written notice of
2472 the change of placement to the court and all parties to the proceedings within three days
2473 of the removal, excluding weekends and holidays.
2474
- 2475 E. If the Child and Family Team decides not to recommend that the kinship relative
2476 caregiver be granted guardianship, the caseworker may inform the kinship caregiver of
2477 their option to obtain their own legal counsel to seek temporary guardianship of the child
2478 from the court on their own.
2479

2480 **504.11 Communication Of Background Screening Results And** 2481 **Dissemination Of Records**

- 2482
- 2483 A. Background Screening Results to Child and Family Services Staff:
- 2484 1. Expedited Request:
- 2485 a. If the caseworker verbally requested expedited background screening for a
2486 Preliminary Placement and communication of the results is urgent, the
2487 TAC/alternate may notify the caseworker verbally if the background
2488 screening is approved, needs further review, is denied, or could not be
2489 completed based upon the verbal information provided.
- 2490 b. The TAC/alternate will not provide specific details to a caseworker about
2491 a background screening history that was initiated by a verbal request until
2492 the TAC/alternate has received the Kinship Background Screening
2493 Application providing written authorization for the screening and photo
2494 identification. However, if dissemination of details is urgent to the
2495 Preliminary Placement decision, the results may be shared but will be
2496 considered tentative.
- 2497 2. UCJIS Report for Utah Criminal History, Juvenile Criminal History, III History,
2498 and FBI Reports:
- 2499 a. The TAC/alternate may only communicate details contained in a Utah
2500 criminal history, juvenile criminal history, III history, or FBI report

- 2501 obtained through UCJIS or the BCI/ABC Webpage to Child and Family
2502 Services staff who are authorized to receive the information (such as
2503 caseworker, supervisor, kinship consultant, or background screening
2504 committee members who have been trained, tested, and fingerprinted, and
2505 who have approved access rights through BCI).
- 2506 b. Any details shared will only be provided in a summary of the original
2507 report.
- 2508 c. All details can be shared verbally.
- 2509 d. A dissemination log can be maintained and a dissemination form can be
2510 completed to document the name of each person who received the
2511 information, if dissemination was verbal or written, date, case number, and
2512 signature of caseworker receiving the information. However, this is not
2513 mandatory.
- 2514 e. Any information reported prior to the TAC/alternate receiving the
2515 background screening application, photo identification, and fingerprint-
2516 based report will be considered tentative because positive identification of
2517 the applicant and record has not occurred through the fingerprinting
2518 process.
- 2519 f. The Utah BCI, juvenile criminal history, III history and FBI reports (rap
2520 sheets) may not be provided to staff and will not be transmitted
2521 electronically by fax or email and will not be stored in a case file. The
2522 TAC/alternate will ensure that any results printed from the UCJIS
2523 database or received from an FBI report will be locked in a secure file
2524 cabinet or will be shredded after being reviewed. Records will be retained
2525 for five years.
- 2526 3. SAFE Report of Child or Adult Abuse or Neglect: The TAC/alternate may
2527 provide the details of background screening reports obtained in SAFE to the Child
2528 and Family Services caseworker or background screening review committee.
2529
- 2530 B. Background Screening Results to the Court, Attorney General, and GAL:
- 2531 1. The TAC/alternate may provide a written summary of a Utah criminal history, III
2532 history, or FBI report obtained through UCJIS or BCI for the purpose of
2533 placement of children to the court, Attorney General's Office, or GAL.
- 2534 2. Any information reported prior to TAC/alternate receiving the background
2535 screening application, photo identification, and fingerprint-based report will be
2536 considered tentative because positive identification of the applicant and record has
2537 not occurred through the fingerprinting process.
- 2538 3. To disseminate Utah criminal history records to the court, Attorney General's
2539 Office, or GAL, the report will be run again in UCJIS using the purpose code X
2540 and stating the name and title of the judge, AAG, or GAL in the audit field. This
2541 serves as a dissemination log for audit purposes.
- 2542 4. The TAC/alternate or caseworker may provide the details of background
2543 screening reports obtained in SAFE to the court, Attorney General's Office, or
2544 GAL.

- 2545
2546 C. Reporting and Records Dissemination for Region Background Screening Committee:
2547 1. Information in Preparation for Committee Review:
2548 a. The TAC is responsible to notify the caseworker or designated regional
2549 kinship supervisor that a background screening application requires review
2550 by the Region Background Screening Committee when relevant findings
2551 or history of child abuse or criminal records are found. A summary of the
2552 background screening reports may be provided according to dissemination
2553 procedures for staff.
2554 b. The TAC will send the applicant notice of the review and give the
2555 applicant the opportunity to provide additional information required to
2556 complete the review. The notice will also include information about how
2557 the applicant may obtain their own criminal history or SAFE report of
2558 child and adult abuse or neglect findings and steps to take if they believe
2559 there are errors on the background screening report used by Child and
2560 Family Services.
2561 c. The TAC will compile and submit required documentation to the Region
2562 Background Screening Committee for their review following
2563 dissemination procedures for staff specified above.
2564 2. Information Dissemination Following Committee Review:
2565 a. The Region Background Screening Committee is responsible to notify the
2566 TAC and caseworker or regional kinship supervisor of the committee's
2567 decision to approve or deny background screening for Preliminary
2568 Placement. Dissemination guidelines must be followed for release of
2569 specific details of an applicant's criminal history.
2570 b. The Region Background Screening Committee will return the original and
2571 all copies of the application, report summaries, and supporting
2572 documentation to the TAC to be stored in a locked file or destroyed. The
2573 TAC will retain documentation of the committee decision with the
2574 application and supporting documentation for five years.
2575 c. If the Region Background Screening Committee denies the application,
2576 the TAC or Region Background Screening Committee Chairperson will
2577 send a written notice of denial to the applicant. Specific reasons for denial
2578 will not be provided.
2579
2580 D. Background Screening Application and Supporting Information for Office of Licensing:
2581 1. After background screening for Preliminary Placement has been completed and
2582 fingerprint results received, the TAC/alternate will send the Kinship Background
2583 Screening Application, out of state clearances (if applicable), [~~and~~] supporting
2584 documentation (if application), and Live Scan results to the Child and Family
2585 Services Background Screening Coordinator for submission to the Office of
2586 Licensing. The TAC will retain a copy of the information in a locked file until
2587 the stamped Kinship Background Screening Application is returned from the

- 2588 Background Screening Coordinator, who will record transfer of the information in
2589 the dissemination log.
- 2590 2. The TAC will let the caseworker or regional kinship supervisor know if the Office
2591 of Licensing has approved or denied the background screening application. The
2592 TAC/alternate will retain the original Kinship Background Screening Application.
2593 A copy of the application will be sent to the kinship home study caseworker to be
2594 retained with the Child-Specific Home Study.
- 2595 3. If the kinship caregiver applies for a foster care license, a copy of the approved
2596 background screening application will be submitted to the local licensor for the
2597 Office of Licensing with the Child-Specific Home Study.
- 2598 4. Summaries of background screening reports may be communicated to the kinship
2599 home study caseworker for consideration of safety as part of the home study
2600 process following dissemination procedures. Specific background screening
2601 details will not be included in the kinship home study report.
- 2602 5. Background screening reports and supporting documentation will not be
2603 submitted to local licensor.
2604
- 2605 E. Reporting of Background Screening Status and Results to the Applicant:
- 2606 1. The caseworker is responsible to keep the applicant informed regarding the status
2607 of background screening; specifically, if background screening is approved,
2608 denied, or requires further review. However, the caseworker is prohibited from
2609 reporting details of findings or history to the applicant, in accordance with BCI
2610 policies.
- 2611 2. The caseworker may give the applicant information about how to obtain their own
2612 criminal history or SAFE report of child or adult abuse or neglect findings.
- 2613 3. The TAC/alternate will notify the applicant of the opportunity to provide further
2614 information if background screening for Preliminary Placement is going to be
2615 reviewed by the Region Background Screening Committee and will send a written
2616 notice if denied.
2617

2618 **505** (NO LONGER USED)
2619

2620 **506 Temporary Guardianship With The Kinship Caregiver And**
2621 **Court-Ordered Kinship Support Services**

2622
2623 Major objectives:

2624 The Child and Family Services caseworker may recommend to the court that the child be placed
2625 in the temporary guardianship of a kinship caregiver and that Child and Family Services provide
2626 a comprehensive array of kinship support services to the child, the kinship caregiver, and the
2627 parent. Friends identified by the parents as caregivers for the child and with whom the child was
2628 placed in a Preliminary Placement but are not licensed foster parents at time the child is placed
2629 are not eligible for temporary guardianship unless court ordered and Child and Family Services
2630 will recommend that friends become licensed foster parents.

2631
2632
2633 **Applicable Law**

2634 Utah Code Ann. [§80-2-301](#). Division responsibilities.

2635
2636 Practice Guidelines

- 2637 A. Temporary guardianship to the kinship caregiver and court-ordered kinship support
2638 services may be recommended to the court when the initial permanency goal is
2639 reunification and the kinship caregiver has agreed to:
- 2640 1. Work with the parent and Child and Family Services to reunify the child with the
2641 parent.
 - 2642 2. Cooperate with Child and Family Services, the GAL, the AAG, and other support
2643 agencies.
 - 2644 3. Follow all court orders.
 - 2645 4. Commit to the long-term permanency plan, which may include adoption or
2646 permanent guardianship of the child by the kinship caregiver.
 - 2647 5. Resist and report inappropriate and unauthorized requests by the parent for access
2648 to the child.
 - 2649 6. Commit to protect and care for the child as long as necessary.
 - 2650 7. Provide a secure and stable environment for the child.
- 2651
- 2652 B. The kinship caregiver needs to have the ability, commitment, and resources to access and
2653 use the services needed to address the child's developmental, mental health, educational,
2654 or medical needs.
- 2655
- 2656 C. The Child and Family Services caseworker needs to provide the kinship caregiver with
2657 the following supports and services to meet the child's needs, assist the child's parents,
2658 and meet the relative's needs as caregivers:
- 2659 1. Provide kinship support services for a minimum of six months unless otherwise
2660 ordered by the court.
 - 2661 2. Contact the kinship caregiver within five working days of placement and visit the
2662 kinship caregiver's home within 10 working days of placement to:
 - 2663 a. Observe the conditions and circumstances of the kinship caregiver's home.

- 2664 b. Determine the health, well-being, and safety of the child.
- 2665 c. Identify any resource and service needs of the kinship caregiver and the
- 2666 child.
- 2667 3. Assist in obtaining needed supports and services, which may include day care,
- 2668 respite care, transportation, and counseling.
- 2669 4. Assist in obtaining any necessary financial and medical assistance for the child
- 2670 and the kinship caregiver, within 30 days of placement, which needs to include:
- 2671 a. Explanation of the tasks needed for meeting eligibility criteria for specific
- 2672 funding sources.
- 2673 b. Technical assistance in securing documentation (i.e., Social Security
- 2674 cards, birth certificates, legal documents) necessary for completing
- 2675 financial applications.
- 2676 c. Advocacy for the kinship caregiver with potential funding sources
- 2677 throughout the application, interview, and evaluation processes.
- 2678 5. Provide an opportunity for input into the service plan and participation in ongoing
- 2679 Child and Family Team Meetings.
- 2680 6. Thoroughly discuss the reunification services, the permanency plan, and the
- 2681 permanency time frames with the kinship caregiver.
- 2682 7. Offer and provide training and workshops based on the needs and interests of the
- 2683 kinship caregiver.
- 2684 8. Conduct a minimum of one visit per month to the home of the kinship caregiver.
- 2685 The caseworker may make additional visits if the kinship caregiver needs
- 2686 assistance and instruction to deal with the child's special needs or if Child and
- 2687 Family Services has reason to believe that the parent may harass or interfere with
- 2688 the kinship caregiver and help is needed to cope with the interference.
- 2689 9. Assist in establishing a specific visitation plan as part of the service plan between
- 2690 the child and the parent and develop the rules that will govern the visits. Visits
- 2691 between the child and the parent will occur a minimum of one time per month. If
- 2692 problems arise with visitation, the kinship caregiver can request Child and Family
- 2693 Services to be actively involved in establishing visitation guidelines and
- 2694 schedules.
- 2695 10. Assist in maintaining relationships with other extended family when possible and
- 2696 appropriate.
- 2697 11. Provide access to a Child and Family Services family resource consultant to
- 2698 provide support, respond to questions and solve problems, offer referrals to
- 2699 training and workshops, conduct face-to-face quarterly field visits, and provide
- 2700 resource consultation.
- 2701
- 2702 D. The Child and Family Services caseworker provides the following services and supports
- 2703 to meet the child's needs and works collaboratively with the kinship caregiver to enable
- 2704 the child to receive needed services:
- 2705 1. Assist the kinship caregiver in setting up and attending the child's required mental
- 2706 health, dental, and health assessments. The assessment appointment needs to be
- 2707 scheduled within 30 days of placement. Ongoing treatment recommendations

- 2708 will be incorporated into the service plan and monitored by the caseworker. The
2709 Child and Family Services caseworker will report to the court, the GAL, and the
2710 AAG the status of the assessments.
- 2711 2. Conduct a minimum of one visit per month with the child (this may occur at the
2712 same time as the visit with the kinship caregiver). The Child and Family Services
2713 caseworker will visit with the child outside the presence of the kinship caregiver
2714 to help assure that the child has a safe and healthy relationship with the caregiver.
 - 2715 3. Contact an individual other than the kinship caregiver who knows the child and
2716 who can provide feedback on the child's well-being.
 - 2717 4. Facilitate contact and visits between the child and the parent unless safety
2718 concerns exist.
 - 2719 5. Share information about the parent's activities and progress toward reunification
2720 or other permanency options.
 - 2721 6. Prepare the child to return to the parent's care or another permanent arrangement
2722 including adoption or permanent guardianship by the kinship caregiver.
 - 2723 7. Assist in maintaining relationships with siblings through visits and shared
2724 activities whenever possible.
 - 2725 8. Provide an opportunity for input into the service plan, when age appropriate, and
2726 identify the roles and responsibilities of the child in the service plan.
 - 2727 9. Advocate for the child in negotiating with other service systems and brokering
2728 access to resources for the child.
- 2729
- 2730 E. The Child and Family Services caseworker needs to provide the following services to
2731 parents that will support and enhance their functioning as parents:
- 2732 1. Involve parents in service planning and thoroughly inform them of their roles and
2733 responsibilities in the plan (if circumstances warrant, separate plans may be
2734 developed for each parent).
 - 2735 2. Invite parents to participate in ongoing Child and Family Team Meetings to assess
2736 progress in meeting the service plan and the permanency planning goals.
 - 2737 3. Assist parents in addressing the problems that led to their child's placement in
2738 kinship care and deliver or provide access to the services needed to remedy those
2739 problems to achieve reunification.
 - 2740 4. Include as part of the service plan a visitation schedule to maintain contact with
2741 the child that meets the needs of the child, parent, and kinship caregiver in
2742 consultation with the GAL.
 - 2743 5. Deliver or provide access to services and resources to prepare the parents for
2744 reunification or other permanency options for the child.
- 2745

2746 **507 Periodic Review Of Kinship Placement**

 2747 Major objectives:

 2748 Child and Family Services will periodically re-evaluate the appropriateness of the kinship/friend
 2749 placement in consultation with the Child and Family Team.
 2750

 2751
 2752 **Applicable Law**

 2753 Utah Code Ann. [§80-2-301](#). Division responsibilities.
 2754

 2755 Practice Guidelines

 2756 A. The Child and Family Services caseworker needs to assess the kinship/friend placement
 2757 and the reunification efforts within six months of the placement, unless otherwise ordered
 2758 by the court. The assessment needs to address the following:

- 2759 1. Has the parent made reasonable efforts to comply with the offered reunification
-
- 2760 services and the service plan?
-
- 2761 2. Is the continuation of the placement in the child's best interests by supporting the
-
- 2762 safety, permanency, and well-being of the child?
-
- 2763 3. Can the child and the kinship caregiver/friend maintain a stable relationship and
-
- 2764 function effectively with reduced or increased services from Child and Family
-
- 2765 Services?
-
- 2766 4. Does the child have an ongoing need for financial assistance beyond basic
-
- 2767 maintenance?
-
- 2768 5. Does the child and kinship caregiver/friend require the ongoing services of a
-
- 2769 caseworker?
-
- 2770 6. Can the child's needs be met through the kinship caregiver/friend's use of
-
- 2771 community resources and has the kinship caregiver/friend agreed to access or
-
- 2772 continue to maintain those services?
-
- 2773

 2774 B. The Child and Family Services caseworker needs to report the findings of the placement
 2775 assessment and make a recommendation to the court as to whether:

- 2776 1. The placement with the kinship caregiver/friend continues to be in the best
-
- 2777 interest of the child.
-
- 2778 2. The child should be returned home.
-
- 2779 3. The child should be placed in the custody of Child and Family Services.
-
- 2780

 2781 **507.1 Removal Of A Child From The Home Of A Foster Care Licensed
 2782 Or Unlicensed Relative Or Friend**

 2783
 2784 A. When considering the removal of a child from a foster care licensed or unlicensed
 2785 relative or friend when that relative or friend is no longer able to care for the child due to
 2786 health or ongoing ability, consultation with the Assistant Attorney General assigned to
 2787 the case is required.
 2788

- 2789 B. Child and Family Services may not remove a child from a relative (as legally defined in
2790 Utah Code Ann. [§80-3-102](#) and the Indian Child Welfare Act 25 U.S.C. §1901-63), who
2791 is a licensed or unlicensed caregiver on the basis of the relative's age or health, unless the
2792 following criteria are met:
- 2793 1. There is a preponderance of the evidence that the licensed or unlicensed relative
2794 or friend is incapable of caring for the child and the child will be placed
2795 with another relative. [See: Utah Code Ann. [§80-2a-304.](#)]
 - 2796 Or,
 - 2797 2. There is clear and convincing evidence that the relative or friend is incapable of
2798 caring for the child and the child will be placed with another foster parent who is
2799 NOT a relative.
- 2800
- 2801 C. If a relative or friend who is a licensed foster parent requests that the child be moved to
2802 another placement, they will give a ten-day notice to the caseworker and complete the
2803 form PR100 Request for Agency Action to Remove a Foster Child, which can be found
2804 in the Home-to-Home Packet. If Child and Family Services, in consultation with the
2805 AAG, decides that removal of the child from the relative or friend is in the child's best
2806 interest, Child and Family Services will provide a ten-day notice, except for in the case
2807 where safety is an immediate concern. [See: Practice Guidelines [Section 305.3.](#)]
- 2808
- 2809 D. If Child and Family Services is considering the removal of a child in DCFS custody from
2810 an unlicensed relative or friend, the following must have taken place:
- 2811 1. When possible, the removal or change in placement has been discussed in the
2812 Child and Family Team Meeting and is part of the ongoing plan,
 - 2813 2. The kinship caregiver(s) has been given notice of the removal prior to the
2814 removal,
 - 2815 3. Another kinship placement will be made, or
 - 2816 4. If no kinship options are available, efforts to notify and engage kin have been
2817 documented and provided to the placement committee,
 - 2818 5. If the unlicensed relative or friend disagrees with this decision, they may address
2819 the court.
- 2820
- 2821 E. If a relative or friend has temporary guardianship of the child while Child and Family
2822 Services is providing services to the family, a removal cannot take place without a
2823 warrant or court order.
- 2824

2825 **508** **Statutory Timelines For Establishing Permanency**
2826
2827 (*See: Practice Guidelines [Section 301.2.](#)*)
2828

2829 **509 Preparing Kin For Permanency Plan**

 2830 Major objectives:

 2831 Child and Family Services will adequately prepare the child's kin for a permanency plan.
 2832

 2833
 2834 **Applicable Law**

 2835 Utah Code Ann. [§80-2-301](#). Division responsibilities.
 2836

 2837 Practice Guidelines

- 2838 A. In order to recommend the most appropriate permanency plan for the child, the Child and
-
- 2839 Family Services caseworker needs to ensure the following issues are addressed:
-
- 2840 1. If reunification with the parent is recommended:
-
- 2841 a. Conditions, circumstances, or risks that resulted in removal of the child
-
- 2842 have been sufficiently reduced.
-
- 2843 b. Reunification with the parent is in the best interest of the child.
-
- 2844 c. Substantial efforts to comply with the service plan have been made by the
-
- 2845 parent.
-
- 2846 d. A transition plan for the child's safe return home includes follow-up
-
- 2847 supervision, services to the child, and services to the parent.
-
- 2848 2. If permanent guardianship with the kinship caregiver/licensed friend is
-
- 2849 recommended:
-
- 2850 a. Reasonable efforts to reunify the child and parent were not successful or
-
- 2851 were not ordered by the court.
-
- 2852 b. Permanent guardianship is in the best interest of the child and is preferable
-
- 2853 to other permanency options.
-
- 2854 c. The kinship caregiver/licensed friend is informed of the child's special
-
- 2855 needs and the circumstances of the child's removal.
-
- 2856 d. The child and the kinship caregiver/licensed friend can maintain a stable,
-
- 2857 safe, and nurturing relationship.
-
- 2858 e. The child's needs can be met through the kinship caregiver/licensed
-
- 2859 friend's use of community resources.
-
- 2860 f. The kinship caregiver/licensed friend has been informed that they may
-
- 2861 contact the Child and Family Services family resource consultant at any
-
- 2862 time in the future if services or supports are needed for themselves or the
-
- 2863 child.
-
- 2864 g. The parent has been informed of the child support obligation they will be
-
- 2865 required to provide if the kinship caregiver continues to receive a TANF
-
- 2866 Specified Relative payment.
-
- 2867 3. If termination of parental rights and adoption are recommended:
-
- 2868 a. Facts and circumstances support termination.
-
- 2869 b. Reasonable efforts to reunify the child and the parent were unsuccessful or
-
- 2870 were not ordered by the court.
-
- 2871 c. ICWA requirements have been met for an Indian child.

2872
2873

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

2874 **510 Temporary Guardianship With Child And Family Services And**
2875 **Licensed Kinship Foster Care**

2876 Major objectives:

2877 The Child and Family Services caseworker may recommend to the court that temporary
2878 guardianship of the child be ordered to Child and Family Services, the child be placed in the
2879 home of a kinship caregiver/friend, the identified kinship caregiver/friend becomes a licensed
2880 foster care provider, and Child and Family Services provides out-of-home care services.
2881

2882
2883 **Applicable Law**

2884 Utah Code Ann. [§80-2-301](#). Division responsibilities.
2885

2886 Practice Guidelines

- 2887 A. The Child and Family Services caseworker will adhere to out-of-home procedures and
2888 Practice Guidelines when a child is placed in kinship foster care. The Child and Family
2889 Services caseworker needs to provide the kinship caregiver/friend with the following
2890 supports and services to meet the child's needs, assist the child's parents, and meet the
2891 kinship caregiver/friend's needs:
- 2892 1. Assist in obtaining needed supports and services, which may include day care,
2893 respite care, transportation, and counseling.
 - 2894 2. Access to a family resource consultant to provide support, respond to questions
2895 and solve problems, offer referrals to training and workshops, conduct face-to-
2896 face quarterly field visits, and provide resource consultation.
 - 2897 3. Conduct additional visits to the home of the kinship caregiver/friend if the kinship
2898 caregiver/friend needs assistance and instruction to deal with the child's special
2899 needs, or if Child and Family Services has reason to believe that the parent may
2900 harass or interfere with the kinship caregiver/friend and help is needed to cope
2901 with the interference.
 - 2902 4. Assist in establishing a specific visitation plan between the child and the parent
2903 and develop rules that will govern the visits. If problems arise with visitation, the
2904 kinship caregiver/friend can request Child and Family Services to be actively
2905 involved in establishing visitation guidelines and schedules.
- 2906
- 2907 B. In order to assist the kinship caregiver/friend to become a licensed foster home, the Child
2908 and Family Services caseworker needs to:
- 2909 1. Provide follow-up assistance and advocacy until the kinship caregiver/friend
2910 receives foster parent licensure.
 - 2911 2. Forward to the Office of Licensing a copy of the completed Kinship Home Study
2912 and the results of the criminal background check on the kinship caregiver/friend
2913 and all members of the household over the age of 18 years.
 - 2914 3. Offer services and supports, as appropriate, to assist the kinship caregiver/friend
2915 in adapting the home to meet licensing standards and the needs of the child.
2916

- 2917 C. Placement recorded in SAFE: When a child is receiving court-ordered In-Home Services
2918 (PSS) and has been placed in the home of a non-custodial parent or kinship
2919 caregiver/friend, the kinship placement needs to be recorded in SAFE. The role of Kin
2920 Caregiver will be recorded as KR. The role of Kin Child will be recorded as KC.
2921 Placement with a non-custodial parent will be coded as NCP. Placement with a kinship
2922 caregiver/friend will be coded as BHR.
2923

2924 **511 Permanent Guardianship With The Relative**

2925 Major objectives:

2926 When, at the shelter hearing or subsequent hearing, the court orders permanent guardianship of
2927 the child to the relative and the child is no longer under the jurisdiction of the court, the Child and
2928 Family Services caseworker needs to contact the relative to explain available services.
2929

2930

2931 **Applicable Law**

2932 Utah Code Ann. [§80-2-301](#). Division responsibilities.

2933

2934 Practice Guidelines

2935 The Child and Family Services caseworker needs to do the following:

- 2936
- 2937 A. Contact the relative within five working days of the permanency order to:
- 2938 1. Outline all possible financial and medical resources available for the child and
2939 family, discuss the financial impact to selecting certain financial supports, and
2940 provide technical assistance in securing the documentation necessary for
2941 completing financial applications.
- 2942 2. Provide information on available community resources including educational,
2943 recreational, and medical services that could assist the child and the relative
2944 family.
- 2945
- 2946 B. Assist the family with voluntary in-home services if requested by the kinship caregiver.
- 2947
- 2948 C. Inform the relative that they may contact the Child and Family Services family resource
2949 consultant at any time in the future if services or supports are needed for themselves or
2950 the child.
2951

2952 **512 Preparing Kin For Permanency Decision**

2953 Major objectives:

2954 The Child and Family Services caseworker will make reasonable efforts to adequately prepare
2955 kin/friend for permanency hearings and decisions.
2956

2957
2958 **Applicable Law**

2959 Utah Code Ann. [§80-2-301](#). Division responsibilities.
2960

2961 Practice Guidelines

2962 A. At the permanency hearing, the Child and Family Services caseworker may recommend
2963 the following permanency options:

- 2964 1. Reunification with parents.
- 2965 2. Adoption by the kinship caregiver/friend.
- 2966 3. Permanent guardianship with the kinship caregiver/licensed friend.
- 2967 4. Non-relative adoption.
- 2968 5. Individualized Permanency.

2969
2970 B. If Permanent Guardianship is being recommended by Child and Family Services, the
2971 caseworker will follow Practice Guidelines [Section 308.2](#).
2972