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501 Kinship Services Philosophy, Active Search, and Preferences for Placement

Major objectives:

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

Applicable Law

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

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

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

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

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

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

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

501.1 Philosophy

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

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

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

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

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

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

Revision Date: September 2024

501.2 Definitions

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

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

501.3 Diligent Search for Kin, Asserted Interest and Reporting to the Courts

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

Within 30 days of removal, the caseworker will initiate diligent searches to identify and locate missing parents, grandparents, relatives, and/or potential kinship caregivers. The caseworker will work with the Child and Family Team, designated kin locators, or region appointed persons to provide kin with notice that a child with whom they have a relationship is in the custody of DCFS. DCFS will inform any potential kinship caregiver that they will need to provide DCFS with notice of interest to provide long-term permanency in order to pursue permanency for the child. DCFS will inform potential kinship of the kinship preference timeframe. [See: Utah Code Ann, [§80-3-302](#).] DCFS will document all kin who have asserted interest and will provide it to the court for each hearing.

Caseworker Responsibilities

- A. The caseworker will conduct a diligent and reasonable search to locate potential kinship caregivers (including the child's non-custodial parent, grandparents, other adult relatives, adults who are adoptive parents of the child's sibling, or friends willing to care for the child, by taking as many of the following steps as necessary:
1. Interview the custodial parent or guardian to obtain the names, addresses, and telephone numbers of all potential kinship caregivers (including adoptive parents of the child's siblings) or friends who may be able to provide care for the child, or who may be a resource to a kinship caregiver or friend that will have the child placed with them. Utilize tools such as genograms, social network mapping, and others, supporting the identification of possible kinship placements and connections.
 - a. If a custodial parent or guardian objects to DCFS contacting a potential kinship caregiver, the supervisor and the caseworker may assess whether to still contact the potential kinship caregiver by considering the following factors:
 - (1) If the safety of the child or the custodial parent or guardian will be jeopardized if the potential kinship caregiver is contacted.
 - (2) If contacting the potential kinship caregiver is in the best interest of the child.
 - (3) If contacting the potential kinship caregiver will substantially limit DCFS' ability to work with the custodial parent or guardian to the detriment of the child.
 - b. Searches are required with or without parental consent, subject to exceptions due to family violence or domestic violence. If the custodial parent or guardian is uncooperative in providing the names of potential kinship caregivers or friends who may have the child placed with them, the caseworker may contact the Assistant Attorney General (AAG) to request the court to order the custodial parent to provide the names of all potential kinship caregivers within five working days.
 2. Interview the child for names, addresses, and telephone numbers of relatives or friends with whom the child is comfortable. If the child is of sufficient maturity to articulate their wishes regarding placement, DCFS will consider relatives or friends designated by the child. If the basis for removing the child is sexual abuse of the child as described in Utah Code Ann. [§80-1-102](#), the child's wishes for placement shall take preference.
 3. Ask participants at a Child and Family Team Meeting to help identify other potential kinship caregivers or friends who may be willing and able to care for the child.
 - a. Any relative or friend attending a Child and Family Team Meeting will be provided with the Kinship Notification Letter and the Kinship Pamphlet.
 4. Interview and engage known maternal and paternal relatives or friends of the child.

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

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

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

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

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

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

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

Kin Locator or Region-Appointed Person Responsibilities:

- A. The kin locator or region-appointed person will collaborate with the caseworker to initiate searches for relatives and friends in order to provide notice within 30 days of removal for all known relatives. Other relatives may be identified later in the case and will be given the Notice to Relative Letter and the Kinship Pamphlet, and their information will be documented in SAFE.
- B. Kinship searches will be referred to the kin locator by the caseworker. Searches include:
 1. Interviews of the parents, the child, and other family and friends.
 2. A genogram or other family finding tools used during an interview or Child and Family Team Meeting.
 3. A check of the Utah Child Welfare database.
 4. Social media.
 5. Vital Records.
 6. Eshare.
 7. Office of Recovery Services (ORS).
 8. Search of public records using CLEAR search program with Thomson Reuters. This search will be completed for all children who come into DCFS custody and will include maternal, paternal, and adoptive relatives.
 9. Returned Notice to Relative Letters.
- C. Provide written notice (Notification to Relative Letter) to a non-custodial parent, all grandparents, all adoptive parents of the child's siblings, and other adult relatives known to DCFS or suggested by the legal parents within 30 days of removal, except when family or domestic violence justifies not providing notice. The written notice will:

1. Specify that the child has been or is being removed from the custody of the parent or parents of the child;
 2. Explain the options the relative has under federal, state, or local law to participate in the care and placement of the child, including any options that may be lost by failing to respond to the notice; and
 3. Describe the requirements to become a licensed resource family or to request court-ordered guardianship and any additional services and supports that are available for children placed in a kinship caregiver home.
- D. Record all identified relatives or friends in SAFE located in the Relationships tab.
- E. Log returned Notification to Relatives response letters in SAFE Person Screen.
- F. Forward all returned Notification to Relatives letters to the caseworker for follow up. File these forms in the client's green binder under the kinship section and/or upload them into the child's case in SAFE.
- G. If unable to identify or locate a non-custodial parent or family member:
1. The authorized DCFS worker must complete the ORS Kinship Locate Request form for each child (if kinship locate services are being requested for more than one child). All kinship locate requests must contain the following information:
 - a. The child's name;
 - b. The child's date of birth or Social Security Number;
 - c. The individual's name;
 - d. The individual's relationship to the child; and,
 - e. The individual's date of birth or social security number.[See: Administrative Rules [R495-884-3](#) and [R495-884-4](#).]
 2. The DCFS worker must provide the person's relationship to the child.
 3. Once the form is complete, the DCFS worker will email it to orskinshiplocator@ors.gov.
 4. Urgent requests: If there is an emergency situation that requires immediate attention, the DCFS worker will mark the email request as a High Priority in the subject line. If an individual is not known to the ORS information system, it is not possible to receive a quick response, even in a high priority situation.
 5. Information received from ORS regarding a child: If the request for kinship locate is for the child, ORS may provide DCFS with the name, date of birth, Social Security Number, and any paternity information for the child, if available.
 6. Questions about the kinship locate process should be sent to the DCFS state kinship program administrator, who will contact the ORS Child Support Policy and Training Unit, if necessary.

501.4 Preferences for Placement

- A. If parents share legal joint custody of a child but do not live together and DCFS has determined that the child must be removed from one parent, protective custody is invoked. The child may be placed with the other parent according to the Preliminary Placement requirements for a non-custodial parent. Using the components of safety decision-making, determine with the other parent the supports necessary to keep the child safe. Report the legal joint custody status of the other parent to the court at the shelter hearing for the judge to make a decision about releasing the child to the other parent or ordering the child into DCFS custody.
- B. There is a rebuttable presumption that placement of a child with the child's relative during a child welfare proceeding is in the best interest of the child. It requires DCFS and the juvenile court to consider the rebuttable presumption at certain times throughout a child welfare proceeding, and requires the juvenile court to:
1. determine whether DCFS considered the rebuttable presumption and preferential consideration for placement of a child with a relative at the child welfare review hearing;
 2. provide preferential consideration to a relative's request for placement of a child at the permanency hearing; and
 3. consider whether a child's relative was given due weight as a placement for the child during the child welfare proceeding before entering a final order of adoption for the child.
- C. The following order of preference shall be applied when determining the person with whom a child will be placed in an emergency placement, provided that the person is willing and has the ability to care for the child, and is subject to the child's best interest:
1. A noncustodial parent of the child in accordance with Utah Code Ann. [§80-3-302](#).
 2. A relative.
 3. A friend designated by the custodial parent, guardian, or the child, if the child is of sufficient maturity to articulate the child's wishes in relation to a placement.
 4. Former foster placement, or other foster placement designated by DCFS.
 5. A shelter facility.
- D. In determining whether a friend is a willing and appropriate temporary emergency placement for a child, DCFS:
1. Is required to consider no more than one friend designated by each parent or legal guardian of the child and one friend designated by the child, if the child is of sufficient maturity to articulate the child's wishes in relation to a placement;
 2. May limit the number of designated friends to two, one of whom shall be a friend designated by the child, if the child is of sufficient maturity to articulate the child's wishes in relation to a placement; and
 3. Shall give preference to a friend designated by the child, if:
 - (a) the child is of sufficient maturity to articulate the child's wishes; and

- (b) DCFS' basis for removing the child under Utah Code Ann. [§80-1-102](#) is sexual abuse of the child.
- E. An eligible Indian child must be placed within the foster/pre-adoptive placement preferences established by ICWA:
1. A non-custodial parent of the child.
 2. Member of the child's extended family, according to the tribe's customary definition of extended family ([25 U.S.C. §1903\(2\)](#)).
 3. Foster home licensed, approved, or specified by the Indian child's tribe.
 4. Indian foster home licensed or approved by an authorized non-Indian.
 5. An institution for children approved by an Indian tribe or operated by an Indian organization that has a program suitable to meet the child's needs.
 6. If none of the above is possible, the child may be placed in a non-Indian foster home or other appropriate out of home placement.
- F. The selection of a placement will be consistent with the child's needs, first taking into consideration preference of placement found above. The type of out-of-home placement for the child, either the initial placement or change in placement, will be determined within the context of the Child and Family Team. Placement decisions will be made based upon best interests of the child, which will include the needs of the child and reducing the trauma of out-of-home care. The following considerations will be taken into account:
1. Approved background screening requirements specified in Administrative Rule [R512-500](#).
 2. Sufficient information to determine whether:
 - a. The relative or friend has any history of abusive or neglectful behavior toward other children that may indicate or present a danger to this child;
 - b. The child is comfortable with the relative or friend;
 - c. The relative or friend recognizes the parent's history of abuse and is committed to protect the child;
 - d. The relative or friend is strong enough to resist inappropriate requests by the parent for access to the child, in accordance with court orders;
 - e. The relative or friend is committed to caring for the child as long as necessary; and
 - f. The relative or friend can provide a secure and stable environment for the child.
 3. Assessment of safety will be based on safety decision-making principles, which include:
 - a. Potential threats of harm;
 - b. Vulnerabilities of the child; and
 - c. Protective capacities of the potential kinship caregiver and their support system.
 4. The limited home inspection specified in Utah Code Ann. [§80-2a-301](#) is required for a non-custodial parent, relative, or friend. The limited home inspection is

- conducted in the home of the prospective kinship caregiver to determine if there are apparent safety risks in the home that present a potential threat of harm to the child. The limited home inspection determines if the following are met:
- a. The home is free from observable health and fire hazards.
 - b. There are adequate sleeping arrangements to meet the specific needs of each child.
 - c. Any firearms, ammunition, hazardous chemicals, and/or medications are secured and not accessible to children.
5. References may be contacted to obtain input regarding placing the child with the potential kinship caregiver or information about other available relatives or friends who may care for the child.
6. Other considerations:
- a. Is the relative committed to supporting reunification with the parents?
 - b. Does the relative live in reasonable proximity to the child's home?
 - c. Siblings placed together unless there is a safety concern or special circumstances.
 - d. If the child's siblings were previously adopted, could the adoptive family provide permanency for this child?
 - e. Educational needs, including proximity to the child's school and child's need for maintaining connections to school.
 - f. Cultural factors, language, and religion specific to the child.
 - g. Existing relationship between the child and a caregiver.
 - h. Is the kin caregiver committed to maintaining a connection with siblings and relatives, including both sides of the family?
 - i. Health and mental health needs, both for the child and the potential kinship caregiver.
 - j. Potential for ongoing care or permanency with the caregiver to prevent unnecessary changes in placement.
- G. Paternal and maternal relatives are to be considered equally when assessing for the best placement for the child.
- H. For the purpose of a Preliminary Placement, siblings who have only one parent in common may be placed together with the sibling's relative, if it is in the unrelated sibling's best interests. The relative will meet the Preliminary Placement requirements for a relative. Pursuit of a foster care license will be recommended to the caregiver if this is the selected ongoing placement for the child.
- I. When choosing from multiple placement options, the Child and Family Team will try to reach a consensus as to which kinship placement would be the most appropriate for the child using consideration listed above.
- J. A potential kinship caregiver will not automatically be excluded from consideration for Preliminary Placement of a child in DCFS custody due to factors that may prevent them

from becoming licensed through the Office of Licensing, such as a citizenship status that is undocumented.

- K. Preferential consideration means the Child and Family Team will consider the relative/friend for selection as a possible placement for the child, but does not guarantee that more than one potential kinship caregiver/friend will have background screening, limited home inspection, a Child-Specific Home Study, or that the child will be placed with the kinship caregiver/friend. Documentation of consideration and selection of potential kinship caregivers/friend by the Child and Family Team will be maintained in SAFE in Child and Family Team notes.
- L. Preferential consideration given to kinship caregivers in Utah Code Ann. [§80-3-302](#) expires eight months from the date of the shelter hearing or, if no shelter hearing was held, then from the date the child was ordered into the custody of DCFS. The Child and Family Team may consider potential kinship caregivers for placement after the eight months have lapsed if it is in the best interest of the child. [See: Administrative Rule [R512-42](#), Adoption by a Relative.]
- M. Preferential consideration may be given to a friend if the friend is willing to become a licensed foster parent and is actively working towards licensure within 120 days of the shelter hearing, or if no shelter hearing was held, within 120 days of the child being ordered into the custody of DCFS. [See: Practice Guidelines [Section 502.8](#).]

501.5 Factors That May Delay Placement or Hinder Permanency

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

- A. Previous Child Abuse or Neglect Finding or Criminal History: Placement will likely be delayed if any adult in the home of the potential kinship caregiver/friend has had a previous child abuse or neglect finding or criminal history because more extensive identity verification and evaluation of threat of harm to a child is required. The kinship caregiver/friend will also be required to obtain and provide legal documents further explaining the criminal history. In addition, a Region Background Screening Committee will likely be required to evaluate the history before a decision regarding approval or denial can be made.
- B. Out of Area/Out of State: If the potential kinship caregiver/friend lives out of the area, reunification efforts could be impacted by distance. Also, if the kinship caregiver/friend lives out of state, a significant amount of time may be required to complete the Interstate

Compact for the Placement of Children (ICPC) requirements, including an out of state background screening and home study, which must be met prior to placement.

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

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

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

502 Kinship Services - Preliminary Placement

Major objectives:

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

Applicable Law

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

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

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

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

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

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

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

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

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502.1 Preliminary Placement Overview

A Preliminary Placement is an out-of-home placement with a non-custodial parent, relative, or a friend (including an extended relative) of the custodial parent or guardian or child. A Preliminary Placement is used to keep a child in DCFS custody safe while the Child and Family Team makes decisions regarding the child's ongoing care and determines what steps are necessary to promote the safety, well-being, stability, and permanency of the child. Preliminary Placement with a kinship caregiver or friend is preferred over crisis care and may be considered for emergency foster care to avoid the use of another out-of-home placement with a caregiver who is unfamiliar to the child. The Preliminary Placement may also remain as the child's ongoing placement with the kinship caregiver becoming a licensed foster parent or being granted guardianship by the court. The Preliminary Placement may also remain as the child's ongoing placement with the friend becoming a licensed foster parent. DCFS may not recommend that friends be granted guardianship of the child.

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

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

502.2 Selection of Kinship Caregiver for Preliminary Placement

DCFS, with the Child and Family Team is primarily responsible to select a kinship caregiver/friend for Preliminary Placement, taking into account preferences for placement, the best interest of the child, the kinship caregiver/friend's ability to meet qualifying requirements,

and factors that may delay placement, result in multiple moves, or hinder progress towards the child's permanency goals.

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

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

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

It may be necessary for the child to receive temporary care while background screening and a limited home inspection are being completed, or while waiting for the non-custodial parent, kinship caregiver, or friend to arrive to pick up the child. This care may be provided at sites identified by the region such as a crisis care facility or home, family support center, or other appropriate location.

502.3 Background Screening Requirements for Preliminary Placement and Ongoing Care Regarding Non-Custodial Parent and Kinship Caregivers

- A. PRELIMINARY PLACEMENT with Non-Custodial Parent: The following background screenings are required for the non-custodial parent and all individuals living in the home of the non-custodial parent.
 - 1. If the child is being placed with a non-custodial parent, the following checks may be completed for the non-custodial parent and any other individuals living in the home before or within one day after a child is placed, excluding weekends and holidays, if based upon a limited investigation DCFS determines that:
 - a. The non-custodial parent has regular, unsupervised family-time with the child that is not prohibited by law or court order; and
 - b. Based on the caseworker's best judgment and analysis of available information, there is no reason to believe that the child's health or safety will be endangered by making the placement prior to the background screening being completed.
 - 2. Utah Criminal History Bureau of Criminal Identification (BCI): A non-fingerprint-based Utah BCI criminal history check must be approved for the non-custodial parent and all adults age 18 years and older living in the home.

3. Child and Adult Abuse and Neglect History Checks through SAFE: SAFE background checks for child and adult abuse and neglect must be approved for the non-custodial parent and all individuals living in the home.
 4. Juvenile Criminal History: A name-based check through the Utah Criminal Justice System (UCJIS) must be approved for the non-custodial parent and all adults age 18 years and older living in the home.
 - a. A name-based check through the UCJIS must be approved for all individuals age 12 to 17 years old living in the home of the non-custodial parent.
 5. The following background screenings are not required for the non-custodial parent, but DCFS may require any of these checks if Utah criminal history or SAFE child abuse checks result in concerns about potential threat of harm to the child.
 - a. Federal Bureau of Investigation (FBI) Fingerprint-Based Criminal History Check.
 - b. Out of State Child Abuse Registry Check.
- B. PRELIMINARY PLACEMENT with Kinship Caregiver Relative: The following background screenings are required for the kinship caregiver relative and all individuals living in the home of the kinship caregiver relative PRIOR to placement of a child.
1. Utah Criminal History Bureau of Criminal Identification (BCI): A non-fingerprint-based Utah BCI criminal history check must be approved for the kinship caregiver relative and all adults age 18 years and older living in the home.
 2. Child and Adult Abuse and Neglect History Checks through SAFE: SAFE background checks for child and adult abuse and neglect must be approved for the kinship caregiver relative and all individuals living in the home.
 3. Juvenile Criminal History: A name-based check through the Utah Criminal Justice System (UCJIS) must be approved for the kinship caregiver relative and all adults age 18 years and older living in the home.
 - a. Juvenile Criminal History: A name-based check through the UCJIS must be approved for all individuals age 12 to 17 years old living in the home of the kinship caregiver relative.
- C. ONGOING CARE with Kinship Caregiver Relative: The following background screenings are required for the kinship caregiver relative and all adults age 18 years and older living in the home but may be completed AFTER placement of child has occurred.
1. Federal Bureau of Investigation (FBI) Fingerprint-Based Criminal History Check:
 - a. Live Scan fingerprint scanning must be completed or fingerprint cards submitted within 10 business days after placement of the child.
 2. Out of State Child Abuse Registry Check: An out of state child abuse registry check is required for any state in which the relative or other adult age 18 years and older living in the home has lived in the previous five years.

- D. PRELIMINARY PLACEMENT with Kinship Caregiver Friend BEFORE SHELTER HEARING: The following background screenings are required for the kinship caregiver friend and all individuals living in the home PRIOR to placement of a child.
1. Utah Criminal History Bureau of Criminal Identification (BCI): A non-fingerprint-based Utah BCI criminal history check must be approved for the kinship caregiver friend and all adults age 18 years and older living in the home.
 2. Child and Adult Abuse and Neglect History Checks through SAFE: SAFE background checks for child and adult abuse and neglect must be approved for the kinship caregiver friend and all individuals living in the home.
 3. Juvenile Criminal History: A name-based check through the Utah Criminal Justice System (UCJIS) must be approved for the kinship caregiver friend and all adults age 18 years and older living in the home.
 - a. Juvenile Criminal History: A name-based check through the UCJIS must be approved for all individuals age 12 to 17 years old living in the home of the kinship caregiver friend.
 - (1) Federal Name-Based Check: A federal name-based criminal history check through Interstate Identification Index (III) must be approved for the kinship caregiver friend and all adults age 18 years and older living in the home.
- E. ONGOING CARE with Kinship Caregiver Friend When Placement Occurred BEFORE Shelter: The following background screenings are required for the kinship caregiver friend and all adults living in the home but may be completed AFTER placement of child has occurred.
1. Federal Bureau of Investigation (FBI) Fingerprint-Based Criminal History Check: A fingerprint-based criminal history check for the kinship caregiver friend and all adults age 18 years and older living in the home.
 - a. Live scan fingerprinting must be completed or fingerprint cards submitted within 15 calendar days of III check being completed.
 - b. If the kinship caregiver friend or any adults age 18 years or older living in the home fail to complete live scan fingerprinting within the designated time frame, then the child shall immediately be removed from the home [see: Practice Guidelines [Section 301.2](#)].
 2. Out of State Child Abuse Registry Check: An out of state child abuse registry check is required for any state in which a kinship caregiver friend or other adult age 18 years and older living in the home has lived in the previous five years.
- F. PRELIMINARY PLACEMENT with Kinship Caregiver Friend AFTER SHELTER HEARING: The following background screenings are required for the kinship caregiver friend and all individuals living in the home PRIOR to placement of a child.
1. Federal Bureau of Investigation (FBI) Fingerprint Based Check: A fingerprint-based criminal history check for the kinship caregiver friend and all adults age 18 years and older living in the home.

2. Child and Adult Abuse and Neglect History Checks through SAFE: SAFE background checks for child and adult abuse and neglect must be approved for the kinship caregiver friend and all individuals living in the home.
 3. Juvenile Criminal History: A name-based check through the Utah Criminal Justice System (UCJIS) must be approved for the kinship caregiver friend and all adults age 18 years and older living in the home.
 - a. Juvenile Criminal History: A name based check through the UCJIS must be approved for all individuals age 12 to 17 years old living in the home of the kinship caregiver friend.
- G. ONGOING CARE with Kinship Caregiver Friend When Placement Occurred AFTER Shelter: The following background screenings are required for the kinship caregiver friend and all adults living in the home but may be completed AFTER placement of child has occurred.
1. Out of State Child Abuse Registry Check: An out of state child abuse registry check is required for any state in which a kinship caregiver friend or other adult age 18 years and older living in the home has lived in the previous five years.
 2. Friend or Extended Family Member: In cases where a placement is made with a friend or kinship caregiver that is already a licensed foster parent, no additional background screening is required for Preliminary Placement or as part of the evaluation of capacity for ongoing care of the child, unless there is valid reason to believe that the information obtained through the licensing process may no longer be complete. The background screening has already been completed as a part of the licensure process.
- H. Option to Require Additional Background Screening Prior to Placement: DCFS may require a fingerprint-based national criminal history check, out of state child abuse registry check, or out of country criminal history check prior to placing a child in a Preliminary Placement with a kinship caregiver/friend when there is reason to believe that the additional background screening may be necessary to prevent threat of harm for the child.
- a. If out of country documentation is needed, the following can be accepted. Note that the United States territories of Puerto Rico, American Samoa, United States Virgin Islands, and Guam are considered outside of the United States. Contact information for embassies of countries outside of the United States can be obtained at <http://www.embassy.org/embassies/>.
 - (1) A criminal history report from each country lived in; or
 - (2) A letter of honorable release from the United States Military or full-time ecclesiastical service, from each country lived in; or
 - (3) Other written verification of criminal history from each country lived in or efforts to obtain such history.

Examples of circumstances in which additional background screening may be appropriate include need for verification of identity for a non-fingerprint-based Utah BCI criminal

history report, indication of multi-state offense on the Utah BCI criminal history report, recent move to Utah, suspicious behavior or circumstances, or concerns regarding out of state criminal or abuse activity reported by a person known to the individual.

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502.3a Requirements for Unsupervised Access to a Child in Care

- A. Background screenings must be completed for anyone who has unsupervised access to a child in care over five hours a week, including respite, child care, and babysitting. [See: Practice Guidelines [Section 305.2](#) and [Section 502.3a](#).] Before care is provided, information must be shared with the respite caregiver to ensure the child's needs are met.
- B. Background check requirements for respite care in any licensed homes: DCFS will not pay for the live scan fee. This check is completed by the Office of Licensing.
 - 1. Complete FBI Finger Prints Cards (two hardcopy cards).
 - 2. Complete non-foster care Background Screening Application.
 - 3. Submit cards, Background Screening Application, and check for fee to local licensor of licensed home.
 - 4. Respite, child care, and babysitting may be provided by:
 - a. Licensed out-of-home caregivers.
 - b. Licensed specific out-of-home caregivers (care can only be between licensed kinship caregivers known to the children).
 - c. Temporary placement in a licensed facility (Christmas Box House, Family Support Center).
 - d. Home of a licensed child care provider (must be licensed through the DHHS, Child Care Licensing Program).
- C. Background check processes for unlicensed homes: This background check is completed by the Office of Licensing via the DCFS TAC.
 - 1. Process when DCFS is paying for applicants' live scans (up two applicants per unlicensed home):
 - a. Complete FBI fingerprinting at DCFS' location under B1561 code (\$10 fee applies).
 - b. Send non-foster care Background Screening Application, ID, and Social Security Card to region TAC.
 - c. Region TAC will submit Background Screening Application, ID, Social Security Card, and respite checklist (form PR23) to State Office background screening coordinator.
 - d. State Office background screening coordinator will send approved Background Screening Applications back to region TAC.
 - e. Walk-through will be completed by DCFS.
 - 2. Process when DCFS is not paying for applicants live scans:
 - a. Complete FBI Fingerprints Cards (two hardcopy cards).

- b. Complete non-foster care Background Screening Application.
 - c. Region TAC will submit cards, Background Screening Application, ID, Social Security Card, respite checklist (form PR23), and check for fee to State Office background screening coordinator.
 - d. State Office background screening coordinator will send approved Background Screening Applications back to region TAC.
 - e. Walk-through will be completed by DCFS.
- D. Family-time with child's non-licensed relative to maintain connections (includes overnight): Background check completed by region TAC.
 - 1. First obtain approval from the Child and Family Team.
 - 2. Using KBS02 form, region TAC will complete the checks below:
 - a. Utah Criminal.
 - b. Child and Adult Abuse, and LIS check.
 - c. FBI fingerprints to be completed at a DCFS location under B1561 (\$10 fee still applies).
 - d. Walk-through will be completed by DCFS.
- E. Respite care for a licensed specific foster home, an unlicensed home, and family-time with a relative can take place in the respite caregivers' home after meeting the background screening and walk-through requirements above. For general licensed foster care homes, respite must take place in the licensed home.
- F. Normalcy applies specifically to extracurricular, enrichment, or social activities that are age-appropriate for the child. This includes school, recreational, and peer activities that enrich a child's whole development and gives them access to similar experiences as their peers. Reasonable and prudent parenting standards apply when the caregiver is making decisions regarding which activities a child can participate in. Normalcy is NOT an overarching philosophy to determine what is "normal" for a family. The requirements of respite, child care, and babysitting apply to all children. Normalcy and family-time with relatives does not include relatives of the non-related foster parent. [See: Practice Guidelines [Section 300.7](#) and the [Background Screening For Unsupervised Access to Children in Care](#) chart.]

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502.4 Limited Home Inspection for Preliminary Placement

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

If the child is being placed with a non-custodial parent, the limited home inspection may

be completed before or within one day after a child is placed, excluding weekends and holidays, if based upon a limited investigation DCFS determines that:

1. The non-custodial parent has regular, unsupervised family-time with the child that is not prohibited by law or court order; and
 2. Based on the caseworker's best judgment and analysis of available information, there is no reason to believe that the child's health or safety will be endangered by making the placement prior to completion of the limited home inspection.
- B. The limited home inspection determines if the following are met:
1. The home is free from observable safety, health and fire hazards. [See: Environmental Neglect in Practice Guidelines [Section 204.5.](#)]
 2. There are adequate sleeping arrangements to meet the specific needs of each child; and
 3. Any firearms, ammunition, hazardous chemicals, and/or medications are secured and not accessible to children.
- C. In situations where the non-custodial parent, kinship caregiver, or friend lives in Utah but outside of the region where the child resides, the caseworker will send a Request for Kinship Support Services (KBS09) to the region kinship supervisor in the region where the prospective kin/friend placement resides as soon as possible to request a limited home inspection. The receiving region will make contact with the non-custodial parent, kinship caregiver, or friend to schedule and complete the limited home inspection according to the urgency identified by the requesting region.

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502.5 Assessment of Safety for Preliminary Placement

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

- A. Specific and Observable Threats of Harm:
1. Background screening results,
 2. Other persons who have regular access to the home, and
 3. Age-specific environmental conditions.
- B. Vulnerabilities of the Child:
1. The child's comfort level with the kinship caregiver/friend, and
 2. Age and developmental level of the child.
- C. Protective Capacities of the Kinship Caregiver/Friend and Their Support System:
1. Ability of the kinship caregiver/friend to meet or address the safety, physical, and emotional needs of the child, and

2. Access to resources.

502.6 Reference Check for Preliminary Placement

- A. DCFS may request the name and contact information for a reference from the potential kinship caregiver/friend and may contact the individual to obtain input about the potential kinship caregiver/friend's ability to safely care for the child. The caseworker may ask for information such as:
 1. How familiar the individual is with the kinship caregiver/friend.
 2. If the individual would recommend the placement of a child in the home of the kinship caregiver/friend.
 3. What information the individual can provide regarding the kinship caregiver/friend's capacity to care for a child.
 4. Whether the individual has knowledge of the kinship caregiver/friend's interaction with the child.
 5. Whether the individual is aware of any other relatives or friends of the child to consider as a possible preliminary or long-term placement.
 6. Any other information the individual can provide that will assist the caseworker in assessing the appropriateness of the placement.
- B. The caseworker will assess the individual's level of familiarity with the potential kinship caregiver/friend before giving significant consideration to the information provided. If negative feedback is received from the individual, the caseworker will consider further assessment of the potential kinship caregiver/friend prior to making the Preliminary Placement.

502.7 General Qualifying Requirements for Preliminary Placement

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

- A. If the Preliminary Placement is being considered prior to the shelter hearing, DCFS will ask the child's custodial parent or guardian to sign a Preliminary Placement Agreement stating that they:
 1. Agree not to remove the child from the home of the kinship caregiver/friend.
 2. Agree not to have any contact with the child until after the shelter hearing, unless authorized by DCFS in writing.

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

If the Preliminary Placement is being made after the shelter hearing and the court has ordered the child into DCFS custody, no custodial parent or guardian agreement is required.

- B. The kinship caregiver/friend:
1. Signs a Preliminary Placement Agreement stating that they:
 2. Are able and willing to keep the child safe and provide daily care and nurturance.
 3. Agree not to allow the custodial parent or guardian to have any contact with the child unless authorized by the court or DCFS in writing.
 4. Agree to contact law enforcement and DCFS if the custodial parent or guardian attempts to make unauthorized contact with the child.
 5. Are able and willing to take the child to medical, mental health, dental, and educational appointments at the request of DCFS.
 6. Are willing to apply for medical benefits through the Department of Workforce Services within 10 business days of the child's placement.
 7. Agree to allow DCFS and the child's GAL to have access to the child.
 8. Are willing to support the child's permanency plan, including assisting the custodial parent or guardian in reunification efforts at the request of DCFS.
 9. Are willing to follow all court orders.
 10. Have been informed and understand that DCFS may continue to search for other possible placements for long-term care of the child, if needed.
 11. Agree to submit a background screening application, copy of photo identification, and fingerprints through Live Scan or hard copy cards for a fingerprint-based background check within 10 business days of placement of the child.
 12. Agree to inform DCFS of any changes or circumstances that might affect the child's well-being such as a change in health, address, or caregiving arrangements.
- C. The child is comfortable with the kinship caregiver/friend.
- D. A supervisor approves the placement.
- E. DCFS may not place a child with an individual who is prohibited by court order from having access to that child.

502.8 Preliminary Placement with a Friend

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

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

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

When DCFS makes a Preliminary Placement with an unlicensed friend, the friend caregiver is required to be actively engaged in the process of obtaining foster parent licensure within 60 days of the child being placed with them. If a friend caregiver receives a provisional license, the friend caregiver must continue the process and obtain foster parent licensure within six months of the child being placed with them or the child will be removed from the home of the friend caregiver. Foster parent licensure refers to being licensed as a foster parent or obtaining a child-specific license through the Utah Department of Health & Human Services (DHHS), Office of Licensing.

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

- A. The kinship or other designated staff will discuss with the friend caregiver the advantages and responsibilities of becoming a licensed foster care placement for the child. Resources and advantages include:
1. Monthly foster care payment.
 2. Medical needs maintained by DCFS to cover Medicaid, dental, and mental health needs.
 3. Access to and assistance from a Resource Family Consultant.

4. Further options for supports and resources, such as trackers, respite, and mental health services, other than those found through the local mental health authorities.
 5. Educational and training opportunities to assist them in meeting the needs of the child.
 6. Cluster support groups.
 7. Respite care.
 8. If the child's permanency goal changes to adoption, the AAG will facilitate a process for termination of parental rights and the child will be assessed for monthly adoption assistance.
 9. Transition to Adult Living resources.
 10. Health Care Nurse.
- B. In an effort to support the permanency needs of the child and expedite the ability of the friend caregiver to obtain foster parent licensure, a caseworker and/or kinship worker will complete the following after the placement of the child with the friend caregiver:
1. Within two months (or earlier) of initial placement of the child with the friend caregiver: The caseworker, kinship worker, or other designated DCFS staff will conduct a child and family team meeting for the purpose of addressing the permanency needs of the child. The Child and Family Team Meeting will include the following individuals (when applicable): the friend with whom the children were placed, other potential kinship caregivers and relatives, the caseworker, the kinship worker, and any other DCFS staff involved in the placement, including out of region staff if the placement is made in another region. Other informal and formal supports to the family may include supportive family, friends, health care nurse, therapist, school representative, daycare provider, etc.). DCFS staff will do the following in the Child and Family Team Meeting:
 - a. Educate the friend caregiver regarding permanency timeframes and other information associated with the case.
 - b. Review the advantages of becoming licensed with the friend caregiver (listed in A1 above). Remind the friend caregiver that when the child was initially placed with them, they agreed to become a licensed foster care provider.
 - c. Review the progress of the friend caregiver in obtaining the provisional license.
 - d. If the friend caregiver does not have the provisional license, assess whether there are systemic issues that have prevented it or whether the friend caregiver has not actively engaged in the process of obtaining the provisional license. If the friend caregiver has not engaged in the process of obtaining a provisional license, assess whether the friend caregiver is able to care for the needs of the child and whether the child needs to be moved to a new placement.
 - e. If the friend caregiver has received a provisional license, explain there are further steps to achieve foster parent licensure and that the provisional license will expire after six months.

- f. Review the steps for obtaining foster parent licensure.
 - g. Review the progress of the friend caregiver in obtaining foster parent licensure.
 - h. Assess whether the friend caregiver is actively engaged in the process of obtaining the foster parent license. Examples of being “actively engaged” include but are not limited to the following:
 - (1) Licensing application has been completed and given to the caseworker or kinship worker.
 - (2) DCFS kinship staff has been contacted to schedule a home study.
 - (3) Medical appointments are scheduled or complete.
 - (4) FBI fingerprint background screening has been completed.
 - (5) Friend caregiver has begun required foster parent training.
 - i. If the friend caregiver is not actively engaged in the process of obtaining foster parent licensure, assess whether the child needs to be removed from the friend caregiver’s care and explore other placement options for the child.
 - (1) Remind the friend caregiver that if foster parent licensure is not completed prior to the provisional license expiring, the child will be removed from their care.
 - (2) Introduce the concept of adoption to the friend caregiver and provide education regarding the child’s need for permanency, including educating the friend caregiver regarding the resources available through Adoption Assistance and post adoption support if the friend caregiver becomes licensed.
 - (3) If the friend caregiver has not yet become licensed, discuss any obstacles to obtaining licensure and help formulate a written action plan to overcome the barriers. The written plan will state DCFS’ expectations of the friend caregiver, provide specific steps and designate who is responsible for each step, and outline specific dates to accomplish the steps prior to meeting in two more months.
2. Within four months (or earlier) of initial placement of the child with the friend caregiver, if the friend caregiver has not yet received the foster parent license, the caseworker or kinship worker will conduct a Child and Family Team Meeting for the purpose of assessing the progress of the friend caregiver on the written plan that was completed in the prior team meeting. Participants in the Child and Family Team Meeting will include those outlined above in B1. DCFS staff will do the following in the Child and Family Team Meeting:
- a. Educate the friend caregiver that there are only two months remaining in which they should have completed or be well into the process of obtaining a foster parent license for the child placed in their home.
 - b. Inform the friend caregiver that if foster parent licensure is not obtained and/or if the friend is not actively engaged in the process of becoming licensed within six months of the child being placed there, the child will be removed from their care.

- c. Discuss any obstacles to obtaining licensure and modify the action plan to overcome the barriers. The written plan will:
State DCFS' expectations of the friend caregiver
 - (1) Provide specific steps and designate who is responsible for each step.
 - (2) Outline specific dates to accomplish the steps in the action plan.
 - (3) Schedule a further meeting to discuss any remaining barriers for obtaining the foster parent license prior to the end of the sixth month.
 - (4) State in writing that if a foster parent license is not obtained within six months of the child being placed there, then the child will be removed from their care.
 - (5) State in writing that if the foster parent license is not obtained by the end of the sixth month, the next meeting will be to discuss a transition for the child to another placement.
 - d. Discuss other placement options for the child, and if possible, identify who the child will be placed with if the friend caregiver is unable to obtain the foster parent license.
 - e. If the friend caregiver is not actively engaged in the process of licensure at the time of the four month meeting, plans to transition the child to live with another relative or foster home will be arranged and pursued immediately, in a manner that limits trauma to the child.
3. Within six months of initial placement, if the friend caregiver has not received the foster parent license and the child remains in the home while retaining the status of being in foster care, the caseworker or kinship worker will:
- a. Assess whether the barriers to licensure or guardianship are the result of barriers in the system or the result of the kinship caregiver's lack of follow through on the written action plan.
 - b. If the barriers to licensure are the result of systemic issues, the kinship worker will staff the situation with a supervisor to determine if the barriers will likely be overcome and the child may remain in the home pending licensure. The staffing will include any steps that DCFS must take in order to assist in completion of the licensure process. The staffing will be documented in the activity logs of each child's case.
 - c. If the barriers are a result of the friend caregiver's lack of follow through, the kinship worker will conduct a child and family team for the purpose of planning to transition the child from the friend caregiver's home into the home of another relative or foster parent and addressing the child's permanency plan. Participants in the Child and Family Team Meeting will include those outlined above in B1, as well as the identified caregiver that will have the child placed with them.
 - d. Unless the friend caregiver is close to completing licensure and has completed all the necessary steps to obtain the license, the child will be

removed and placed in a home that is willing to provide permanency for the child.

- e. In unusual circumstances, the case may be staffed to determine if remaining in the unlicensed home that does not have guardianship is in the best interest of the child. This option will not be readily utilized. The staffing shall be done first with the Child and Family Team. Then it will be done with the State Office kinship administrator and the assistant director of DCFS.

502.9 Preliminary Placement with a Kinship Caregiver Out of State

- A. If the non-custodial parent lives outside of Utah, all requirements under the ICPC, including parent home study and background screening, must be completed as described in Practice Guidelines General Major Objectives [Section 703](#) prior to placement of the child out of state.
- B. If a relative lives outside of Utah, all requirements under the ICPC, including relative home study and background screening, must be completed as described in Practice Guidelines General Major Objectives [Section 703](#) prior to placement of the child out of state.
- C. If the friend who is designated for placement of the child lives outside of Utah, all requirements under the ICPC, including fingerprint-based background screening and being licensed as a foster parent in the receiving state, will be completed as described in Practice Guidelines General Major Objectives [Section 703](#) prior to placement of the child out of state.
- D. If the child being placed is an Indian child and the kinship caregiver approved by the tribe lives outside of Utah, the tribe must have completed their own approval or licensure for the home prior to the child being placed out of state. DCFS may only make foster care maintenance payments to the home if the home is licensed by the tribe or the receiving state, and may only make Title IV-E foster care maintenance payments if fingerprint-based background checks and out of state child abuse registry checks have been approved as part of the licensing process. If the tribe has custody of the child, then ICPC does not apply.

502.10 Notice of Preliminary Placement

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

502.11 Preliminary Placement Coding in SAFE

- A. When the court orders a child into DCFS custody, an SCF case will be opened in SAFE.
- B. The caseworker will open a Preliminary Placement with a non-custodial parent, kinship caregiver, or friend in SAFE using the BHR code.

502.12 Preliminary Placement Financial and Medical Support

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

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

A. Financial Support:

- 1. Child Support – Office of Recovery Services (ORS):
 - a. If a child is placed with a non-custodial parent, that parent may contact ORS to have an existing child support case reviewed to determine if child support payments may be discontinued or reduced or the non-custodial parent may apply to establish a child support case.
 - b. If a child is placed with a relative or friend caregiver, the caseworker will inform the relative or friend caregiver that when a child is ordered into DCFS custody, the court also orders the parent from whom the child is removed to contact ORS to establish a child support case to reimburse the state for cost of care. Some relatives are hesitant to apply for public assistance and to sign the required Duty of Support form when applying for financial or medical benefits because of fear it will result in the person from whom the child was removed having an obligation for child support. The relative needs to understand that the court already ordered this financial obligation when the child was taken into custody, and the relative

receiving a specified relative grant does not add to the financial obligation of the parent from which the child was removed.

2. Public Assistance – DWS:
 - a. A non-custodial parent may apply for financial assistance, food stamps, or child care through DWS. Income and assets of all members of the household will be considered for determining eligibility.
 - b. A relative may apply for specified relative financial assistance and Medicaid to care for a related child through DWS. Eligibility for specified relative assistance and Medicaid is based on the income and assets of the child. Other DWS benefits for the relative will be based on the household income.
 - c. A friend may apply for Medicaid through DWS. Financial and other benefits will be based on the household income.
3. Child's Unearned Income – Social Security or Supplemental Security Income:

When a child in DCFS custody receives unearned income, such as Social Security or Supplemental Security Income (SSI), DCFS will become the representative payee for the child's income as specified in Practice Guidelines [Section 303.16](#). If the child is placed with a non-custodial parent, unlicensed relative, or friend not eligible for a foster care payment (hereinafter "caregiver") in a Preliminary Placement, DCFS will assess whether a Kinship Caregiver Maintenance Reimbursement will be issued to the caregiver from the child's trust account.

 - a. The caregiver will complete the "Division of DCFS Kinship Caregiver Maintenance Reimbursement Agreement" form at the time the child is placed with them. Each caregiver placement will require a newly-completed and signed form.
 - b. DCFS will issue the kinship caregiver maintenance reimbursement to the caregiver from the available funds in the child's trust account, minus the \$35 personal needs allowance, up to a maximum of the basic daily foster care rate. The rate paid to the caregiver will be based on the child's age and the number of days the child is in the caregiver's home. [See: [Section 303.16](#).]
 - c. The caseworker is required to access the Trust Account System monthly to request the kinship caregiver maintenance reimbursement, as well as personal needs funds through the SAFE web system. [See: [Section 303.16](#).]
 - d. Payment will be issued the month after the child received care in the caregiver's home.
 - e. This reimbursement is to be used for the maintenance and basic needs of the child (such as housing, utilities, food, supervision, and personal incidentals).
 - f. The caregiver will not be required to provide DCFS with receipts for these maintenance and basic needs expenses, once the maintenance reimbursement is established.

- g. The caregiver may submit a request for funds to the caseworker to help pay for specific additional needs of the child. Approval is subject to availability of funds and administrative approval. Receipts are required for approved expenses.
 - h. DCFS will continue to verify the child lives with the caregiver.
 - i. The caregiver will notify the caseworker if the child no longer resides in the home.
 - 4. Foster Care Payment: After completion of the foster care licensing process, a friend or relative who is selected for ongoing placement of the child will receive a foster care payment appropriate for the child's level of need and the provider's level of training.
 - 5. Special Needs Payment: Special needs payments may be made for children who are in a Preliminary Placement with a kinship caregiver/friend, according to limits for children in out of home care, if other resources are not available to meet those needs.
- B. Health Care Resources: A kinship caregiver that is not a licensed foster parent is responsible to seek resources to pay for health care for the child while in a Preliminary Placement.
 - 1. Medicaid and Children's Health Insurance Program (CHIP):
 - a. DCFS eligibility workers cannot issue Medicaid for a child who is in a Preliminary Placement with a non-custodial parent or relative who is not a licensed foster parent; however, the caseworker is still responsible to submit the DCFS Title IV-E and Medicaid Application within 30 days after the child is placed in DCFS custody (see Practice Guidelines [Section 303.9](#)) so an initial Title IV-E eligibility determination can be completed. Eligibility workers can issue Medicaid for a child who is placed in a Preliminary Placement or ongoing placement with friend or extended relative who is licensed as a foster parent.
 - b. A non-custodial parent, relative, or friend may apply for Medicaid or CHIP for the child through DWS. Income and assets of all persons in the household will be considered for determining eligibility for the child who is placed with a non-custodial parent. Income and assets of the child only will be considered for determining eligibility for a child who is placed with a relative or friend. Medicaid may be requested on the same application submitted for financial assistance.
 - c. When submitting an application for Medicaid, a non-custodial parent, relative, or friend should request that the application for Medicaid be retroactive back to the date the child was placed in the home; which is allowable for up to 90 days.
 - 2. Private Medical Insurance: A non-custodial parent, relative, or friend may be able to provide for the child's health care needs by adding the child to their own private medical insurance, when allowed by their insurance plan.

3. MI706: An eligibility worker may issue an MI706 to the end of the month following the month a child is ordered into DCFS custody, if the child is not enrolled in Medicaid when removed from the home. After that time and only as a last resort, the caseworker may request an MI706 from the Fostering Healthy Children nurse for specific health care needs of the child and for medical, dental, or mental health examinations required by DCFS that the non-custodial parent, relative, or friend cannot pay for through other available resources. The non-custodial parent or relative should have applied for Medicaid, including requesting retroactive coverage, before an MI706 is requested or issued by a nurse.

502.13 Preliminary Placement Family-Time

The kinship caregiver/friend will assist in carrying out Family-Time Plans for the child.

A. Child Family-time with Familial Connections:

1. Pre-placement Family-time with Potential Kinship Caregivers/Friends: If the child is not immediately placed in a Preliminary Placement, family-time between the potential kinship caregiver/friend and child will be part of a planned transition when it is determined that placement with the kinship caregiver/friend is in the best interest of the child. Family-time between the potential kinship caregiver/friend and the child may be limited and/or supervised until all requirements for Preliminary Placement are met.
2. Family-time with Siblings, Parents, and Other Relatives: Family-time for the child with parents and siblings will be allowed in accordance with Practice Guidelines Section 303.1 when a child is in a Preliminary Placement. Family-time between the child and extended relatives is allowable and may assist in helping the child maintain valuable connections with the child's family. The Child and Family Team will make a determination whether Family-time between the child and the extended relative is in the best interest of the child before family-time occurs. Family-time between the child and extended relative will be individualized to meet the needs of the child.

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

1. The caseworker will have an initial visit with the child by midnight of the second day after making the Preliminary Placement. If the kinship caregiver resides in another region, the caseworker may request the caseworker who conducted the limited home inspection to make this visit for them.
2. For the first four weeks of a Preliminary Placement, the caseworker will visit with the child at least once per week in the home of the kinship caregiver/friend.
3. The caseworker will follow Practice Guidelines [Section 302.2](#) regarding purposeful visiting with a child, out-of-home caregiver, and parents when a child is placed in a Preliminary Placement.

Revision Date: September 2024

502.14 Preliminary Placement - Child and Family Team

A. Role of the Child and Family Team:

1. All kinship work is done in the context of a Child and Family Team. The team is identified to bring together critical supports for the family. This may include the biological parents, kinship caregivers, friends, children 12 years of age or older, stepparents, other significant persons to family, the tribe/ICWA caseworker, health care nurse, therapist, and school representative. The caseworker will engage the kinship caregiver/friend to participate in the Child and Family Team.
2. If the child has Native American heritage and is eligible as a registered tribal member, DCFS will establish contact with the tribe/ICWA caseworker as early as possible to ensure the tribe is invited to participate in Child and Family Team Meetings.
3. The caseworker will prepare for the unique circumstances of each family prior to a Child and Family Team Meeting. For example, if there are domestic violence issues, the caseworker will consider separate Child and Family Team Meetings for safety and confidentiality issues, and will prepare in advance to deal with barriers, attitudes, relationship issues, safety issues, and legal concerns.
4. If background screening for a potential kinship caregiver/friend has been denied, the caseworker will discuss with the potential kinship caregiver/friend prior to the Child and Family Team Meeting, other ways they may support the child and their recommendations for another kinship caregiver/friend for Preliminary Placement. The caseworker will not discuss any specific criminal history or child abuse findings with the potential kinship caregiver/friend or the Child and Family Team but may provide information about how a kinship caregiver/friend may obtain a copy of their own criminal history or child abuse and neglect findings.

B. Primary Purposes of Initial Child and Family Team Meeting:

1. As soon as possible, the caseworker will conduct an initial Child and Family Team Meeting. The initial Child and Family Team Meeting will include the following:
 - a. Sharing how Child and Family Teams work to support the goals of the family.
 - b. Explaining requirements for a Preliminary Placement.
 - c. Gathering information to identify and notify possible kinship/friend placements and supports.
 - d. Explaining the court process/status.
 - e. Explaining roles/responsibilities and how to work with DCFS.
 - f. Explaining requirements of caring for the child, such as expectations for medical, dental, and mental health care examinations.
 - g. Explaining the process for evaluation of ongoing capacity of the kinship caregiver/friend to care for the child and/or identifying the most

- appropriate relatives or friends to be considered for ongoing placement for the child.
- h. Exploring and developing strategies for other members of the Child and Family Team to support the kinship caregiver/friend in caring for the child and meeting agency requirements.
 2. The Child and Family Team will decide the best ongoing placement for the child and identify ways members of the team can support the placement, taking into consideration the best interests of the child, preferences for placement, and factors that may delay placement or hinder permanency for the child.
 3. The Child and Family Team will make every effort to prevent a kinship placement disruption by providing support to the family and working to overcome any barriers. In the event that a disruption is imminent, the Child and Family Team will look back at kinship options and resume search and engagement activities.
 4. For Preliminary Placements made with a friend, the Child and Family Team Meeting process outlined in Practice Guidelines [Section 502.8](#) must be followed.

503 Kinship Services - Evaluation and Support for Ongoing Care of a Child

Major objectives:

- A. DCFS will evaluate with a kinship caregiver/friend their capacity for ongoing care of the child.
- B. The region in which a kinship caregiver/friend resides will provide support in accessing local resources and in responding to urgent concerns.
- C. The region with jurisdiction of a child is responsible for supporting limited financial needs of the child that cannot be met by the kinship caregiver/friend.

Applicable Law

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

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

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

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

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

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

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

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

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

503.1 Evaluation of Kinship Caregiver/Friend Capacity for Ongoing Care of a Child

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

- A. Background screening: Background screening results from background screening for Preliminary Placement and from the Office of Licensing review must be approved for ongoing care of a child in custody. If background screening is not approved, the caseworker and Child and Family Team will carefully consider how the child's needs for enduring safety and permanency will be met (long-term view) and what the permanency goals, both primary and concurrent, for the child are before recommending that the court grant guardianship to a kinship caregiver.
- B. The Initial Kinship/Specific Family Application form to be filled out by the kinship caregiver/friend includes:
 - 1. Identifying information regarding the kinship caregiver/friend and the spouse, if applicable).
 - 2. Others living in the household: children of the kinship caregiver/friend or others residing in the home.
 - 3. References: At least two references and no more than four; only one may be a relative.
 - 4. Previous home studies.
 - 5. If the kinship caregiver is currently licensed as a daycare provider.
 - 6. Questionnaire #1 for kinship caregiver and the spouse (if applicable): History regarding the kinship caregiver's family, relationships, and medical information.
 - 7. Emergency Plan Form.
 - 8. Kinship/Specific Income Statement Form.
- C. Reference checks: DCFS will contact at least two references by email or regular mail using the approved Reference Request as part of the Child-Specific Home Study. DCFS will receive at least two positive reference letters in order to approve the home study.
- D. Questionnaire 2: This will be given to the kinship caregiver/friend and the spouse (if applicable) at the time of the home study visit and will be completed by the kinship caregiver/friend.

- E. Child-Specific Home Study: Through Child and Family Team Meetings, interviews, and other conversations with the kinship caregiver/friend and others living in the home, the kinship home study worker will evaluate the kinship caregiver/friend's ability to provide current and ongoing care for the child.
1. The Child-Specific Home Study will be comprehensive, objective, and will address the kinship caregiver/friend's long-term ability to care for the child. It may be used as a home study for a foster care license, as a report to the court for recommendations for guardianship, and as an adoption home study if the child's permanency goal changes to adoption.
 2. The Child-Specific Home Study will include an assessment of the home environment to evaluate if it meets the Office of Licensing health and safety requirements. The Office of Licensing may issue a waiver (variance) of any rule in regards to a kinship/specific home that does not impact the health or safety of the specific child or sibling group. This requires prior written approval by the director of the Office of Licensing. [See: Administrative Rule [R501-12-15](#).]
 3. The kinship home study caseworker will document the evaluation on the Child-Specific Home Study form, which when completed will be a typed, professional document of approximately 6-12 pages. The document may be presented to the court, if requested. The Child-Specific Home Study is a protected record.
- F. Licensing and Adoption Home Study (called a pre-placement evaluation per Utah Code Ann. [§78B-6-128](#)): The caseworker will ensure that the following requirements are included in a home study. The home study may be done by Office of Licensing, DCFS or a DHHS home study contract):
1. The home study must be completed or updated within 12 months of an adoptive placement.
 2. Information gathered in the home study should include the following:
 - a. Criminal background clearances for all adults in the home.
 - b. Child abuse registry clearances for all adults in the home.
 - c. Stable marital relationship and/or commitment and stability in existing family relationships and/or the ability to sustain long-term relationships that would provide a foundation for an adoptive child.
 - d. Relationship with the specific child intended to be placed in the home.
 - e. Commitment to the child as a permanent member of the family.
 - f. Parenting skills and emotional openness and flexibility to meet the unique needs of the child.
 - g. Capacity, proper motivation, and realistic expectations of the specific child who has experienced trauma and other effects of abuse and neglect and may have other special needs.
 - h. How children living in the home will be affected by the placement of the child.
 - i. How the kinship caregiver will preserve the child's family connections and culture.

- j. How supervision for the child will be arranged in accordance with the child's age and developmental ability at times when the kinship caregiver is not able to be in the home.
 - k. Who would take over care of the child if for some reason the current caregiver is no longer able to be the primary caregiver.
 - l. Kinship caregiver/friend's current physical and mental health, including health conditions, history, medications, and treatment of any family member in the home and how these might affect ability to care for the child. Both the primary caregiver and the spouse/partner (if applicable) will fill out their portion of the approved Office of Licensing Medical form and provide this form to their doctor to be completed and faxed back to the home study worker.
 - m. The kinship caregiver/friend's financial capacity, including occupational information and length of time on the job, how the kinship caregiver/friend's employment affects their ability to care for the child in either positive and/or negative ways, earnings, and ability to meet their own financial needs and needs of the child without being dependent on foster care payments
 - n. Home and neighborhood description, including the length of time the kinship caregiver/friend has lived in the current home, sleeping arrangements for the child and other ways the home might accommodate the child's needs, benefits or risks for children including people who may have regular access to the child, and a list of schools in the area.
 - o. Social support system for both the parent and child.
 - p. Knowledge of resources to help raise a child.
 - q. Factors that may be barriers and contribute to disruption including:
 - (1) History of emotional or psychological problems or substance abuse.
 - (2) Marital or relationship difficulties and incompatibilities that seriously compromise the ability to meet the needs of the child.
 - (3) Serious problems in child rearing.
 - (4) Unrealistic expectations of self and child.
 - (5) Disruptive and/or crisis filled lifestyle.
 - (6) Criminal activity.
 - 3. For information on how and when to release the home study, refer to Practice Guidelines [Section 305.6](#).
- G. Educating the kinship caregiver/friend: Concurrently as the Child-Specific Home Study is conducted, the kinship home study caseworker will educate the kinship caregiver/friend about expectations of caring for a child who is under the jurisdiction of the court, including:
- 1. Carrying out the orders of the court.
 - 2. Working toward the child's permanency goal.
 - 3. Meeting the needs of the child while in their care.

4. Being involved in the Child and Family Team process.
 5. Complying with DCFS requirements, such as visits with caseworkers, the child's family-time with parents and siblings, maintaining the home-to-home book, role of the GAL, health care visits, and education.
- H. Information about the child will be given to the kinship caregiver/friend: The caseworker and other team members will discuss with the kinship caregiver/friend information the caseworker knows about the child and is relevant to the child's care, including medical, dental, education, mental health, and any behavioral issues or special needs the child may have. Best practice is allowing the kinship caregiver/friend an opportunity to review the child's file before making any long-term decisions to care for the child. If the kinship caregiver/friend is a licensed foster parent, refer to Practice Guidelines [Section 301.4](#) for details about the information that may be shared with the kinship caregiver/friend.
1. The file may have limited information. However, it is important to share any relevant information that may help the relatives decide if they have the skills and supports to raise the child. When a child has an existing file, the caseworker will inform the relatives that the information in the file is often subjective opinions of the caseworker or therapist written at one time in the child's life. In addition, circumstances that occur in a given time in the child's development can change the way a child behaves and adjusts to life situations. For instance, the child may have received many different mental health diagnoses. The mental health diagnoses in a child's file are affected by each therapist's interpretation, the child's developmental stage, factors in the child's environment, and different life circumstances.
 2. The following guidelines will be used when the potential kinship caregiver/friend views the child's file.
 - a. Appropriate information about the child will be shared; however, neither the biological parents' nor prior foster parents' medical, psychiatric, psychological, or other personal information will be disclosed to the relative.
 - b. DCFS must use prudent judgment in helping a kinship caregiver/friend have information about the child that may be important for the permanency and stability of the child's placement. Parents' confidential information that may be important to caring for a child could be shared in general non-identifying ways. For example, if a parent's psychological diagnosis indicates schizophrenia, this specific information about the parent cannot be disclosed to the relatives. However, information regarding schizophrenia in general can be discussed.
 - c. DCFS file review guidelines:
 - (1) The confidentiality agreement (SAFE form DCFS02) must be signed. Special care will be given to addressing the sensitive nature of confidential information about a child's family member.
 - (2) The caseworker will orient the kinship caregiver/friend to the structure of the files and where information is located.

- (3) The caseworker will instruct the kinship caregiver/friend to consider specific types of information when available, such as medical conditions, developmental delays, disabilities, mental health diagnoses, placements and transfers, educational needs, and other considerations for the child.
- (4) If a child has an existing file, the kinship caregiver/friend will want to look for specific information in the file that will be important in caring for the child. (*Red italic script* identifies information the caseworker will copy for the kinship caregiver/friend review.)
 - (a) Medical Information: *Immunizations, all allergies including food allergies*, disabilities and treatments, current medications and implications of discontinuing medications, history of illnesses, conditions from abuse or neglect, serious accidents, surgeries, past doctors, and hospital of birth.
 - (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.
 3. After disclosure, the caseworker will confirm with the kinship caregiver/friend their ability and willingness to become the placement option for the child.
- I. Assessing Current Supports: Concurrently as the Child-Specific Home Study is conducted, the kinship home study caseworker will help the kinship caregiver/friend assess current resources that may be available to assist them in providing a stable placement for the child, which may include:
1. Assistance for a specified relative from DWS for financial assistance (for those that fit the definition of a relative).
 2. Health care resources, such as Medicaid, CHIP, or the family's health insurance.
 3. Caregiver support groups such as the Utah Foster Care support groups and Grandfamilies.
 4. Informal supports such as community, schools, church, friends, and extended family.
- J. Ongoing Care of the Child: If the kinship caregiver/friend who is a licensed foster parent was the Preliminary Placement, the caseworker will assess with the kinship caregiver/friend and the Child and Family Team the kinship caregiver/friend's desire and ability to provide ongoing care for the child.
- K. Licensing or Temporary Guardianship: If the kinship caregiver is an unlicensed relative, concurrently as the Child-Specific Home Study is conducted, the kinship home study caseworker will provide information to the kinship caregiver to assist them in assessing and comparing the possible resource supports and responsibilities associated with the options of becoming a licensed foster parent or requesting temporary guardianship for ongoing care of the child. If the kinship caregiver is a non-custodial parent, the discussion will be limited to consideration for requesting temporary guardianship. If the caregiver is an unlicensed friend identified by the parent, they are required to become

licensed within six months or sooner of the child being placed with them, and DCFS may not recommend the option of taking temporary guardianship of the child.

1. Discuss with the kinship caregiver/friend the advantages and responsibilities of becoming a licensed foster care placement for the child.
 - a. Resources and advantages include:
 - (1) Monthly foster care payment.
 - (2) Medicaid maintained by DCFS to cover medical, dental, and mental health needs.
 - (3) DCFS Resource Family Consultant help.
 - (4) Educational opportunities for meeting the needs of the child.
 - (5) Cluster support groups.
 - (6) Family's own informal support network, such as community, schools, church, and extended family.
 - (7) Respite care
 - (8) If the child's permanency goal changes to adoption, the AAG will facilitate a process for termination of parental rights and the child will be assessed for monthly adoption assistance.
 - b. Requirements to become a licensed foster parent include:
 - (1) If married, both kinship caregivers/friends will complete the required training provided for kinship caregivers/friends through the current contractor for training, recruitment, and retention services.
 - (2) All licensing requirements must be met including submission of an application, financial and medical documentation, obtaining written references, questionnaires, and safety home inspection.
2. Discussing with the kinship caregiver the advantages and responsibilities of becoming a kinship caregiver and the process to request temporary guardianship of the child from the court. (Unlicensed friends identified by the parents as caregivers for the child will not be recommended by DCFS for temporary guardianship and will be given instructions on becoming licensed foster parents.) Resources may include:
 - a. Financial assistance for a specified relative (or from public assistance for a non-custodial parent) from DWS or child support from ORS.
 - b. Medicaid or CHIP for the child or a private health insurance plan of the kinship caregiver to cover the child's medical, dental, and mental health needs.
 - c. Support groups through the private provider, Grandfamilies, and/or other sources.
 - d. Family's own informal support network, such as community, schools, church, friends, and extended family.
- L. Initiating the Process to Apply to Become a Licensed Foster Parent: In order for the kinship caregiver/friend to apply to become a licensed child-specific foster parent, the caseworker or region kinship consultant will follow Practice Guidelines [Section 503.1](#)

meeting current Utah Office of Licensing requirements. The region kinship supervisor or designated person will send a Request for Licensing a Child Specific Foster Home with the home study documentation to the Office of Licensing. The Office of Licensing will issue a provisional license when all of the necessary documentation is received from the kinship/specific caregiver and will work with the family to complete the licensing process. The caseworker will encourage the family to complete licensing requirements, including training, before the provisional license expires five months from the date of the provisional license being issued.

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503.2 Division of Child and Family Services Support of the Kinship Caregiver/Friend while the Child is in the Division of Child and Family Services Custody

- A. The region in which the kinship caregiver/friend resides will support the kinship caregiver/friend in responding to urgent concerns or accessing local resources (such as Medicaid and Specified Relative Grant through DWS, establishing a local Child and Family Team or Utah Foster Care clusters).
- B. If the kinship caregiver/friend lives in a different region than the region with jurisdiction over the child, the caseworker/kinship worker will send a Request for Kinship Support Services to the kinship supervisor in the sending region. The kinship supervisor will send the request to the region kinship supervisor in the region where the prospective caregiver resides to complete the evaluation.
- C. The region that has jurisdiction for the child is responsible for supporting limited financial needs of the child that cannot be met by the kinship caregiver/friend (such as mileage, special needs payments, or MI706).

504 Kinship Background Screening Process

Major objectives:

- A. DCFS 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. DCFS will coordinate with the Office of Licensing to complete the background screening process for a kinship caregiver after Preliminary Placement has been made.
- C. A region Terminal Agency Coordinator (TAC) or alternate will complete background screening and will do an initial analysis of results.
- D. A region background screening committee will be established in each region to review background screening for Preliminary Placement.
- E. Background screening results will be safeguarded and disseminated only to those authorized to receive the information, in accordance with the Bureau of Criminal Identification (BCI) policies.

Applicable Law

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

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

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

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

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

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

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

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

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

504.1 Kinship Background Screening Process – Authority and Uses

A. Authority:

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

2. Utah Code Ann. [§80-2a-301](#), [§80-3-303](#), and [§80-3-305](#) authorize DCFS to complete background screening for potential kinship caregiver/friends of children in custody.
 3. The Office of Licensing will complete the background screening process for kinship caregiver/friends after DCFS has conducted the non-fingerprint-based check for Preliminary Placement.
- B. Uses of Background Screening Results in Kinship Care:
1. Background screening conducted by the BCI Support Team or reviewed by the Statewide Background Screening Committee is used to help assess safety and threat of harm to a child for the purpose of approving or denying a Preliminary Placement.
 2. Background screening conducted by Office of Licensing is used to help confirm the appropriateness of a Preliminary Placement and as part of the Child-Specific Home Study and safety assessment for evaluation of a kinship caregiver/friend's capacity for ongoing care of the child. Office of Licensing background screening results may also be used for the purpose of a foster care license, subsequent adoption (if within 18 months of when the background screening was originally approved and there is no reason to believe the background screening is incomplete), or for a recommendation to the court for temporary guardianship.

504.2 Kinship Background Screening Process – Expedited Request for Initial Background Screening for Preliminary Placement

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

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

- C. The caseworker will have the kinship caregiver/friend and each adult review and sign the form to verify that the information is correct and that DCFS is authorized to conduct background screening for the purpose of Preliminary Placement.
- D. The caseworker will request initial background screening for Preliminary Placement through the BCI Support Team. For on-call background screenings for Preliminary Placements, contact the BCI Support Team via phone.
- E. The caseworker will provide the identifying information to the BCI Support Team by phone, email through state email, fax, or in person.
 - 1. The caseworker will give the BCI Support Team the name of the child being considered for placement and, if known, the child's date of birth, SAFE case number if a case is open, and if an out of region request, the caseworker's region and kinship caregiver/friend's region of residence.
 - 2. The caseworker will give the BCI Support Team the information provided by the kinship caregiver/friend for all adults in the home, including the correct spelling for all names, and will verify to the BCI Support Team that each of the adults in the home signed the Expedited Background Screening for Preliminary Placement form.
 - 3. As follow-up to a verbal, emailed, or faxed request, the caseworker will send the BCI Support Team the original Expedited Background Screening for Preliminary Placement form signed by the kinship caregiver/friend and adults in the home and by the caseworker.
- F. The caseworker will notify the kinship caregiver/friend that this expedited background screening is preliminary and that the kinship caregiver/friend and other adults age 18 years and older in the home must also complete additional background screening requirements to complete the process (see Practice Guidelines [Section 504.3](#)).
- G. The BCI Support Team may notify the caseworker verbally if the background screening was approved, needs further review, is denied, or could not be completed based upon the verbal information presented. Specific details may be provided according to dissemination policies in practice guideline [Section 504.11](#).
- H. If the result of the background screening is a mandatory denial then the BCI Support Team will send a denial letter to the applicant.

504.3 Kinship Background Screening Process – Initiating Background Screening for Preliminary Placements and Ongoing Care

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

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 DCFS 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 DCFS 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

responsible to verify applicant identity and to electronically scan and submit fingerprints of background screening applicants to the BCI.

2. **Live Scan Appointment.** Persons required to have a fingerprint-based background screening will schedule an appointment for Live Scan by phone in advance. The Kinship Background Screening Application (SAFE KBS01) must be completed prior to the appointment.
3. **What Individuals Must Bring for Live Scan.** Persons required to have a fingerprint-based background screening will bring the following with them to their Live Scan appointment:
 - a. Original Kinship Background Screening Application (SAFE KBS01) completed and signed.
 - b. Photo Identification. This must be a current photo identification issued by a state or federal government such as a driver license or identification card issued by Department of Motor Vehicles or issued by the United States government such as a passport. School identification and driver privilege cards are not acceptable. If no United States identification is available, current photo identification issued by the government of another country may be used. If photo identification has expired, Live Scan cannot be completed.
 - c. Social Security card, if available at time of appointment.
 - d. Fee to scan the prints. Each person is required to pay a fee to have fingerprints scanned. Payments must be by cashier's check or money order payable to DHHS. Some offices also accept cash.
4. **Live Scan Process.** The Live Scan operator will complete the following steps for the Live Scan process:
 - a. Prepare the Live Scan Authorization Form.
 - b. Hand out a copy of the FBI Privacy Rights to the Live Scan applicant.
 - c. Receive payment.
 - d. Verify and make an enlarged, clear copy of photo identification and Social Security card. (If expiration date or corrections are listed on back, copy both sides of identification.)
 - e. Document Live Scan billing code, Live Scan operator's initials, and date of Live Scan submission on the second page of the Kinship Background Screening Application.
 - f. Send the original Kinship Background Screening Application and a clear copy of both sides of photo identification and Social Security card to the BCI Support Team.
 - g. Scan and upload a copy of the completed live scan authorization form into the designated Google Drive folder. IDs and SSCs should not be uploaded into the Google Drive folder.

D. Hard Copy Fingerprint Card Process:

1. **Obtain Copy of Fingerprint Cards:** If any persons who need a fingerprint-based check do not have access to a DCFS Live Scan location, they can submit two hard

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

2. Submission of the Fingerprint Cards and Payment for Submission:
 - a. The kinship caregiver or adult in the home will submit to the caseworker the Kinship Background Screening Application (SAFE KBS01), copy of photo identification, Social Security card, two sets of fingerprint cards, Live Scan Authorization Form, and payment for fee to scan and transmit the fingerprint cards.
 - b. The caseworker will give the application, fingerprint cards, copies of photo identification and Social Security card, Live Scan Authorization Form, and payments to the BCI Support Team.
 - c. The BCI Support Team will submit all of the above paperwork, except the payment, to the State Office background screening coordinator.

504.4 Conducting Background Screening – BCI Support Team

The State Office BCI program manager will hire technicians for the BCI Support Team. Each BCI Support Team member must receive approval and training to conduct background screening through the Background Screening Coordinator at the DCFS State Office and through BCI, and must have an approved fingerprint-based national criminal history check submitted through BCI to the FBI.

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

- A. Verify Identity: The BCI Support Team will make a “good faith” effort to determine that the identification and information submitted for each applicant is valid and does not appear to be forged or altered, based upon review of the applicant information on any background screening application submitted and photo identification. If background screening for a Preliminary Placement is being conducted based upon an expedited verbal request, the effort to verify identity will be completed based upon information available in data systems and upon post-screening review of the application and photo identification after submission by the caseworker or Live Scan operator.
- B. Child Abuse and Criminal Record Checks: The BCI Support Team will research the systems listed below, in accordance with laws and policies authorizing DCFS to access these records, to determine if an applicant has child or adult abuse or neglect findings or a criminal history.

1. Preliminary Placement Background Screening - Utah Criminal Justice Information System (UCJIS):
 - a. UCJIS is searched to determine if the applicant has criminal convictions or patterns of arrests or convictions that indicate a likely threat to safety of a child. Analysis will be based upon statutory criteria specified in Utah Code Ann. [§26B-2-120](#).
 - b. Utah Criminal History reports are run with a purpose code X if the background screening is occurring BEFORE the shelter hearing and the child is in the custody of DCFS. The SAFE case number will be entered into the audit field. If no SAFE case number has been established, enter 111 (number one repeated three times) and the child's name in the audit field. Purpose code C is used if the background screening is occurring AFTER the shelter hearing or if child is not yet in the custody of DCFS.
2. Preliminary Placement Background Screening – SAFE Management Information System and Licensing Information System: The SAFE Management Information System and Licensing Information System is searched for the following:
 - a. To determine if the applicant has findings of a severe type of child abuse or neglect as defined in Utah Code Ann. [§80-1-102](#) accessible in the LIS portion of SAFE, or if other child welfare or domestic violence case history or patterns of behavior may pose a likely threat to the safety of a child.
 - b. To determine if the applicant has findings of adult abuse.
3. Preliminary Placement Background Screening-Juvenile Criminal History:
 - a. To determine if the applicant has juvenile criminal convictions or patterns of arrests or convictions that indicate a likely threat to safety of a child. Analysis will be based upon statutory criteria specified in Utah Code Ann. [§26B-2-120](#).
4. Preliminary Placement Background Screening-Federal Name Based Check through Interstate Identification Index (III):
 - a. This check only applies for an expedited background screening on a kinship caregiver friend if the background screening is occurring BEFORE the shelter hearing as per emergency statute [§80-2a-301](#).
 - b. To determine if the applicant has criminal convictions or patterns of arrests or convictions that indicate a likely threat to safety of a child. Analysis will be based upon statutory criteria specified in Utah Code Ann. [§26B-2-120](#).
5. Preliminary Placement Background Screening-Fingerprint-Based:
 - a. This check applies for a preliminary placement with a kinship caregiver friend when placing with a friend AFTER shelter hearing as per shelter hearing statute [§80-3-303](#).
 - b. Fingerprint-based FBI national criminal history records are checked to determine if the applicant has criminal convictions or patterns of convictions that indicate a likely threat to safety of a child. Analysis will be based upon statutory criteria specified in Utah Code Ann. [§26B-2-120](#).

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

504.5 Conducting Background Screening – Office of Licensing

- A. As the authority to conduct background screening for prospective foster and adoptive homes, the Office of Licensing will conduct background screening for kinship caregiver and other adults age 18 years and older in the home after DCFS has completed background screening for Preliminary Placement.
- B. The BCI Support Team will compile the background screening application, reports, documentation submitted by the applicant for review, verify or attach copies of photo identification and Social Security cards for each kinship caregiver, other adults age 18 and older, and youth ages 12-17 years in the home, and will submit these to the Office of Licensing via the DACS system.

- C. The Office of Licensing background screening coordinator will return the approved or denied background screening application to the BCI Support Team via the Office of Licensing DACS system.
- D. The BCI Support Team will disseminate information from the Office of Licensing Screening according to Practice Guidelines [Section 504.11](#).

504.6 Analysis of Background Screening Results

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

- A. No Criminal History or Child/Adult Abuse or Neglect Findings: If the BCI Support Team finds NO history from any of the management information systems or hard copy reports, the BCI Support Team will approve the background screening.
- B. Criminal History or Abuse or Neglect Findings That Require Mandatory Denial:
 - 1. If the BCI Support Team identifies criminal records that require mandatory denial based upon Utah Code Ann. [§26B-2-120](#), the BCI Support Team may deny background screening.
 - 2. A child will not be placed in a Preliminary Placement if criminal history requires mandatory denial. If there is any question about mandatory denial for a Preliminary Placement, the BCI Support Team will refer the background screening to the State Office BCI Program Manager or Kinship Program Administrator for review and for a decision to approve or deny background screening for Preliminary Placement.
 - 3. If the result of the background screening is a mandatory denial, the BCI Support Team will send a denial letter to the applicant.
- C. Criminal History or Abuse or Neglect Findings That May Be Approved Without Review:
 - 1. If the BCI Support Team identifies child abuse or criminal records that do not require mandatory denial or that do not fall within the crime or abuse categories or time periods that are subject to review, based upon Utah Code Ann. [§26B-2-120](#), or severe types of child abuse or neglect records based upon Utah Code Ann. [§80-1-102](#), the BCI Support Team may approve the background screening or may staff the results with the State Office BCI Program Manager or Kinship Program Administrator before approving the background screening.
 - 2. If there is any question about being able to approve the background screening without review, the BCI Support Team will refer the background screening to the Statewide Background Screening Committee for review and for a decision to approve or deny background screening for Preliminary Placement.

- D. Criminal History or Abuse or Neglect Findings Requiring Further Review Before Approval or Denial of Background Screening Can Be Determined: If the BCI Support Team identifies child or adult abuse or criminal records that do not require mandatory denial but fall within the crime or abuse categories or time periods that are subject to review based upon Utah Code Ann. [§26B-2-120](#), or severe types of child abuse or neglect records based upon Utah Code Ann. [§80-1-102](#), the BCI Support Team will refer the background screening to the Statewide Background Screening Committee for review and for a decision to approve or deny the background screening for Preliminary Placement.

504.7 Documentation of Results

- A. Documentation of Results on Expedited Kinship Background Screening Form:
1. The BCI Support Team will document on the Expedited Kinship Background Screening form either “yes” or “no” for existence of child abuse or neglect findings or a criminal history, regardless of whether or not the history affects approval of the placement. Each entry will be initialed and dated by the BCI Support Team.
 2. In addition, the BCI Support Team will document on the Expedited Kinship Background Screening form the results of the initial analysis, indicating approved for no history, approved for records not subject to review, mandatory denial, or records requiring review. This entry will be initialed and dated by the BCI Support Team. No specific details of findings or history will be written on the application. Records will be retained for five years.
- B. Statewide Background Screening Committee: A decision by the Statewide Background Screening Committee to approve or deny a background screening application will be documented by the BCI Support Team on the Expedited Kinship Background Screening form with notes of the committee discussion attached to the original application. No specific details of findings or history will be written on the Kinship Background Screening form or committee report. Records will be retained for five years.
- C. Supporting Documentation:
1. Supporting documentation will be attached to the original Kinship Background Screening Application (KBS01) and submitted to the Office of Licensing for their background screening. Supporting documentation will include Livescan reports and may include out of state child abuse registry checks, original/certified court dockets, police reports, etc. The BCI Support Team will store a copy of the application and reports in an encrypted Google Drive folder. Records will be retained for five years.
 2. If fingerprints were submitted through Live Scan, the BCI Support Team will print Live Scan results with the applicant’s identifying information from the BCI/ABC webpage results:
 - a. Approved.

- b. Pending/Needs Agency Review. Pending/Needs Agency Review indicates this person may have a criminal history. The hard copy report from Live Scan when Pending/Needs Agency Review is reported will be printed by the BCI Support Team from the ABC webpage. The original hard copy report must be included as supporting documentation for the background screening, even if the report indicates there is no criminal history.
3. Ten-print fingerprint card results scanned in through the Livescan machine will be accessible through the BCI/ABC Webpage. Repeat process 2 from above. The original hard copy report from the 10-print fingerprint check must be included as supporting documentation, even if the report indicates there is no criminal history.

504.8 Follow-Up Action for No Disposition, Outstanding Warrant, or Review

- A. If the criminal history record reports no disposition, an outstanding warrant, or if the background screening report is subject to review by the Statewide Background Screening Committee, DCFS will give the individual an opportunity to provide additional documentation before making a decision to deny the background screening.
- B. A fingerprint-based check will have been completed to verify that the record being considered belongs to the applicant.
- C. When applicable, the BCI Support Team will send a notice to inform the applicant that:
 1. The applicant's criminal history or findings of abuse or neglect require further review.
 2. The applicant is encouraged to submit a written statement about the applicant's age and circumstances under which the offense or incident occurred and to document rehabilitation, counseling, or psychiatric treatment received, additional academic or vocational schooling completed since the offense, or other information that the applicant believes is important for the review.
 3. The applicant will obtain court documentation to show final disposition of any reports for which disposition was not available and documentation that outstanding warrants have been resolved.
 4. All additional information requested from the applicant must be received by DCFS within 30 calendar days of the written notice.
 5. The review being conducted by the Statewide Background Screening Committee is for the purpose of Preliminary Placement, and another background screening review may be required by the Office of Licensing as part of evaluation of their ongoing capacity to care for the child required by state law.
 6. When requested by a caseworker, the Statewide Background Screening Committee may review the background screening results for babysitting, family-time, or daycare purposes.

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504.9 Review of History by the Statewide Kinship Background Screening Committee for Preliminary Placement

- A. When an applicant has a history or findings of abuse or neglect or criminal convictions that require review before a decision can be made for Preliminary Placement, the Statewide Background Screening Committee will conduct the review. Each region will designate specific staff to be part of the Statewide Background Screening Committee, consisting of designated professional staff and alternates who have been trained in specific rules, statutes, Practice Guidelines, and committee protocol. Each region will designate chairpersons and voting members to participate in these background screening committees. Three or more members are needed for each review. Chairpersons need to be an administrator or designated supervisor. Voting members of the committee may include the region director, associate region director, program or child welfare administrators, caseworkers, supervisors, resource family consultants, clinical consultants, or members of the kinship/placement team.
- B. Each member of the Statewide Background Screening Committee will receive training on the role of committee members, scope of responsibility for the Statewide Background Screening Committee, and background screening criteria.
- C. At least three voting members must meet in order to approve or deny an applicant's background screening. A decision will be based on a simple majority of the voting members. The committee will meet virtually and may meet by telephone, if necessary.
- D. In the event of a conflict of interest, the Statewide Background Screening Committee member will not participate in this screening. The committee will still need three voting members.
- E. The BCI Support Team will provide available information to the Statewide Background Screening Committee, including summaries of background screening reports and any information provided by the applicant. Information will not be sent electronically, but will be shared via a virtual Google Meet. Criminal history reports (rap sheets) will not be distributed to committee members. The BCI Support Team will share all information the day of the meeting with all committee members and will ensure that all shared access of criminal history summaries is revoked after the conclusion of the committee review.
- F. The Statewide Background Screening Committee will act on a background screening application needing a review on the following business day.
- G. If further information is needed from the applicant, they will have ten business days to respond to the written request from DCFS. The Statewide Background Screening Committee will review the applicant's information the following business day from receiving the requested information.

- H. The Statewide Background Screening Committee may request additional information from the applicant and may defer action on an application until the applicant submits this information.
- I. The Statewide Background Screening Committee will not deny a background screening application without giving the applicant an opportunity to provide information regarding the history or findings that are being reviewed.
- J. The Statewide Background Screening Committee may approve a report without additional information from the applicant if the report of history or findings contains sufficient information to make a decision about the likely threat of harm to a child.
- K. The Statewide Background Screening Committee may deny a background screening application in the event that an applicant fails to provide requested information within the required time frame.
- L. The Statewide Background Screening Committee will carefully consider the applicant's criminal history and/or child or adult abuse or neglect findings along with any information submitted by the applicant to determine if approval of the background screening will create a likely threat of harm to a child.
- M. The review will consider factors such as:
 - 1. The date of the offense or incident;
 - 2. The nature and seriousness of the offense or incident;
 - 3. The circumstances under which the offense or incident occurred;
 - 4. The age of the perpetrator when the offense or incident occurred;
 - 5. Whether the offense or incident directly relates to abuse of a child or vulnerable adult, including:
 - a. actual or threatened non-accidental physical or mental harm;
 - b. sexual abuse;
 - c. sexual exploitation;
 - d. negligent treatment;
 - 6. Any evidence provided by the person of rehabilitation, counseling, or psychiatric treatment received, or additional academic or vocational schooling completed by the person; and
 - 7. Any other pertinent information.
- N. Approval or denial will be determined according to standards established in Utah Code Ann. [§26B-2-120](#). and Utah Code Ann. [§80-1-102](#).
- O. If the committee denies the background screening, the BCI Support Team or Statewide Background Screening Committee Chairperson will send the applicant a Kinship

Background Screening Committee denial letter. This denial letter will not include specific reasons for the denial.

504.10 Steps if Background Screening is Denied after a Child Has Been Placed with a Kinship Caregiver/Friend

- A. If a child was placed with a kinship caregiver/friend in an approved Preliminary Placement, and subsequent background screening of an adult in the home is not approved, DCFS will:
1. Reassess safety based on safety decision-making (see Practice Guidelines [Section 507.1](#)).
 2. Consult with the AAG and GAL assigned to the case.
 3. DCFS cannot approve ongoing placement of a child in DCFS custody with a kinship caregiver/friend that does not meet background screening requirements.
 4. Evaluate placement options and time frames in terms of immediate threat of harm, placement stability, and long-term view with the Child and Family Team. The team will decide if it is in the child's best interest to transition to another kinship placement or to recommend to the court that guardianship be granted to the kinship caregiver. If the child is placed with a friend that has been identified by the parent and the background screening is not approved, the child must be moved to a new placement as soon as possible, as the friend will not qualify to become a licensed foster parent. DCFS will not recommend that temporary guardianship be granted to a friend.
 5. If guardianship is going to be recommended to the court, educate the court on the ramifications of granting guardianship without an approved background screening (e.g., the family will not qualify for adoption assistance if they later decide to adopt).
- B. Prior to the Child and Family Team Meeting and before requesting a court hearing, the caseworker will meet with the kinship caregiver to discuss ramifications of taking guardianship when background screening was not approved (e.g., will not qualify for adoption assistance if they later choose to adopt) so the decision can be made with full knowledge of the options.
- C. The Child and Family Team will make every effort to prevent a kinship placement disruption by providing support to the family and working to overcome any barriers. In the event that a disruption is imminent, and the child is in a relative placement, the Child and Family Team will follow Practice Guidelines [Section 507.1](#), Removal of a Child from the Home of a Foster Care Licensed or Unlicensed Relative Caregiver, and look back at kinship options and resume search and engagement activities.
- D. If a decision is made to move the child to another placement, the caseworker will work with the kinship caregiver/friend to transition the child to another appropriate placement in a time frame consistent with the urgency identified through the safety assessment.

The caseworker will move the child to another placement and provide written notice of the change of placement to the court and all parties to the proceedings within three days of the removal, excluding weekends and holidays.

- E. If the Child and Family Team decides not to recommend that the kinship relative caregiver be granted guardianship, the caseworker may inform the kinship caregiver of their option to obtain their own legal counsel to seek temporary guardianship of the child from the court on their own.

504.11 Communication of Background Screening Results and Dissemination of Records

A. Background Screening Results to DCFS Staff:

1. Expedited Request:
 - a. If the caseworker verbally requested expedited background screening for a Preliminary Placement and communication of the results is urgent, the TAC/alternate may notify the caseworker verbally if the background screening is approved, needs further review, is denied, or could not be completed based upon the verbal information provided.
 - b. The TAC/alternate will not provide specific details to a caseworker about a background screening history that was initiated by a verbal request until the TAC/alternate has received the Kinship Background Screening Application providing written authorization for the screening and photo identification. However, if dissemination of details is urgent to the Preliminary Placement decision, the results may be shared but will be considered tentative.
2. UCJIS Report for Utah Criminal History, Juvenile Criminal History, III History, and FBI Reports:
 - a. The TAC/alternate may only communicate details contained in a Utah criminal history, juvenile criminal history, III history, or FBI report obtained through UCJIS or the BCI/ABC Webpage to DCFS staff who are authorized to receive the information (such as caseworker, supervisor, kinship consultant, or background screening committee members who have been trained, tested, and fingerprinted, and who have approved access rights through BCI).
 - b. Any details shared will only be provided in a summary of the original report.
 - c. All details can be shared verbally.
 - d. A dissemination log can be maintained and a dissemination form can be completed to document the name of each person who received the information, if dissemination was verbal or written, date, case number, and signature of caseworker receiving the information. However, this is not mandatory.

- e. Any information reported prior to the TAC/alternate receiving the background screening application, photo identification, and fingerprint-based report will be considered tentative because positive identification of the applicant and record has not occurred through the fingerprinting process.
 - f. The Utah BCI, juvenile criminal history, III history and FBI reports (rap sheets) may not be provided to staff and will not be transmitted electronically by fax or email and will not be stored in a case file. The TAC/alternate will ensure that any results printed from the UCJIS database or received from an FBI report will be locked in a secure file cabinet or will be shredded after being reviewed. Records will be retained for five years.
 - 3. SAFE Report of Child or Adult Abuse or Neglect: The TAC/alternate may provide the details of background screening reports obtained in SAFE to the DCFS caseworker or background screening review committee.
- B. Background Screening Results to the Court, Attorney General, and GAL:
 - 1. The TAC/alternate may provide a written summary of a Utah criminal history, III history, or FBI report obtained through UCJIS or BCI for the purpose of placement of children to the court, Attorney General's Office, or GAL.
 - 2. Any information reported prior to TAC/alternate receiving the background screening application, photo identification, and fingerprint-based report will be considered tentative because positive identification of the applicant and record has not occurred through the fingerprinting process.
 - 3. To disseminate Utah criminal history records to the court, Attorney General's Office, or GAL, the report will be run again in UCJIS using the purpose code X and stating the name and title of the judge, AAG, or GAL in the audit field. This serves as a dissemination log for audit purposes.
 - 4. The TAC/alternate or caseworker may provide the details of background screening reports obtained in SAFE to the court, Attorney General's Office, or GAL.
- C. Reporting and Records Dissemination for Region Background Screening Committee:
 - 1. Information in Preparation for Committee Review:
 - a. The TAC is responsible to notify the caseworker or designated regional kinship supervisor that a background screening application requires review by the Region Background Screening Committee when relevant findings or history of child abuse or criminal records are found. A summary of the background screening reports may be provided according to dissemination procedures for staff.
 - b. The TAC will send the applicant notice of the review and give the applicant the opportunity to provide additional information required to complete the review. The notice will also include information about how the applicant may obtain their own criminal history or SAFE report of

- child and adult abuse or neglect findings and steps to take if they believe there are errors on the background screening report used by DCFS.
- c. The TAC will compile and submit required documentation to the Region Background Screening Committee for their review following dissemination procedures for staff specified above.
2. Information Dissemination Following Committee Review:
 - a. The Region Background Screening Committee is responsible to notify the TAC and caseworker or regional kinship supervisor of the committee's decision to approve or deny background screening for Preliminary Placement. Dissemination guidelines must be followed for release of specific details of an applicant's criminal history.
 - b. The Region Background Screening Committee will return the original and all copies of the application, report summaries, and supporting documentation to the TAC to be stored in a locked file or destroyed. The TAC will retain documentation of the committee decision with the application and supporting documentation for five years.
 - c. If the Region Background Screening Committee denies the application, the TAC or Region Background Screening Committee Chairperson will send a written notice of denial to the applicant. Specific reasons for denial will not be provided.
- D. Background Screening Application and Supporting Information for Office of Licensing:
1. After background screening for Preliminary Placement has been completed and fingerprint results received, the TAC/alternate will send the Kinship Background Screening Application, out of state clearances (if applicable), ~~and~~ supporting documentation (if application), and Live Scan results to the DCFS Background Screening Coordinator for submission to the Office of Licensing. The TAC will retain a copy of the information in a locked file until the stamped Kinship Background Screening Application is returned from the Background Screening Coordinator, who will record transfer of the information in the dissemination log.
 2. The TAC will let the caseworker or regional kinship supervisor know if the Office of Licensing has approved or denied the background screening application. The TAC/alternate will retain the original Kinship Background Screening Application. A copy of the application will be sent to the kinship home study caseworker to be retained with the Child-Specific Home Study.
 3. If the kinship caregiver applies for a foster care license, a copy of the approved background screening application will be submitted to the local licenser for the Office of Licensing with the Child-Specific Home Study.
 4. Summaries of background screening reports may be communicated to the kinship home study caseworker for consideration of safety as part of the home study process following dissemination procedures. Specific background screening details will not be included in the kinship home study report.
 5. Background screening reports and supporting documentation will not be submitted to local licenser.

E. Reporting of Background Screening Status and Results to the Applicant:

1. The caseworker is responsible to keep the applicant informed regarding the status of background screening; specifically, if background screening is approved, denied, or requires further review. However, the caseworker is prohibited from reporting details of findings or history to the applicant, in accordance with BCI policies.
2. The caseworker may give the applicant information about how to obtain their own criminal history or SAFE report of child or adult abuse or neglect findings.
3. The TAC/alternate will notify the applicant of the opportunity to provide further information if background screening for Preliminary Placement is going to be reviewed by the Region Background Screening Committee and will send a written notice if denied.

505 (NO LONGER USED)**506 Temporary Guardianship with the Kinship Caregiver and Court-Ordered Kinship Support Services****Major objectives:**

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

Applicable Law

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

Practice Guidelines

- A. Temporary guardianship to the kinship caregiver and court-ordered kinship support services may be recommended to the court when the initial permanency goal is reunification and the kinship caregiver has agreed to:
1. Work with the parent and DCFS to reunify the child with the parent.
 2. Cooperate with DCFS, the GAL, the AAG, and other support agencies.
 3. Follow all court orders.
 4. Commit to the long-term permanency plan, which may include adoption or permanent guardianship of the child by the kinship caregiver.
 5. Resist and report inappropriate and unauthorized requests by the parent for access to the child.
 6. Commit to protect and care for the child as long as necessary.

7. Provide a secure and stable environment for the child.
- B. The kinship caregiver needs to have the ability, commitment, and resources to access and use the services needed to address the child's developmental, mental health, educational, or medical needs.
- C. The DCFS caseworker needs to provide the kinship caregiver with the following supports and services to meet the child's needs, assist the child's parents, and meet the relative's needs as caregivers:
1. Provide kinship support services for a minimum of six months unless otherwise ordered by the court.
 2. Contact the kinship caregiver within five working days of placement and visit the kinship caregiver's home within 10 working days of placement to:
 - a. Observe the conditions and circumstances of the kinship caregiver's home.
 - b. Determine the health, well-being, and safety of the child.
 - c. Identify any resource and service needs of the kinship caregiver and the child.
 3. Assist in obtaining needed supports and services, which may include day care, respite care, transportation, and counseling.
 4. Assist in obtaining any necessary financial and medical assistance for the child and the kinship caregiver, within 30 days of placement, which needs to include:
 - a. Explanation of the tasks needed for meeting eligibility criteria for specific funding sources.
 - b. Technical assistance in securing documentation (i.e., Social Security cards, birth certificates, legal documents) necessary for completing financial applications.
 - c. Advocacy for the kinship caregiver with potential funding sources throughout the application, interview, and evaluation processes.
 5. Provide an opportunity for input into the service plan and participation in ongoing Child and Family Team Meetings.
 6. Thoroughly discuss the reunification services, the permanency plan, and the permanency time frames with the kinship caregiver.
 7. Offer and provide training and workshops based on the needs and interests of the kinship caregiver.
 8. Conduct a minimum of one visit per month to the home of the kinship caregiver. The caseworker may make additional visits if the kinship caregiver needs assistance and instruction to deal with the child's special needs or if DCFS has reason to believe that the parent may harass or interfere with the kinship caregiver and help is needed to cope with the interference.
 9. Assist in establishing a specific Family-Time Plan as part of the service plan between the child and the parent and develop the rules that will govern the family-time. Family-time between the child and the parent will occur a minimum of one time per month. If problems arise with family-time, the kinship caregiver can

- request DCFS to be actively involved in establishing family-time guidelines and schedules.
10. Assist in maintaining relationships with other extended family when possible and appropriate.
 11. Provide access to a DCFS family resource consultant to provide support, respond to questions and solve problems, offer referrals to training and workshops, conduct face-to-face quarterly field visits, and provide resource consultation.
- D. The DCFS caseworker provides the following services and supports to meet the child's needs and works collaboratively with the kinship caregiver to enable the child to receive needed services:
1. Assist the kinship caregiver in setting up and attending the child's required mental health, dental, and health assessments. The assessment appointment needs to be scheduled within 30 days of placement. Ongoing treatment recommendations will be incorporated into the service plan and monitored by the caseworker. The DCFS caseworker will report to the court, the GAL, and the AAG the status of the assessments.
 2. Conduct a minimum of one visit per month with the child (this may occur at the same time as the visit with the kinship caregiver). The DCFS caseworker will visit with the child outside the presence of the kinship caregiver to help assure that the child has a safe and healthy relationship with the caregiver.
 3. Contact an individual other than the kinship caregiver who knows the child and who can provide feedback on the child's well-being.
 4. Facilitate contact and family-time between the child and the parent unless safety concerns exist.
 5. Share information about the parent's activities and progress toward reunification or other permanency options.
 6. Prepare the child to return to the parent's care or another permanent arrangement including adoption or permanent guardianship by the kinship caregiver.
 7. Assist in maintaining relationships with siblings through family-time and shared activities whenever possible.
 8. Provide an opportunity for input into the service plan, when age appropriate, and identify the roles and responsibilities of the child in the service plan.
 9. Advocate for the child in negotiating with other service systems and brokering access to resources for the child.
- E. The DCFS caseworker needs to provide the following services to parents that will support and enhance their functioning as parents:
1. Involve parents in service planning and thoroughly inform them of their roles and responsibilities in the plan (if circumstances warrant, separate plans may be developed for each parent).
 2. Invite parents to participate in ongoing Child and Family Team Meetings to assess progress in meeting the service plan and the permanency planning goals.

3. Assist parents in addressing the problems that led to their child's placement in kinship care and deliver or provide access to the services needed to remedy those problems to achieve reunification.
4. Include as part of the service plan a Family-Time Plan schedule to maintain contact with the child that meets the needs of the child, parent, and kinship caregiver in consultation with the GAL.
5. Deliver or provide access to services and resources to prepare the parents for reunification or other permanency options for the child.

Revision Date: September 2024

507 Periodic Review of Kinship Placement

Major objectives:

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

Applicable Law

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

Practice Guidelines

- A. The DCFS caseworker needs to assess the kinship/friend placement and the reunification efforts within six months of the placement, unless otherwise ordered by the court. The assessment needs to address the following:
 1. Has the parent made reasonable efforts to comply with the offered reunification services and the service plan?
 2. Is the continuation of the placement in the child's best interests by supporting the safety, permanency, and well-being of the child?
 3. Can the child and the kinship caregiver/friend maintain a stable relationship and function effectively with reduced or increased services from DCFS?
 4. Does the child have an ongoing need for financial assistance beyond basic maintenance?
 5. Does the child and kinship caregiver/friend require the ongoing services of a caseworker?
 6. Can the child's needs be met through the kinship caregiver/friend's use of community resources and has the kinship caregiver/friend agreed to access or continue to maintain those services?
- B. The DCFS caseworker needs to report the findings of the placement assessment and make a recommendation to the court as to whether:
 1. The placement with the kinship caregiver/friend continues to be in the best interest of the child.
 2. The child should be returned home.
 3. The child should be placed in the custody of DCFS.

507.1 Removal of a Child from the Home of a Foster Care Licensed or Unlicensed Relative or Friend

- A. When considering the removal of a child from a foster care licensed or unlicensed relative or friend when that relative or friend is no longer able to care for the child due to health or ongoing ability, consultation with the Assistant Attorney General assigned to the case is required.
- B. DCFS may not remove a child from a relative (as legally defined in Utah Code Ann. [§80-3-102](#) and the Indian Child Welfare Act 25 U.S.C. §1901-63), who is a licensed or unlicensed caregiver on the basis of the relative's age or health, unless the following criteria are met:
1. There is a preponderance of the evidence that the licensed or unlicensed relative or friend is incapable of caring for the child and the child will be placed with another relative. [See: Utah Code Ann. [§80-2a-304.](#)]
- Or,
2. There is clear and convincing evidence that the relative or friend is incapable of caring for the child and the child will be placed with another foster parent who is NOT a relative.
- C. If a relative or friend who is a licensed foster parent requests that the child be moved to another placement, they will give a ten-day notice to the caseworker and complete the form PR100 Request for Agency Action to Remove a Foster Child, which can be found in the Home-to-Home Packet. If DCFS, in consultation with the AAG, decides that removal of the child from the relative or friend is in the child's best interest, DCFS will provide a ten-day notice, except for in the case where safety is an immediate concern. [See: Practice Guidelines [Section 305.3.](#)]
- D. If DCFS is considering the removal of a child in DCFS custody from an unlicensed relative or friend, the following must have taken place:
1. When possible, the removal or change in placement has been discussed in the Child and Family Team Meeting and is part of the ongoing plan,
 2. The kinship caregiver(s) has been given notice of the removal prior to the removal,
 3. Another kinship placement will be made, or
 4. If no kinship options are available, efforts to notify and engage kin have been documented and provided to the placement committee,
 5. If the unlicensed relative or friend disagrees with this decision, they may address the court.
- E. If a relative or friend has temporary guardianship of the child while DCFS is providing services to the family, a removal cannot take place without a warrant or court order.

508 Statutory Timelines for Establishing Permanency

(See: Practice Guidelines [Section 301.2](#).)

509 Preparing Kin for Permanency Plan

Major objectives:

DCFS will adequately prepare the child's kin for a permanency plan.

Applicable Law

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

Practice Guidelines

- A. In order to recommend the most appropriate permanency plan for the child, the DCFS caseworker needs to ensure the following issues are addressed:
 1. If reunification with the parent is recommended:
 - a. Conditions, circumstances, or risks that resulted in removal of the child have been sufficiently reduced.
 - b. Reunification with the parent is in the best interest of the child.
 - c. Substantial efforts to comply with the service plan have been made by the parent.
 - d. A transition plan for the child's safe return home includes follow-up supervision, services to the child, and services to the parent.
 2. If permanent guardianship with the kinship caregiver/licensed friend is recommended:
 - a. Reasonable efforts to reunify the child and parent were not successful or were not ordered by the court.
 - b. Permanent guardianship is in the best interest of the child and is preferable to other permanency options.
 - c. The kinship caregiver/licensed friend is informed of the child's special needs and the circumstances of the child's removal.
 - d. The child and the kinship caregiver/licensed friend can maintain a stable, safe, and nurturing relationship.
 - e. The child's needs can be met through the kinship caregiver/licensed friend's use of community resources.
 - f. The kinship caregiver/licensed friend has been informed that they may contact the DCFS family resource consultant at any time in the future if services or supports are needed for themselves or the child.
 - g. The parent has been informed of the child support obligation they will be required to provide if the kinship caregiver continues to receive a TANF Specified Relative payment.
 3. If termination of parental rights and adoption are recommended:
 - a. Facts and circumstances support termination.

- b. Reasonable efforts to reunify the child and the parent were unsuccessful or were not ordered by the court.
- c. ICWA requirements have been met for an Indian child.
- d. Attitudes and wishes of the child regarding adoption and termination of parental rights have been considered.

510 Temporary Guardianship with the Division of Child and Family Services and Licensed Kinship Foster Care

Major objectives:

The DCFS caseworker may recommend to the court that temporary guardianship of the child be ordered to DCFS, the child be placed in the home of a kinship caregiver/friend, the identified kinship caregiver/friend becomes a licensed foster care provider, and DCFS provides out-of-home care services.

Applicable Law

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

Practice Guidelines

- A. The DCFS caseworker will adhere to out-of-home procedures and Practice Guidelines when a child is placed in kinship foster care. The DCFS caseworker needs to provide the kinship caregiver/friend with the following supports and services to meet the child's needs, assist the child's parents, and meet the kinship caregiver/friend's needs:
 - 1. Assist in obtaining needed supports and services, which may include day care, respite care, transportation, and counseling.
 - 2. Access to a family resource consultant to provide support, respond to questions and solve problems, offer referrals to training and workshops, conduct face-to-face quarterly field visits, and provide resource consultation.
 - 3. Conduct additional visits to the home of the kinship caregiver/friend if the kinship caregiver/friend needs assistance and instruction to deal with the child's special needs, or if DCFS has reason to believe that the parent may harass or interfere with the kinship caregiver/friend and help is needed to cope with the interference.
 - 4. Assist in establishing a specific Family-Time Plan between the child and the parent and develop rules that will govern the family-time. If problems arise with family-time, the kinship caregiver/friend can request DCFS to be actively involved in establishing family-time guidelines and schedules.
- B. In order to assist the kinship caregiver/friend to become a licensed foster home, the DCFS caseworker needs to:
 - 1. Provide follow-up assistance and advocacy until the kinship caregiver/friend receives foster parent licensure.

2. Forward to the Office of Licensing a copy of the completed Kinship Home Study and the results of the criminal background check on the kinship caregiver/friend and all members of the household over the age of 18 years.
 3. Offer services and supports, as appropriate, to assist the kinship caregiver/friend in adapting the home to meet licensing standards and the needs of the child.
- C. Placement recorded in SAFE: When a child is receiving court-ordered In-Home Services (PSS) and has been placed in the home of a non-custodial parent or kinship caregiver/friend, the kinship placement needs to be recorded in SAFE. The role of Kin Caregiver will be recorded as KR. The role of Kin Child will be recorded as KC. Placement with a non-custodial parent will be coded as NCP. Placement with a kinship caregiver/friend will be coded as BHR.

Revision Date: September 2024

511 Permanent Guardianship with the Relative

Major objectives:

When, at the shelter hearing or subsequent hearing, the court orders permanent guardianship of the child to the relative and the child is no longer under the jurisdiction of the court, the DCFS caseworker needs to contact the relative to explain available services.

Applicable Law

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

Practice Guidelines

The DCFS caseworker needs to do the following:

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

512 Preparing Kin for Permanency Decision

Major objectives:

The DCFS caseworker will make reasonable efforts to adequately prepare kin/friend for permanency hearings and decisions.

Applicable Law

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

Practice Guidelines

- A. At the permanency hearing, the DCFS caseworker may recommend the following permanency options:
 - 1. Reunification with parents.
 - 2. Adoption by the kinship caregiver/friend.
 - 3. Permanent guardianship with the kinship caregiver/licensed friend.
 - 4. Non-relative adoption.
 - 5. Individualized Permanency.
- B. If Permanent Guardianship is being recommended by DCFS, the caseworker will follow Practice Guidelines [Section 308.2](#).