



<b>1602 PLACING CHILDREN IN RELATIVE CARE HOMES</b>	
Chapter: <b>Out-of-Home Placements</b>	Section: <b>Finding a Placement</b>
	New Hampshire Division for Children, Youth and Families Policy Manual Policy Directive: <b>15-05</b> Effective Date: <b>January 2015</b> Scheduled Review Date:
	Approved:  Lorraine Bartlett, DCYF Director
Related Statute(s): <a href="#">RSA 169-B</a> , <a href="#">RSA 169-C</a> , <a href="#">RSA 170-B</a> , and <a href="#">RSA 170-E</a> Related Admin Rule(s): <a href="#">He-C 6446</a> , and <a href="#">He-C 6448</a> Related Federal Regulation(s): <a href="#">SSA 471</a> , and <a href="#">SSA 475</a>	Related Form(s): <b>FORM 2103, FORM 2104, FORM 2162, FORM 2162C, FORM 2262, FORM 2263, FORM 2264, FORM 2273, and DFA FORMS 778 and 800</b> Bridges' Screen(s) and Attachment(s):

It is best for children to grow in healthy, nurturing families. When it is not possible for a child or youth to remain safely with his or her family, he or she is entitled to the maximum level of connections and continuity of care that can be arranged in a safe, supportive, and stable environment. When children cannot live with parents or guardians, family members may have a positive impact on the well-being of children. A relative can maintain family connections and provide familiar surroundings to a child or youth, and must be explored as the first option for placement.

### **Purpose**

This policy describes how to identify and arrange for a relative placement of a child or youth who has a legal relationship with the Division for Children, Youth and Families.

### **Definitions**

**"Adult"** means any person who is 21 or older.

**"CPSW"** means a Children Protective Services Worker employed by DCYF.

**"DCYF"** or the **"Division"** means the DHHS Division for Children, Youth and Families.

**"JPPO"** means the Juvenile Probation and Parole Officer employed by DCYF.

**"Related"** pursuant to RSA 170-E:25 Definitions - XIV means any of the following relationships by blood, marriage, or adoption: parent, grandparent, brother, sister, stepparent, stepgrandparent, stepbrother, stepsister, uncle, aunt, niece and nephew, first cousin, or second cousin. A child is considered related despite a disruption in the legal status of the parent child relationship, including divorce, death, or a termination of parental rights.

**"Relative Care"** means the placement of a child who has a legal relationship with DCYF in a home in which one of the responsible caregivers is a person related to the child as defined above.

**"Relative"** means an individual within the sixth degree of kinship either by blood or affinity, including a parent, grandparent, brother, sister, stepparent, stepsibling, uncle, aunt, niece, nephew or first or second cousin of the child as identified in RSA 169-C:3 Definitions, XXVI.

**"Sibling"** means one of 2 or more individuals having a common parent through a biological, adoptive, or other current/former legal relationship. This includes an individual who is considered by

state/tribal law to be a sibling of a child/youth or an individual who would have been considered a sibling of a child/youth but for the termination or other disruption of parental rights, including death of the parent.

<b>Policy</b>
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- I. Within 30 days of the removal of any child/youth from the custody of his/her parent(s), to be placed in a Foster Family Care Home, the CPSW or JPPO must work to identify and provide [notice](#) of the opportunity for a relative care placement to all adult relatives of the child/youth, with the exception of situations with concerns for domestic violence.
- II. For the best interests of the child(ren)/youth, parents need to participate in identifying and selecting a potential relative caregiver for their child(ren)/youth. The Family Inquiry Tool (Form 2264) shall be used to gather this information. Factors to be considered in selecting a relative caregiver include:
  - A. Parents' preferences;
  - B. Sibling placements;
  - C. Proximity of the child/youth's placement to the parents;
  - D. Child(ren)/youth's preferences;
  - E. Stability of child(ren)/youth's education;
  - F. Cultural and ethnic factors, including [Native American Heritage](#); and
  - G. Any other factors that might support the child(ren)/youth's best interests to be placed with one relative over another.
- III. A potential relative caregiver must be provided a Relative Notification Letter (Form 2263) that specifies:
  - A. The child/youth has been or is being removed from the custody of the parent(s);
  - B. The options the relative has under Federal, State, and local laws to participate in the care and placement of the child/youth, including options that will be lost if the potential relative caregiver fails to respond; and
  - C. The requirements for being a Relative Care Provider, and the services and supports available for Relative Care Providers.
- IV. Potential relative caregivers must be reviewed as a preferential placement in lieu of an unrelated Foster Family Care Home when the potential relative caregiver meets all necessary safety standards for a licensed or unlicensed Relative Care Provider.
- V. Potential relative caregivers must review the "Youth Bill of Rights" for all children/youth placed in their home who are 12 years of age or older.
- VI. Relative Care Providers who wish to become licensed must meet the Foster Family Care Licensing Requirements.

- A. The Foster Family Care licensing requirements are identified in Rule He-C 6446.
  - B. Licensed Relative Care Providers are entitled to all services and board and care rates of Foster Family Care providers so long as they maintain their license.
  - C. A waiver can only be considered for non-safety requirements when trying to obtain a license for the Relative Care Provider.
    - 1. The CPSW and supervisor must consult with the Field Administrator regarding the appropriateness of requesting a waiver.
    - 2. A waiver request is to be submitted via email to the Foster Care Program Specialist or Relative Care Specialist.
    - 3. If the waiver is granted;
      - (a) Both the CPSW and the Relative Care Provider will receive a letter signed by the DCYF Director; and
      - (b) The CPSW must file the signed written waiver in the Relative Caregiver record.
- VII. Placement with a Relative Care Provider, who does not pursue licensure, may be approved if the Relative Care Provider:
- A. Meets the definition for "relative" of, or "related" to, the child/youth being placed into foster care;
  - B. Meets all safety needs of the child(ren)/youth;
  - C. Can provide for the child(ren)/youth's educational, financial, physical, and emotional needs;
  - D. Can provide a minimum of three (3) personal references by persons who have known the applicant for at least one (1) year, only one (1) of which may be related to the applicant by blood or marriage;
  - E. Completes the Relative Care Agreement (Form 2273) and Resource Care Enrollment Form (Form 2104);
  - F. Consents to Central Registry and criminal background checks of all household members age 17 and over;
    - 1. A waiver can be requested, if a relative (or household member) seeking placement is verified as being included in the Central Registry.
      - (a) If the relative placement is considered an appropriate placement after reviewing available information, the CPSW/JPPPO will request a waiver in accordance with Foster Family Care Licensing Requirements He-C 6446.
      - (b) Upon supervisory approval the request must be submitted to the Foster Care Program Specialist at State Office.

- (c) The Foster Care Program Specialist, or designee, will review the request, draft the waiver, submit the waiver to the Director of DCYF for final approval, and then return a copy of approval to the requesting worker.
  - 2. If information of concern is received from the local law enforcement agency, the CPSW/JPPPO will consult with their respective supervisor to determine the appropriateness of the potential placement prior to requesting a waiver. Considerations should include:
    - (a) The amount of time that has passed since the incident(s);
    - (b) The type of incident(s);
    - (c) Who else was involved in the incident(s); and
    - (d) Any actions that have been taken to remedy the circumstances.
- G. Participates in a Foster/Adoptive/Relative Care Home Study (Form 2162);
- H. Demonstrates the capability and appropriate knowledge and skills, or training, to meet the needs and supervision of the child(ren)/youth; and
- I. Cooperates by providing any additional information as deemed appropriate by the CPSW e.g. fire and health inspection.
- VIII. If the potential Relative Care Provider is unwilling to agree to all the conditions in the Relative Care Agreement (Form 2273), the appropriateness of the placement must be further assessed.
  - A. The Supervisor may approve this placement after considering all safety and risk factors in consultation with the Foster Care Program Specialist, or designee.
- IX. No child or youth in DCYF custody shall be placed in a relative home, even in emergent situations, UNLESS:
  - A. A verbal check with the local law enforcement agency and Central Registry check have been performed on all household members over the age of 17.
  - B. A CPSW/JPPPO has visited the home, observed and determined the home to be without any safety concerns and environmentally appropriate for the child(ren)/youth.
  - C. The Relative Care Provider has signed the Relative Care Agreement.
- X. The board and care rate for non-licensed relative care in NH is the TANF Child Only Grant available through the Division of Family Assistance (DFA).
  - A. DFA identifies eligibility based on TANF guidelines.
  - B. The DFA definition of relative provides eligibility to relatives within the 4<sup>th</sup> degree of kinship to the child(ren)/youth.
- XI. Emergency clothing funds and assistance can be authorized on a limited basis.
  - A. All requests must be made to the Relative Care Specialist.

- B. Approved recipients will be responsible for completing a W-9.
- XII. Relative Care Providers who are not licensed are entitled to respite care services per [policy 1912 Respite Care](#).
- XIII. Relative Care Providers must participate in the development and implementation of the child(ren)/youth's case plan and follow court orders.
- XIV. Non-licensed Relative Care Providers who wish to adopt must meet the Child-Placing Agency Licensing Requirements He-C 6448.

### **Procedures**

- I. The CPSW/JPPPO must:
  - A. Identify, with the parents and the child(ren)/youth if appropriate, the potential relative caregivers;
  - B. Determine the connection with the child(ren)/youth and the potential relative caregivers;
  - C. Discuss placement options with the supervisor;
  - D. Choose the best placement options based on the needs of the child(ren)/youth;
  - E. Send any Relative Notification Letters (Form 2263) to all known relatives;
  - F. Complete a check with the local Law Enforcement Agency and Central Registry check on all household members over the age of 17, prior to placement;
  - G. Whenever possible, advise the Fiscal Specialist and Resource Worker in advance of a relative care placement and provide the name and contact information of the Relative Care Provider;
    - 1. If the Relative Care Provider is a licensed foster home or becomes a licensed foster home during the placement episode, the CPSW must advise the Fiscal Specialist by completing a Service Authorization Request (Form 2103).
  - H. Meet with the relative care applicant in their home and complete the Relative Care Agreement (Form 2273) and the Resource Care Enrollment (Form 2104). A Division of State Police Criminal Record Check Authorization Form should also be completed at this time for each household member over the age of 17, if not previously completed, for immediate submission to the Department of Safety;
  - I. Leave a signed copy of the Relative Care Agreement (Form 2273) with the Relative Care Provider and advise them that a Foster/Adoptive/Relative Care Home Study (Form 2162) will be conducted in the next 60 days;
  - J. On the day of placement, provide the Relative Care Provider with the Application for Assistance (DFA Form 800) and the Authorized Representative Declaration (DFA Form 778) and request their signature.
    - 1. The Application for Assistance (DFA Form 800) and Authorized Representative Declaration (DFA Form 778) will be included in the Relative Placement Packet and

the Fiscal Specialist business card will be attached to the Application for Assistance (DFA Form 800);

2. The CPSW/JPPPO is to assure that the relative has the name and phone number for the Fiscal Specialist and explain that the Fiscal Specialist is available and able to assist with the application process;
- K. Return the signed Application for Assistance (DFA Form 800) and Authorized Representative Declaration (DFA Form 778) with their (CPSW/JPPPO) signature included, to the Fiscal Specialist immediately upon return to the office for a date stamp;
- L. Place a copy of the Relative Care Agreement (Form 2273) in the child or youth's file;
- M. Give a copy of the Relative Care Agreement (Form 2273) to the Resource Worker along with the Resource Care Enrollment (Form 2104); and
- N. Document conversations about relative care with parents and relatives in the Bridges Case Contact Log.

II. The Resource Worker:

- A. Enters the Relative Care Provider's information into Bridges from the Relative Care Agreement (Form 2273) and Resource Provider Enrollment (Form 2104), and sends a copy of Form 2104 to Provider Relations at DCYF State Office for processing of the relative credential;
- B. Sends the Introductory Welcome Letter and the Relative Care Program Brochure (Form 2262) to the Relative Care Provider;
- C. Creates and maintains a file in the resource records for the Relative Care Provider home that includes a copy of the Introductory Welcome Letter, Resource Care Enrollment (Form 2104), the Relative Care Agreement (Form 2273), Foster/Adoptive/Relative Care Home Study (Form 2162) and other correspondence with the relative home; and
- D. If the relative resides outside the placement District Office's catchment area (sending), the Resource Worker of the sending District Office shall notify the Resource Worker in the receiving District Office via email, and send a copy of the above paperwork (including all forms) to be maintained in a file by the receiving District Office.
  1. The assignment of the resource home is to the receiving District Office.
  2. The sending District Office is responsible for the completion of the Foster/Adoptive/Relative Care Home Study.
  3. If the Relative Care Provider chooses to become licensed, this is the responsibility of the receiving District Office.
  4. The receiving District Office shall add the resource family to their mailing list to be notified and invited to support groups, conferences, and celebratory events.
  5. The sending District Office shall notify the receiving District Office when the placement closes.

### III. The Fiscal Specialist:

- A. Will call the Relative Care Provider to explain what programs are available to support the placement and advise the family they are to complete and sign an Application for Assistance (DFA Form 800) and Authorized Representative Declaration (DFA Form 778) when the placement occurs;
- B. Will date stamp the Application for Assistance (DFA Form 800) the day it is received;
- C. If the Fiscal Specialist is not advised in advance of the relative placement, they will call the Relative Care Provider directly to discuss the available programs and assist the individual in completing the application process, when they receive the completed Application for Assistance (DFA Form 800) and Authorized Representative Declaration (DFA Form 778);
- D. If the Fiscal Specialist needs to send the Relative Care Provider forms to be signed via mail, the Fiscal Specialist will call the Relative Care Provider in advance to advise the relative:
  - 1. That the forms will be delivered via the US Postal Service, and
  - 2. There will be a self-addressed stamped envelope included for the Relative Care Provider to return the forms to the Fiscal Specialist.
- E. If the Relative Care Provider is a licensed Foster Family Care Home or becomes a licensed Foster Family Care Home during the placement episode, the Fiscal Specialist must select "Yes" for the question: "Is this foster home a relative to the child?" which is located in the service authorization screen of the NH Bridges System.

### IV. The DCYF Supervisor ensures:

- A. A Foster/Adoptive/Relative Care Home Study is completed within 60 days from date of placement, but no later than the dispositional hearing, by a CPSW using the Foster/Adoptive/Relative Care Home Study (Form 2162) and accompanying Relative Care Assessment Guide (Form 2162C).
- B. A copy of the Foster/Adoptive/Relative Care Home Study is to be kept in the resource file in the Resource Worker's file cabinet.

#### **Practice Guidance**

#### **Can the Case Plan be used to document my efforts at identifying and locating relatives?**

- Yes. The case plan is a great way to meet this federal requirement and engage parents in the processes. For instance, when writing the case plan, an identified task for the father and/or mother could be identify potential relatives for maintaining connections or complete the Family Inquiry Tool. With that said, your efforts locate relatives should also be documented in NH Bridges case contact logs to help demonstrate the work you have done.

#### **What is a "Relatives Considered" Collateral?**

- A collateral should be created for every open case titled "Relatives Considered" (Relatives Considered will be entered in lieu of a name). "Relatives Considered" should be selected as a collateral contact when identifying information is being requested, a letter has been sent or received, a phone contact is made to a relative in response to the letter, a summary is being provided regarding a relative placement being considered and the reason it did or did not occur,

and/or when a meeting such as FAIR, or a court hearing has taken place in which relative contacts were discussed.

**If the placement provider does not meet the definition of relative above, does the family have to be licensed and do I need a waiver?**

- In order for placement to occur, the relative provider must be a relative within the sixth degree. When in doubt consult with a DFA worker, the Relative Care Specialist, and/or the Foster Care Program Specialist regarding the degree of kinship.
- Any individuals falling outside the sixth degree of blood or legal relationship will need to become licensed before a child/youth can be placed in their home.
- Relative Care Providers in need of financial assistance who are outside the fourth degree of kinship will need to apply for a Foster Family Care License to obtain assistance, as DFA does not provide assistance past the fourth degree.

**Does an individual need to obtain a Foster Family Care License to be a placement for the sibling of a relative child?**

- Pursuant to SSA 471(a)(29), all parents of a sibling to a child/youth, where such parent has legal custody of such sibling, are considered relatives. Even if the common parent of the 2 children has had his/her rights terminated, the children are still siblings and the parent with custody of the sibling is a relative to the child/youth who is in out-of-home care.
- Further, if half-siblings enter out-of-home placement, they are considered second-degree blood relatives to each other and they are considered relatives through affinity to the blood relative of their half sibling. A half sibling may be placed with the other half-sibling's relatives within the sixth degree of kinship without requiring licensure if the half-siblings are placed together.
- DFA may require licensure to receive financial assistance for the half-sibling.

**Regarding the local police check prior to placement; does this need to be documented in writing?**

- The request can be a verbal conversation with the local law enforcement agency without a written request or a written response, but the information must be documented in the Bridges Case Contact Log.

**Is there a specific form that should be used for Criminal Background Checks?**

- Staff may use the Foster Care Criminal Background Check form, which requires a \$10.00 fee for each form/individual to be checked.

**Does a Relative Care Agreement need to be completed if the child(ren)/youth are placed through an ICPC/ICJ?**

- If New Hampshire is the receiving state a Relative Care Agreement should be completed.
- If New Hampshire is the sending state, a Relative Care Agreement can be utilized as a tool for working with the family, or for the receiving state to work with the family.
- If New Hampshire is the receiving state the CPSW must ensure that they identify that the relative is an "ICPC placement" on the Form 2104.