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## 501 Kinship Services Philosophy, Active Search, And Preferences For Placement

### Major objectives:

- A. Child and Family Services 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. [§62A-4a-202.1](#). Entering home of a child – Taking a child into protective custody – Caseworker accompanied by peace officer – Preventive services – Shelter facility or emergency placement.

Utah Code Ann. [§62A-4a-209](#). Emergency placement.

Utah Code Ann. [§78A-6-306](#). Shelter hearing.

Utah Code Ann. [§78A-6-307](#). Shelter hearing – Placement – DCFS custody.

Utah Code Ann. [§78A-6-307.5](#). Post-shelter hearing placement of a child who is in division 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.

122 The caregiver's willingness and ability to care for and keep the child safe are  
123 fundamental. The kinship caregiver must have or acquire knowledge of the child, be  
124 able to meet the child's needs, support reunification efforts, and be able to provide the  
125 child access to parents, siblings, and other family members through visits or caring for  
126 the child and siblings as a group.

127  
128 Ongoing assessment of the child's safety, permanence, and well-being is important to  
129 the stability and value of kinship care. Ongoing assessment of safety is based on the  
130 components of safety decision-making, which include threats of harm, vulnerabilities of  
131 the child, and protective capacities of the kinship caregiver and their support system.

132  
133 Providing for kinship care in the Child and Family Services spectrum of services  
134 requires active efforts to identify and locate kin families with whom children may form or  
135 continue relationships at home or in temporary or permanent placements. Support to  
136 kinship caregivers is essential to the success of the child's placement with the family  
137 and to the family's ability to respond to the needs of the child. As members of the Child  
138 and Family Team, kinship caregivers will receive support from other family members  
139 and from informal and formal supports to provide for the child.

140

## 141 **501.2 Definitions**

142

143 A. Friend means an adult the child knows and is comfortable with. A friend does not  
144 meet the definition of a relative of the child as defined in Utah Code Ann. [§78A-6-](#)  
145 [307](#), and may be an extended relative of the child that is not included in the  
146 definition of relative. Child and Family Services will consider placement with a  
147 friend if one is designated by the custodial parent or legal guardian of the child,  
148 or the child has designated a friend for placement and is of sufficient maturity to  
149 articulate their wishes regarding placement.

150

151 B. Guardian is a person who has been appointed by a judge to take care of a minor  
152 child personally and/or manage that person's affairs until the child reaches  
153 majority at 18 years of age. The guardian (caregiver or responsible adult) has  
154 the authority to consent to the child's marriage; enlistment in the armed forces;  
155 major medical, surgical, or psychiatric treatment; and to legal custody, if legal  
156 custody is not vested in another person, agency, or institution. [See: Utah Code  
157 Ann. [§78A-6-105](#).]

158

159 C. Kinship caregiver means a non-custodial parent, relative, or friend as defined in  
160 this section, who is selected for placement and care of a child in Child and Family  
161 Services custody.

162

163 D. Non-custodial parent is a natural parent as defined in Utah Code Ann. [§78A-6-](#)  
164 [307](#) who is a biological or adoptive mother, an adoptive father, or a biological  
165 father who was married to the child's biological mother at the time the child was

166 conceived or born or who has had paternity established, and who has not been  
167 granted legal custody of the child.

168  
169 E. Preliminary Placement means an out-of-home placement with a non-custodial  
170 parent or relative, or a friend designated by the parent or child, if they are of  
171 sufficient maturity to articulate their wishes, with whom the child is comfortable  
172 with and is willing to become licensed as a foster parent as authorized in Utah  
173 Code Ann. [§78A-6-307](#) and [§62A-4a-209](#).

174 1. A Preliminary Placement caregiver who is a relative or is an ICWA-  
175 preferred placement may be married or cohabiting.

176 2. A Preliminary Placement caregiver who is a friend or extended relative  
177 must be married or single and not cohabiting.

178  
179 F. Relative is defined in Utah Code Ann. [§78A-6-307](#) as a relative who is the child's  
180 "grandparent, great-grandparent, aunt, great-aunt, uncle, great-uncle, brother-in-  
181 law, sister-in-law, stepparent, first cousin, stepsibling, sibling, or the first cousin of  
182 the parent," or an adult who is an adoptive parent of the child's sibling. For an  
183 Indian child, relative also includes an "extended family member" as defined by  
184 the Indian Child Welfare Act (ICWA), [Title 25, Chapter 21](#), which is "by the law or  
185 custom of the Indian child's tribe or, in the absence of such law or custom, will be  
186 a person who has reached the age of eighteen and who is the Indian child's  
187 grandparent, aunt, or uncle, brother or sister, brother-in-law or sister-in-law, niece  
188 or nephew, first or second cousin, or stepparent."

189

### 190 **501.3 Diligent Search For Kin And Written Notice**

191

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

201

202 Within 30 days of removal, the caseworker will initiate diligent searches to identify and  
203 locate missing parents, grandparents, relatives, and/or potential kinship caregivers. The  
204 caseworker will work with the Child and Family Team, designated kin locators, or region  
205 appointed persons to provide kin with notice that a child with whom they have a  
206 relationship is in the custody of Child and Family Services.

207

208 Caseworker Responsibilities

- 209 A. The caseworker will conduct a diligent and reasonable search to locate potential  
210 kinship caregivers (including the child's non-custodial parent, grandparents, other  
211 adult relatives, adults who are adoptive parents of the child's sibling, or friends  
212 willing to care for the child, by taking as many of the following steps as  
213 necessary:
- 214 1. Interview the custodial parent or guardian to obtain the names, addresses,  
215 and telephone numbers of all potential kinship caregivers (including  
216 adoptive parents of the child's siblings) or friends who may be able to  
217 provide care for the child, or who may be a resource to a kinship caregiver  
218 or friend that will have the child placed with them. Utilize tools such as  
219 genograms, social network mapping, and others, supporting the  
220 identification of possible kinship placements and connections.
    - 221 a. If a custodial parent or guardian objects to Child and Family  
222 Services contacting a potential kinship caregiver, the supervisor  
223 and the caseworker may assess whether to still contact the  
224 potential kinship caregiver by considering the following factors:
      - 225 (1) If the safety of the child or the custodial parent or guardian  
226 will be jeopardized if the potential kinship caregiver is  
227 contacted.
      - 228 (2) If contacting the potential kinship caregiver is in the best  
229 interest of the child.
      - 230 (3) If contacting the potential kinship caregiver will substantially  
231 limit Child and Family Services' ability to work with the  
232 custodial parent or guardian to the detriment of the child.
    - 233 b. Searches are required with or without parental consent, subject to  
234 exceptions due to family violence or domestic violence. If the  
235 custodial parent or guardian is uncooperative in providing the  
236 names of potential kinship caregivers or friends who may have the  
237 child placed with them, the caseworker may contact the Assistant  
238 Attorney General (AAG) to request the court to order the custodial  
239 parent to provide the names of all potential kinship caregivers  
240 within five working days.
  - 241 2. Interview the child for names, addresses, and telephone numbers of  
242 relatives or friends with whom the child is comfortable. If the child is of  
243 sufficient maturity to articulate their wishes regarding placement, Child and  
244 Family Services will consider relatives or friends designated by the child.  
245 If the basis for removing the child is sexual abuse of the child as described  
246 in Utah Code Ann. [§78A-6-105](#), the child's wishes for placement shall take  
247 preference.
  - 248 3. Ask participants at a Child and Family Team Meeting to help identify other  
249 potential kinship caregivers or friends who may be willing and able to care  
250 for the child.



- 251 a. Any relative or friend attending a Child and Family Team Meeting  
252 will be provided with the Kinship Notification Letter and the Kinship  
253 Pamphlet.
- 254 4. Interview and engage known maternal and paternal relatives or friends of  
255 the child.
- 256 5. Conduct a search in SAFE on the parents to determine if the parent has  
257 had previous cases with Child and Family Services where the child has  
258 been adopted. If possible, obtain the contact information of the adoptive  
259 parent.
- 260 6. As early as possible, contact the Native American tribe's ICWA  
261 caseworker to request names, telephone numbers, and addresses of  
262 possible kin for any eligible Indian child, then follow-up with tribal  
263 placement preferences during case development.
- 264 7. The caseworker will collaborate with the kin locator or region-appointed  
265 person to complete diligent searches on relatives and friends as defined in  
266 Utah Code Ann. [§78A-6-307](#). Notices will be sent to all known relatives  
267 within 30 days of the removal. ~~Continued searches will be made and~~  
268 ~~notices sent or given throughout the case until a kinship placement and~~  
269 ~~connections have been found and are engaged in the Child and Family~~  
270 ~~Team.]Continued searches will be made and notices provided throughout~~  
271 ~~the case until it is determined that the child is in a kinship placement that~~  
272 ~~will be permanent. If there is a disruption in a placement, the Child and~~  
273 ~~Family Team will look back at kinship options and resume search and~~  
274 ~~engagement activities.~~
- 275
- 276 B. The caseworker will contact the identified potential kinship caregivers or friends  
277 by telephone or in person, asking if they would like to be considered as a  
278 placement for the child, disclosing only the information necessary to assess their  
279 interest and/or to help identify additional kinship caregivers or friends who may  
280 have the ability to have the child placed with them. The potential kinship  
281 caregiver or friend will be informed that the information discussed is confidential  
282 and will only be used by Child and Family Services to address the best interests  
283 of the child.
- 284
- 285 C. The caseworker/kin locator or region-appointed person will provide written notice,  
286 including the [Kinship Pamphlet](#) to a non-custodial parent, all grandparents, and  
287 other adult relatives (including an adult who is an adoptive parent of the child's  
288 sibling) known to Child and Family Services or suggested by the legal parents  
289 within 30 days of removal, except when family or domestic violence justifies not  
290 providing notice. The written notice will:
- 291 1. Specify that the child has been or is being removed from the custody of  
292 the parent or parents of the child;
- 293 2. Explain the rights, responsibilities, and options the relative has under  
294 federal, state, or local law to participate in the care and placement of the

- 295 child, including any options that may be lost by failing to respond to the  
296 notice; and  
297 3. Describe the requirements to become a licensed resource family or to  
298 request court-ordered **custody and** guardianship and any additional  
299 services and supports that are available for children placed in a kinship  
300 caregiver home.  
301

302 The caseworker will continue to search for kinship caregivers and connections  
303 throughout the case, engaging relatives and friends, and inviting them to be part  
304 of the Child and Family Team.  
305

306 Kinship searches are required when children are not placed with kin and are in  
307 custody for over 12 months with no permanency options, or if there is any  
308 disruption or change in placement unless a kinship search was done within the  
309 past 90 days.  
310

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

- 313 1. Record all identified relatives or friends in SAFE located in the Person  
314 Screen under the Relationships tab.  
315 2. The ongoing caseworker will make phone or face-to-face contact and  
316 engage with kin/friends who have expressed interest in being involved  
317 with the child.  
318 3. Responses to the Notification to Kin Letters will be uploaded in SAFE in  
319 the current case. The hardcopies will be filed in the green binder under  
320 the kinship tab.  
321 4. If the caseworker identifies a new relative or friend and needs contact  
322 information, a new search for this kinship option will be completed by the  
323 kin locator.  
324

325 Kin Locator or Region-Appointed Person Responsibilities:

326 A. The kin locator or region-appointed person will collaborate with the caseworker to  
327 initiate searches for relatives and friends in order to provide notice within 30 days  
328 of removal for all known relatives. Other relatives may be identified later in the  
329 case and will be given the Notice to Relative Letter and the Kinship Pamphlet,  
330 and their information will be documented in SAFE.  
331

332 B. Kinship searches will be referred to the kin locator by the caseworker. Searches  
333 include:

- 334 1. Interviews of the parents, the child, and other family and friends.  
335 2. A genogram or other family finding tools used during an interview or Child  
336 and Family Team Meeting.  
337 3. A check of the Utah Child Welfare database.  
338 4. Social media.



- 339 5. Vital Records.  
340 6. Eshare.  
341 7. Office of Recovery Services (ORS).  
342 8. Search of public records using CLEAR search program with Thomson  
343 Reuters. This search will be completed for all children who come into Child  
344 and Family Services custody and will include maternal, paternal, and  
345 adoptive relatives.  
346 9. Returned Notice to Relative Letters.  
347  
348 C. Provide written notice (Notification to Relative Letter) to a non-custodial parent,  
349 all grandparents, all adoptive parents of the child's siblings, and other adult  
350 relatives known to Child and Family Services or suggested by the legal parents  
351 within 30 days of removal, except when family or domestic violence justifies not  
352 providing notice. The written notice will:  
353 1. Specify that the child has been or is being removed from the custody of  
354 the parent or parents of the child;  
355 2. Explain the options the relative has under federal, state, or local law to  
356 participate in the care and placement of the child, including any options  
357 that may be lost by failing to respond to the notice; and  
358 3. Describe the requirements to become a licensed resource family or to  
359 request court-ordered ~~custody and~~ guardianship and any additional  
360 services and supports that are available for children placed in a kinship  
361 caregiver home.  
362  
363 D. Record all identified relatives or friends in SAFE located in the Relationships tab.  
364  
365 E. Log returned Notification to Relatives response letters in SAFE Person Screen.  
366  
367 F. Forward all returned Notification to Relatives letters to the caseworker for follow  
368 up. File these forms in the client's green binder under the kinship section and/or  
369 upload them into the child's case in SAFE.  
370  
371 G. If unable to identify or locate a non-custodial parent or family member:  
372 1. The authorized Child and Family Services worker must complete the ORS  
373 Kinship Locate Request form for each child (if kinship locate services are  
374 being requested for more than one child). All kinship locate requests must  
375 contain the following information:  
376 a. The child's name;  
377 b. The child's date of birth or Social Security Number;  
378 c. The individual's name;  
379 d. The individual's relationship to the child; and,  
380 e. The individual's date of birth or social security number.  
381 [See: Administrative Rules [R495-884-3](#) and [R495-884-4](#).]

- 382 2. The Child and Family Services worker must provide the person's  
383 relationship to the child.
- 384 3. Once the form is complete, the Child and Family Services worker will  
385 email it to [orskinshiplocator@ors.gov](mailto:orskinshiplocator@ors.gov).
- 386 4. Urgent requests: If there is an emergency situation that requires  
387 immediate attention, the Child and Family Services worker will mark the  
388 email request as a High Priority in the subject line. If an individual is not  
389 known to the ORS information system, it is not possible to receive a quick  
390 response, even in a high priority situation.
- 391 5. Information received from ORS regarding a child: If the request for kinship  
392 locate is for the child, ORS may provide Child and Family Services with  
393 the name, date of birth, Social Security Number, and any paternity  
394 information for the child, if available.
- 395 6. Questions about the kinship locate process should be sent to the Child  
396 and Family Services state kinship program administrator, who will contact  
397 the ORS Child Support Policy and Training Unit, if necessary.  
398

#### 501.4 Preferences For Placement

- 400
- 401 A. If parents share legal joint custody of a child but do not live together and Child  
402 and Family Services has determined that the child must be removed from one  
403 parent, protective custody is invoked. The child may be placed with the other  
404 parent according to the Preliminary Placement requirements for a non-custodial  
405 parent. Using the components of safety decision-making, determine with the  
406 other parent the supports necessary to keep the child safe. Report the legal joint  
407 custody status of the other parent to the court at the shelter hearing for the judge  
408 to make a decision about releasing the child to the other parent or ordering the  
409 child into Child and Family Services custody.  
410
- 411 B. The following order of preference shall be applied when determining the person  
412 with whom a child will be placed in an emergency placement, provided that the  
413 person is willing and has the ability to care for the child, and is subject to the  
414 child's best interest:
  - 415 1. A noncustodial parent of the child in accordance with Utah Code Ann.  
416 [§78A-6-307](#).
  - 417 2. A relative.
  - 418 3. A friend designated by the custodial parent, guardian, or the child, if the  
419 child is of sufficient maturity to articulate the child's wishes in relation to a  
420 placement.
  - 421 4. Former foster placement, or other foster placement designated by Child  
422 and Family Services.
  - 423 5. A shelter facility.  
424

- 425 C. In determining whether a friend is a willing and appropriate temporary emergency  
426 placement for a child, Child and Family Services:
- 427 1. Is required to consider no more than one friend designated by each parent  
428 or legal guardian of the child and one friend designated by the child, if the  
429 child is of sufficient maturity to articulate the child's wishes in relation to a  
430 placement;
  - 431 2. May limit the number of designated friends to two, one of whom shall be a  
432 friend designated by the child, if the child is of sufficient maturity to  
433 articulate the child's wishes in relation to a placement; and
  - 434 3. Shall give preference to a friend designated by the child, if:  
435 (a) the child is of sufficient maturity to articulate the child's wishes; and  
436 (b) Child and Family Services' basis for removing the child under Utah  
437 Code Ann. [§78A-6-307](#) is sexual abuse of the child.  
438
- 439 D. An eligible Indian child must be placed within the foster/pre-adoptive placement  
440 preferences established by ICWA:
- 441 1. A non-custodial parent of the child.
  - 442 2. Member of the child's extended family, according to the tribe's customary  
443 definition of extended family ([25 U.S.C. §1903\(2\)](#)).
  - 444 3. Foster home licensed, approved, or specified by the Indian child's tribe.
  - 445 4. Indian foster home licensed or approved by an authorized non-Indian.
  - 446 5. An institution for children approved by an Indian tribe or operated by an  
447 Indian organization that has a program suitable to meet the child's needs.
  - 448 6. If none of the above is possible, the child may be placed in a non-Indian  
449 foster home or other appropriate out of home placement.  
450
- 451 E. The selection of a placement will be consistent with the child's needs, first taking  
452 into consideration preference of placement found above. The type of out-of-  
453 home placement for the child, either the initial placement or change in placement,  
454 will be determined within the context of the Child and Family Team. Placement  
455 decisions will be made based upon best interests of the child, which will include  
456 the needs of the child and reducing the trauma of out-of-home care. The  
457 following considerations will be taken into account [~~these are in no particular  
458 order, rather they will be considered in the context of each case and situation~~]:
- 459 1. Approved background screening requirements specified in Administrative  
460 Rule [R512-500](#).
  - 461 2. Sufficient information to determine whether:
    - 462 a. The relative or friend has any history of abusive or neglectful  
463 behavior toward other children that may indicate or present a  
464 danger to this child;
    - 465 b. The child is comfortable with the relative or friend;
    - 466 c. The relative or friend recognizes the parent's history of abuse and  
467 is committed to protect the child;

- 468 d. The relative or friend is strong enough to resist inappropriate  
469 requests by the parent for access to the child, in accordance with  
470 court orders;
- 471 e. The relative or friend is committed to caring for the child as long as  
472 necessary; and
- 473 f. The relative or friend can provide a secure and stable environment  
474 for the child.
- 475 3. Assessment of safety will be based on safety decision-making principles,  
476 which include:
- 477 a. Potential threats of harm;
- 478 b. Vulnerabilities of the child; and
- 479 c. Protective capacities of the potential kinship caregiver and their  
480 support system.
- 481 4. The limited home inspection specified in Utah Code Ann. [§62A-4a-209](#) is  
482 required for a non-custodial parent, relative, or friend. The limited home  
483 inspection is conducted in the home of the prospective kinship caregiver to  
484 determine if there are apparent safety risks in the home that present a  
485 potential threat of harm to the child. The limited home inspection  
486 determines if the following are met:
- 487 a. The home is free from observable health and fire hazards.
- 488 b. There are adequate sleeping arrangements to meet the specific  
489 needs of each child.
- 490 c. Any firearms, ammunition, hazardous chemicals, and/or  
491 medications are secured and not accessible to children.
- 492 5. References may be contacted to obtain input regarding placing the child  
493 with the potential kinship caregiver or information about other available  
494 relatives or friends who may care for the child.
- 495 6. Other considerations:
- 496 a. Is the relative committed to supporting reunification with the  
497 parents?
- 498 b. Does the relative live in reasonable proximity to the child's home?
- 499 c. Siblings placed together unless there is a safety concern **or special**  
500 **circumstances**.
- 501 d. If the child's siblings were previously adopted, could the adoptive  
502 family provide permanency for this child?
- 503 e. Educational needs, including proximity to the child's school and  
504 child's need for maintaining connections to school.
- 505 f. Cultural factors, language, and religion specific to the child.
- 506 g. Existing relationship between the child and a caregiver.
- 507 h. Is the kin caregiver committed to maintaining a connection with  
508 siblings and relatives, including both sides of the family?
- 509 i. Health and mental health needs, both for the child and the potential  
510 kinship caregiver.

- 511                   j.       Potential for ongoing care or permanency with the caregiver to  
512                   prevent unnecessary changes in placement.  
513
- 514 F.       Paternal and maternal relatives are to be considered equally when assessing for  
515           the best placement for the child.  
516
- 517 G.       For the purpose of a Preliminary Placement, siblings who have only one parent in  
518           common may be placed together with the sibling's relative, if it is in the unrelated  
519           sibling's best interests. The relative will meet the Preliminary Placement  
520           requirements for a relative. Pursuit of a foster care license will be recommended  
521           to the caregiver if this is the selected ongoing placement for the child.  
522
- 523 H.       When choosing from multiple placement options, the Child and Family Team will  
524           try to reach a consensus as to which kinship placement would be the most  
525           appropriate for the child using consideration listed above.  
526
- 527 I.       A potential kinship caregiver will not automatically be excluded from  
528           consideration for Preliminary Placement of a child in Child and Family Services  
529           custody due to factors that may prevent them from becoming licensed through  
530           the Office of Licensing, such as a citizenship status that is undocumented.  
531
- 532 J.       Preferential consideration means the Child and Family Team will consider the  
533           relative/friend for selection as a possible placement for the child, but does not  
534           guarantee that more than one potential kinship caregiver/friend will have  
535           background screening, limited home inspection, a Child-Specific Home Study, or  
536           that the child will be placed with the kinship caregiver/friend. Documentation of  
537           consideration and selection of potential kinship caregivers/friend by the Child and  
538           Family Team will be maintained in SAFE in Child and Family Team notes.  
539
- 540 K.       Preferential consideration given to kinship caregivers in Utah Code Ann. [§78A-6-](#)  
541           [307](#) expires 120 days from the date of the shelter hearing or, if no shelter hearing  
542           was held, then from the date the child was ordered into the custody of Child and  
543           Family Services. The Child and Family Team may consider potential kinship  
544           caregivers for placement after the 120 days has lapsed if it is in the best interest  
545           of the child. [\[See: Administrative Rule R512-42, Adoption by a Relative.\]](#)  
546
- 547 ~~[L. — A child's parent or relative who was unaware of the child's removal and did not~~  
548 ~~come forward within the first 120 days after the day on which the shelter hearing~~  
549 ~~is held may be considered as long as the following apply:~~  
550 ~~1. — The parent or relative has a significant and substantial relationship with~~  
551 ~~the child;~~  
552 ~~2. — The child is not placed with a relative or is placed with a relative that is~~  
553 ~~unable or unwilling to adopt the child;~~

- 554 ~~3. The parent or relative has been actively involved with Child and Family~~  
555 ~~Services during reunification services; and~~  
556 ~~4. The parent or relative has filed a written statement with the court within 30~~  
557 ~~days after the day on which the court terminated reunification services that~~  
558 ~~includes a request for immediate placement of the child and expresses the~~  
559 ~~intent of the parent to assume full custody or the relative to adopt the~~  
560 ~~child.]~~

561  
562 **[M.]L.** Preferential consideration may be given to a friend if the friend is willing to  
563 become a licensed foster parent and is actively working towards licensure within  
564 120 days of the shelter hearing, or if no shelter hearing was held, within 120 days  
565 of the child being ordered into the custody of Child and Family Services. [See:  
566 Practice Guidelines [Section 502.8.](#)]  
567

## 568 **501.5 Factors That May Delay Placement Or Hinder Permanency**

569

570 When selecting a kinship caregiver, consideration will be given to factors that may result  
571 in a delay of placement or that may hinder progress towards the child's permanency  
572 goals. Factors of concern will be communicated to the potential kinship  
573 caregiver/friend, which may lead them to recommend a different kinship caregiver/friend  
574 to prevent a delay in placement or to better support potential permanency options.  
575

- 576 A. Previous Child Abuse or Neglect Finding or Criminal History: Placement will  
577 likely be delayed if any adult in the home of the potential kinship caregiver/friend  
578 has had a previous child abuse or neglect finding or criminal history because  
579 more extensive identity verification and evaluation of threat of harm to a child is  
580 required. The kinship caregiver/friend will also be required to obtain and provide  
581 legal documents further explaining the criminal history. In addition, a Region  
582 Background Screening Committee will likely be required to evaluate the history  
583 before a decision regarding approval or denial can be made.  
584
- 585 B. Out of Area/Out of State: If the potential kinship caregiver/friend lives out of the  
586 area, reunification efforts could be impacted by distance. Also, if the kinship  
587 caregiver/friend lives out of state, a significant amount of time may be required to  
588 complete the Interstate Compact for the Placement of Children (ICPC)  
589 requirements, including an out of state background screening and home study,  
590 which must be met prior to placement.  
591
- 592 C. Inability to Qualify for Adoption or as a Foster Parent:  
593 1. If child abuse findings or criminal history do not meet the standards for the  
594 Office of Licensing, a kinship caregiver/friend would not be able to qualify  
595 for ongoing care of the child as a licensed foster parent or for adoption  
596 assistance, if that becomes the plan for the child.



597           2.     If a kinship caregiver/friend is not able to provide documentation to show  
598                   U.S. citizenship or residential status, ongoing care as a licensed foster  
599                   parent and adoption assistance may not be an option; potential arrest or  
600                   deportation may also be a concern.

601  
602     If a decision is made in any of these types of circumstances to recommend **custody and**  
603     **guardianship** to the kinship caregiver/friend, the court must be fully educated on the  
604     risks and limitations for permanency.  
605

## 502 Kinship Services - Preliminary Placement

### Major objectives:

- A. Child and Family Services 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 Child and Family Services 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 plans for visitation for the

### Applicable Law

Utah Code Ann. [§62A-2-120](#). Criminal background checks – Direct access to children or vulnerable adults.

Utah Code Ann. [§62A-4a-202.1](#). Entering home of a child – Taking a child into protective custody – Caseworker accompanied by peace officer – Preventive services – Shelter facility or emergency placement.

Utah Code Ann. [§62A-4a-209](#). Emergency placement.

Utah Code Ann. [§62A-4a Part 7](#). Interstate Compact on the Placement of Children.

Utah Code Ann. [§78A-6-306](#). Shelter hearing.

Utah Code Ann. [§78A-6-307](#). Shelter hearing – Placement – DCFS custody.

Utah Code Ann. [§78A-6-307.5](#). Post-shelter hearing placement of a child who is in division custody.

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

### 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 Child and Family Services

650 custody safe while the Child and Family Team makes decisions regarding the child's  
651 ongoing care and determines what steps are necessary to promote the safety, well-  
652 being, stability, and permanency of the child. Preliminary Placement with a kinship  
653 caregiver or friend is preferred over crisis care and may be considered for emergency  
654 foster care to avoid the use of another out-of-home placement with a caregiver who is  
655 unfamiliar to the child. The Preliminary Placement may also remain as the child's  
656 ongoing placement with the kinship caregiver becoming a licensed foster parent or  
657 being granted ~~custody and~~ guardianship ~~by the court~~. The Preliminary Placement may  
658 also remain as the child's ongoing placement with the friend becoming a licensed foster  
659 parent. Child and Family Services may not recommend that friends be granted ~~custody~~  
660 ~~and~~ guardianship of the child.

661  
662 A Preliminary Placement may be made while a child is in protective custody prior to a  
663 shelter hearing or after a court has ordered a child into the custody of Child and Family  
664 Services. A Preliminary Placement may continue while an evaluation is conducted and  
665 a plan is formed for ongoing care of the child.

666  
667 If it is determined that the Preliminary Placement will not be the ongoing placement for  
668 the child, the Preliminary Placement may assist in transitioning the child to an ongoing  
669 caregiver.

## 671 **502.2 Selection Of Kinship Caregiver For Preliminary Placement**

672  
673 Child and Family Services, with the Child and Family Team is primarily responsible to  
674 select a kinship caregiver/friend for Preliminary Placement, taking into account  
675 preferences for placement, the best interest of the child, the kinship caregiver/friend's  
676 ability to meet qualifying requirements, and factors that may delay placement, result in  
677 multiple moves, or hinder progress towards the child's permanency goals.

678  
679 Out-of-Home Practice Guidelines [Section 300](#) apply during a Preliminary Placement  
680 with the following exceptions:

681  
682 A. Traditional foster care placement screening or legal risk screening for  
683 foster/adoptive placements are not required when Preliminary Placement with a  
684 kinship caregiver/friend is being considered.

685  
686 B. No crisis care or residential screening processes are required.

687  
688 The kinship caregiver will be at least 18 years of age; age 21 years or older is preferred  
689 because of age requirements to be licensed as a child-specific foster parent. A friend  
690 would be required to be aged 21 due to the requirement for them to obtain a foster  
691 parent license. In the event a non-custodial parent is younger than age 18 years, care  
692 must be given that the non-custodial parent has a permanent residence and sufficient

693 means to care for and ensure the safety of the child, preferably with a responsible  
694 relative or other adult.

695  
696 It may be necessary for the child to receive temporary care while background screening  
697 and a limited home inspection are being completed, or while waiting for the non-  
698 custodial parent, kinship caregiver, or friend to arrive to pick up the child. This care may  
699 be provided at sites identified by the region such as a crisis care facility or home, family  
700 support center, or other appropriate location.

701  
702 **502.3 Background Screening Requirements For Preliminary**  
703 **Placement And Ongoing Care Regarding Non-Custodial Parent And**  
704 **Kinship Caregivers**

- 705  
706 A. PRELIMINARY PLACEMENT With Non-Custodial Parent: The following  
707 background screenings are required for the non-custodial parent and all  
708 individuals living in the home of the non-custodial parent.
- 709 1. If the child is being placed with a non-custodial parent, the following  
710 checks may be completed for the non-custodial parent and any other  
711 individuals living in the home before or within one day after a child is  
712 placed, excluding weekends and holidays, if based upon a limited  
713 investigation Child and Family Services determines that:
    - 714 a. The non-custodial parent has regular, unsupervised visitation with  
715 the child that is not prohibited by law or court order; and
    - 716 b. Based on the caseworker's best judgment and analysis of available  
717 information, there is no reason to believe that the child's health or  
718 safety will be endangered by making the placement prior to the  
719 background screening being completed.
  - 720 2. Utah Criminal History Bureau of Criminal Identification (BCI): A non-  
721 fingerprint-based Utah BCI criminal history check must be approved for  
722 the non-custodial parent and all adults age 18 years and older living in the  
723 home.
  - 724 3. Child and Adult Abuse and Neglect History Checks through SAFE: SAFE  
725 background checks for child and adult abuse and neglect must be  
726 approved for the non-custodial parent and all individuals living in the  
727 home.
  - 728 4. Juvenile Criminal History: A name-based check through the Utah Criminal  
729 Justice System (UCJIS) must be approved for the non-custodial parent  
730 and all adults age 18 years and older living in the home.
    - 731 a. A name-based check through the UCJIS must be approved for all  
732 individuals age 12 to 17 years old living in the home of the non-  
733 custodial parent.
  - 734 5. The following background screenings are not required for the non-  
735 custodial parent, but Child and Family Services may require any of these

- 736 checks if Utah criminal history or SAFE child abuse checks result in  
737 concerns about potential threat of harm to the child.
- 738 a. Federal Bureau of Investigation (FBI) Fingerprint-Based  
739 Criminal History Check.
- 740 b. Out of State Child Abuse Registry Check.
- 741
- 742 B. PRELIMINARY PLACEMENT With Kinship Caregiver Relative: The following  
743 background screenings are required for the kinship caregiver relative and all  
744 individuals living in the home of the kinship caregiver relative PRIOR to  
745 placement of a child.
- 746 1. Utah Criminal History Bureau of Criminal Identification (BCI): A non-  
747 fingerprint-based Utah BCI criminal history check must be approved for  
748 the kinship caregiver relative and all adults age 18 years and older living in  
749 the home.
- 750 2. Child and Adult Abuse and Neglect History Checks through SAFE: SAFE  
751 background checks for child and adult abuse and neglect must be  
752 approved for the kinship caregiver relative and all individuals living in the  
753 home.
- 754 3. Juvenile Criminal History: A name-based check through the Utah Criminal  
755 Justice System (UCJIS) must be approved for the kinship caregiver  
756 relative and all adults age 18 years and older living in the home.
- 757 a. Juvenile Criminal History: A name-based check through the UCJIS  
758 must be approved for all individuals age 12 to 17 years old living in  
759 the home of the kinship caregiver relative.
- 760
- 761 C. ONGOING CARE With Kinship Caregiver Relative: The following background  
762 screenings are required for the kinship caregiver relative and all adults age 18  
763 years and older living in the home but may be completed AFTER placement of  
764 child has occurred.
- 765 1. Federal Bureau of Investigation (FBI) Fingerprint-Based Criminal History  
766 Check:
- 767 a. Live Scan fingerprint scanning must be completed or fingerprint  
768 cards submitted within 10 business days after placement of the  
769 child.
- 770 2. Out of State Child Abuse Registry Check: An out of state child abuse  
771 registry check is required for any state in which the relative or other adult  
772 age 18 years and older living in the home has lived in the previous five  
773 years.
- 774
- 775 D. PRELIMINARY PLACEMENT With Kinship Caregiver Friend BEFORE  
776 SHELTER HEARING: The following background screenings are required for the  
777 kinship caregiver friend and all individuals living in the home PRIOR to placement  
778 of a child.

- 779 1. Utah Criminal History Bureau of Criminal Identification (BCI): A non-  
780 fingerprint-based Utah BCI criminal history check must be approved for  
781 the kinship caregiver friend and all adults age 18 years and older living in  
782 the home.
- 783 2. Child and Adult Abuse and Neglect History Checks through SAFE: SAFE  
784 background checks for child and adult abuse and neglect must be  
785 approved for the kinship caregiver friend and all individuals living in the  
786 home.
- 787 3. Juvenile Criminal History: A name-based check through the Utah Criminal  
788 Justice System (UCJIS) must be approved for the kinship caregiver friend  
789 and all adults age 18 years and older living in the home.
- 790 a. Juvenile Criminal History: A name-based check through the UCJIS  
791 must be approved for all individuals age 12 to 17 years old living in  
792 the home of the kinship caregiver friend.
- 793 (1) Federal Name-Based Check: A federal name-based  
794 criminal history check through Interstate Identification Index  
795 (III) must be approved for the kinship caregiver friend and all  
796 adults age 18 years and older living in the home.  
797
- 798 E. ONGOING CARE With Kinship Caregiver Friend When Placement Occurred  
799 BEFORE Shelter: The following background screenings are required for the  
800 kinship caregiver friend and all adults living in the home but may be completed  
801 AFTER placement of child has occurred.
- 802 1. Federal Bureau of Investigation (FBI) Fingerprint-Based Criminal History  
803 Check: A fingerprint-based criminal history check for the kinship caregiver  
804 friend and all adults age 18 years and older living in the home.
- 805 a. Live scan fingerprinting must be completed or fingerprint cards  
806 submitted within 15 calendar days of III check being completed.
- 807 b. If the kinship caregiver friend or any adults age 18 years or older  
808 living in the home fail to complete live scan fingerprinting within the  
809 designated time frame, then the child shall immediately be removed  
810 from the home [see: Practice Guidelines [Section 301.2](#)].
- 811 2. Out of State Child Abuse Registry Check: An out of state child abuse  
812 registry check is required for any state in which a kinship caregiver friend  
813 or other adult age 18 years and older living in the home has lived in the  
814 previous five years.  
815
- 816 F. PRELIMINARY PLACEMENT With Kinship Caregiver Friend AFTER SHELTER  
817 HEARING: The following background screenings are required for the kinship  
818 caregiver friend and all individuals living in the home PRIOR to placement of a  
819 child.
- 820 1. Federal Bureau of Investigation (FBI) Fingerprint Based Check: A  
821 fingerprint-based criminal history check for the kinship caregiver friend and  
822 all adults age 18 years and older living in the home.



- 823 2. Child and Adult Abuse and Neglect History Checks through SAFE: SAFE  
824 background checks for child and adult abuse and neglect must be  
825 approved for the kinship caregiver friend and all individuals living in the  
826 home.
- 827 3. Juvenile Criminal History: A name-based check through the Utah Criminal  
828 Justice System (UCJIS) must be approved for the kinship caregiver friend  
829 and all adults age 18 years and older living in the home.
- 830 a. Juvenile Criminal History: A name based check through the UCJIS  
831 must be approved for all individuals age 12 to 17 years old living in  
832 the home of the kinship caregiver friend.  
833
- 834 G. ONGOING CARE With Kinship Caregiver Friend When Placement Occurred  
835 AFTER Shelter: The following background screenings are required for the  
836 kinship caregiver friend and all adults living in the home but may be completed  
837 AFTER placement of child has occurred.
- 838 1. Out of State Child Abuse Registry Check: An out of state child abuse  
839 registry check is required for any state in which a kinship caregiver friend  
840 or other adult age 18 years and older living in the home has lived in the  
841 previous five years.
- 842 2. Friend or Extended Family Member: In cases where a placement is made  
843 with a friend or kinship caregiver that is already a licensed foster parent,  
844 no additional background screening is required for Preliminary Placement  
845 or as part of the evaluation of capacity for ongoing care of the child, unless  
846 there is valid reason to believe that the information obtained through the  
847 licensing process may no longer be complete. The background screening  
848 has already been completed as a part of the licensure process.  
849
- 850 H. Option to Require Additional Background Screening Prior to Placement: Child  
851 and Family Services may require a fingerprint-based national criminal history  
852 check, out of state child abuse registry check, or out of country criminal history  
853 check prior to placing a child in a Preliminary Placement with a kinship  
854 caregiver/friend when there is reason to believe that the additional background  
855 screening may be necessary to prevent threat of harm for the child.
- 856 a. If out of country documentation is needed, the following can be accepted.  
857 Note that the United States territories of Puerto Rico, American Samoa,  
858 United States Virgin Islands, and Guam are considered outside of the  
859 United States. Contact information for embassies of countries outside of  
860 the United States can be obtained at <http://www.embassy.org/embassies/>.
- 861 (1) A criminal history report from each country lived in; or  
862 (2) A letter of honorable release from the United States Military or full-  
863 time ecclesiastical service, from each country lived in; or  
864 (3) Other written verification of criminal history from each country lived  
865 in or efforts to obtain such history.  
866

867 Examples of circumstances in which additional background screening may be  
868 appropriate include need for verification of identity for a non-fingerprint-based  
869 Utah BCI criminal history report, indication of multi-state offense on the Utah BCI  
870 criminal history report, recent move to Utah, suspicious behavior or  
871 circumstances, or concerns regarding out of state criminal or abuse activity  
872 reported by a person known to the individual.  
873

### 874 **502.3a Requirements For Unsupervised Access To A Child In Care**

- 875
- 876 A. Background screenings must be completed for anyone who has unsupervised  
877 access to a child in care over five hours a week, including respite, child care, and  
878 babysitting. [See: Practice Guidelines [Section 305.2](#).] Before care is provided,  
879 information must be shared with the respite caregiver to ensure the child's needs  
880 are met.  
881
- 882 B. Background check requirements for respite care in any licensed homes: DCFS  
883 will not pay for the live scan fee. This check is completed by the Office of  
884 Licensing.
- 885 1. Complete FBI Finger Prints Cards (two hardcopy cards).
  - 886 2. Complete non-foster care Background Screening Application.
  - 887 3. Submit cards, Background Screening Application, and check for fee to  
888 local licensor of licensed home.
  - 889 4. Respite, child care, and babysitting may be provided by:
    - 890 a. Licensed out-of-home caregivers.
    - 891 b. Licensed specific out-of-home caregivers (care can only be  
892 between licensed kinship caregivers known to the children).
    - 893 c. Temporary placement in a licensed facility (Christmas Box House,  
894 Family Support Center).
    - 895 d. Home of a licensed child care provider (must be licensed through  
896 the Department of Health, Child Care Licensing Program).  
897
- 898 C. Background check processes for unlicensed homes: This background check is  
899 completed by the Office of Licensing via the Child and Family Services TAC.
- 900 1. Process when Child and Family Services is paying for applicants' live  
901 scans (up two applicants per unlicensed home):
    - 902 a. Complete FBI fingerprinting at Child and Family Services' location  
903 under B1561 code (\$10 fee applies).
    - 904 b. Send non-foster care Background Screening Application, ID, and  
905 Social Security Card to region TAC.
    - 906 c. Region TAC will submit Background Screening Application, ID,  
907 Social Security Card, and respite checklist (form PR23) to State  
908 Office background screening coordinator.
    - 909 d. State Office background screening coordinator will send approved  
910 Background Screening Applications back to region TAC.

- 911 e. Walk-through will be completed by Child and Family Services.  
912 2. Process when Child and Family Services is not paying for applicants live  
913 scans:  
914 a. Complete FBI Fingerprints Cards (two hardcopy cards).  
915 b. Complete non-foster care Background Screening Application.  
916 c. Region TAC will submit cards, Background Screening Application,  
917 ID, Social Security Card, respite checklist (form PR23), and check  
918 for fee to State Office background screening coordinator.  
919 d. State Office background screening coordinator will send approved  
920 Background Screening Applications back to region TAC.  
921 e. Walk-through will be completed by Child and Family Services.  
922
- 923 D. Visitation with child's non-licensed relative to maintain connections (includes  
924 overnight): Background check completed by region TAC.  
925 1. First obtain court-approved visitation.  
926 2. Using KBS02 form, region TAC will complete the checks below:  
927 a. Utah Criminal.  
928 b. Child and Adult Abuse, and LIS check.  
929 c. FBI fingerprints to be completed at a Child and Family Services  
930 location under B1561 (\$10 fee still applies).  
931 d. Walk-through will be completed by Child and Family Services.  
932
- 933 E. Respite care for a licensed specific foster home, an unlicensed home, and  
934 visitation with a relative can take place in the respite caregivers' home after  
935 meeting the background screening and walk-through requirements above. For  
936 general licensed foster care homes, respite must take place in the licensed  
937 home.  
938
- 939 F. Normalcy applies specifically to extracurricular, enrichment, or social activities  
940 that are age-appropriate for the child. This includes school, recreational, and  
941 peer activities that enrich a child's whole development and gives them access to  
942 similar experiences as their peers. Reasonable and prudent parenting standards  
943 apply when the caregiver is making decisions regarding which activities a child  
944 can participate in. Normalcy is NOT an over-arching philosophy to determine  
945 what is "normal" for a family. The requirements of respite, child care, and  
946 babysitting apply to all children. Normalcy and visitation with relatives does not  
947 include relatives of the non-related foster parent. [See: Practice Guidelines  
948 [Section 300.7](#) and the [Background Screening For Unsupervised Access to](#)  
949 [Children in Care](#) chart.]  
950

## 502.4 Limited Home Inspection For Preliminary Placement

- 951  
952  
953 A. The caseworker, supervisor, or other employee designated by the region director  
954 will conduct a limited home inspection (KBS16) in the home of the potential  
955 kinship caregiver/friend prior to placement to determine if there are apparent  
956 conditions that may present a threat of harm to the child, with one exception as  
957 indicated below.

958  
959 If the child is being placed with a non-custodial parent, the limited home  
960 inspection may be completed before or within one day after a child is placed,  
961 excluding weekends and holidays, if based upon a limited investigation Child and  
962 Family Services determines that:

- 963 1. The non-custodial parent has regular, unsupervised visitation with the  
964 child that is not prohibited by law or court order; and  
965 2. Based on the caseworker's best judgment and analysis of available  
966 information, there is no reason to believe that the child's health or safety  
967 will be endangered by making the placement prior to completion of the  
968 limited home inspection.

- 969  
970 B. The limited home inspection determines if the following are met:

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

- 977  
978 C. In situations where the non-custodial parent, kinship caregiver, or friend lives in  
979 Utah but outside of the region where the child resides, the caseworker will send a  
980 Request for Kinship Support Services (KBS09) to the region kinship supervisor in  
981 the region where the prospective kin/friend placement resides as soon as  
982 possible to request a limited home inspection. The receiving region will make  
983 contact with the non-custodial parent, kinship caregiver, or friend to schedule and  
984 complete the limited home inspection according to the urgency identified by the  
985 requesting region.

## 502.5 Assessment Of Safety For Preliminary Placement

986  
987  
988  
989 The caseworker, supervisor, or other person designated by the region director will  
990 conduct an assessment of safety for placement of a child with a potential kinship  
991 caregiver/friend, based on safety decision-making, which includes:

- 992  
993 A. Specific and Observable Threats of Harm:  
994 1. Background screening results,

- 995 2. Other persons who have regular access to the home, and  
996 3. Age-specific environmental conditions.  
997  
998 B. Vulnerabilities of the Child:  
999 1. The child's comfort level with the kinship caregiver/friend, and  
1000 2. Age and developmental level of the child.  
1001  
1002 C. Protective Capacities of the Kinship Caregiver/Friend and Their Support System:  
1003 1. Ability of the kinship caregiver/friend to meet or address the safety,  
1004 physical, and emotional needs of the child, and  
1005 2. Access to resources.  
1006

## 1007 **502.6 Reference Check For Preliminary Placement**

- 1008  
1009 A. Child and Family Services may request the name and contact information for a  
1010 reference from the potential kinship caregiver/friend and may contact the  
1011 individual to obtain input about the potential kinship caregiver/friend's ability to  
1012 safely care for the child. The caseworker may ask for information such as:  
1013 1. How familiar the individual is with the kinship caregiver/friend.  
1014 2. If the individual would recommend the placement of a child in the home of  
1015 the kinship caregiver/friend.  
1016 3. What information the individual can provide regarding the kinship  
1017 caregiver/friend's capacity to care for a child.  
1018 4. Whether the individual has knowledge of the kinship caregiver/friend's  
1019 interaction with the child.  
1020 5. Whether the individual is aware of any other relatives or friends of the  
1021 child to consider as a possible preliminary or long-term placement.  
1022 6. Any other information the individual can provide that will assist the  
1023 caseworker in assessing the appropriateness of the placement.  
1024  
1025 B. The caseworker will assess the individual's level of familiarity with the potential  
1026 kinship caregiver/friend before giving significant consideration to the information  
1027 provided. If negative feedback is received from the individual, the caseworker  
1028 will consider further assessment of the potential kinship caregiver/friend prior to  
1029 making the Preliminary Placement.  
1030

## 1031 **502.7 General Qualifying Requirements For Preliminary** 1032 **Placement**

- 1033  
1034 In addition to requirements specified above for a non-custodial parent, kinship  
1035 caregiver, relative, or friend, the following requirements must be met prior to approving  
1036 Preliminary Placement of a child with a kinship caregiver/friend:  
1037

- 1038 A. If the Preliminary Placement is being considered prior to the shelter hearing,  
1039 Child and Family Services will ask the child's custodial parent or guardian to sign  
1040 a Preliminary Placement Agreement stating that they:  
1041 1. Agree not to remove the child from the home of the kinship  
1042 caregiver/friend.  
1043 2. Agree not to have any contact with the child until after the shelter hearing,  
1044 unless authorized by Child and Family Services in writing.  
1045

1046 The caseworker will document in activity logs if the parent or guardian refuses or  
1047 is not able to sign a parent/guardian Preliminary Placement Agreement. Child  
1048 and Family Services may place a child with a kinship caregiver/friend if a parent  
1049 refuses or is unable to sign a Preliminary Placement Agreement if it is in the  
1050 child's best interest.  
1051

1052 If the Preliminary Placement is being made after the shelter hearing and the court  
1053 has ordered the child into Child and Family Services custody, no custodial parent  
1054 or guardian agreement is required.  
1055

- 1056 B. The kinship caregiver/friend:  
1057 1. Signs a Preliminary Placement Agreement stating that they:  
1058 2. Are able and willing to keep the child safe and provide daily care and  
1059 nurturance.  
1060 3. Agree not to allow the custodial parent or guardian to have any contact  
1061 with the child unless authorized by the court or Child and Family Services  
1062 in writing.  
1063 4. Agree to contact law enforcement and Child and Family Services if the  
1064 custodial parent or guardian attempts to make unauthorized contact with  
1065 the child.  
1066 5. Are able and willing to take the child to medical, mental health, dental, and  
1067 educational appointments at the request of Child and Family Services.  
1068 6. Are willing to apply for medical benefits through the Department of  
1069 Workforce Services within 10 business days of the child's placement.  
1070 7. Agree to allow Child and Family Services and the child's GAL to have  
1071 access to the child.  
1072 8. Are willing to support the child's permanency plan, including assisting the  
1073 custodial parent or guardian in reunification efforts at the request of Child  
1074 and Family Services.  
1075 9. Are willing to follow all court orders.  
1076 10. Have been informed and understand that Child and Family Services may  
1077 continue to search for other possible placements for long-term care of the  
1078 child, if needed.  
1079 11. Agree to submit a background screening application, copy of photo  
1080 identification, and fingerprints through Live Scan or hard copy cards for a



- 1081 fingerprint-based background check within 10 business days of placement  
1082 of the child.
- 1083 12. Agree to inform Child and Family Services of any changes or  
1084 circumstances that might affect the child's well-being such as a change in  
1085 health, address, or caregiving arrangements.
- 1086
- 1087 C. The child is comfortable with the kinship caregiver/friend.
- 1088
- 1089 D. A supervisor approves the placement.
- 1090
- 1091 E. Child and Family Services may not place a child with an individual who is  
1092 prohibited by court order from having access to that child.
- 1093

### 1094 **502.8 Preliminary Placement With A Friend**

1095

1096 A child may be placed in the home of a friend (including an extended relative)  
1097 designated by the custodial parent or guardian of the child, if the friend is a licensed  
1098 foster parent, or if the friend agrees to become a licensed foster parent within six  
1099 months of the child being placed with them. All Out-of-Home Practice Guidelines in  
1100 [Section 300](#) apply to the friend or extended relative of the child. [See: Administrative  
1101 Rule [R512-500-4](#).]

1102

1103 In determining whether a friend is a willing and appropriate placement for a child, Child  
1104 and Family Services is required to consider no more than one friend designated by each  
1105 parent or legal guardian of the child and one friend designated by the child if the child is  
1106 of sufficient maturity to articulate his or her wishes. Child and Family Services may limit  
1107 the number of designated friends to two, one of whom shall be designated by the child if  
1108 the child is of sufficient maturity to articulate his or her wishes. There are certain  
1109 circumstances that allow us to give preference to a friend designated by a child (versus  
1110 kinship) if the child is of sufficient maturity to articulate his or her wishes AND if the  
1111 basis of removal is sexual abuse of a child. This may be in circumstances within cultural  
1112 communities that include kin support for forced marriages or sexual relationships as  
1113 described in the definition of sexual abuse found in Utah Code Ann. [§78A-6-105](#).

1114

1115 Child and Family Services staff will be aware that when a Preliminary Placement of a  
1116 child is made with a friend designated by the parent or child, the friend is not eligible for  
1117 the specified relative grant or other financial benefits through the Division of Workforce  
1118 Services (DWS). At this time, with the exception of cases where the child has a trust  
1119 account and/or a parent with the ability to pay child support, there are no financial  
1120 supports available for friends until the friend becomes a licensed foster parent. Staff will  
1121 give careful consideration to whether the friend has the financial capability to support  
1122 the child's needs during the period before completion of foster care licensure. Friends  
1123 chosen as caregivers for a child in custody may be eligible to receive a Medicaid card  
1124 for the child through DWS while pursuing foster parent licensure.

1125  
1126 When Child and Family Services makes a Preliminary Placement with an unlicensed  
1127 friend, the friend caregiver is required to be actively engaged in the process of obtaining  
1128 foster parent licensure within 60 days of the child being placed with them. If a friend  
1129 caregiver receives a provisional license, the friend caregiver must continue the process  
1130 and obtain foster parent licensure within six months of the child being placed with them  
1131 or the child will be removed from the home of the friend caregiver. Foster parent  
1132 licensure refers to being licensed as a foster parent or obtaining a child-specific license  
1133 through the Utah Department of Human Services, Office of Licensing.

1134  
1135 When the kinship worker or other designated staff begin to meet with the friend  
1136 caregiver after the child is placed, information will be provided to the friend caregiver to  
1137 assist them in caring for the needs of the child and planning for the child's permanency.  
1138 The kinship worker will review with the friend caregiver the requirement that they obtain  
1139 foster parent licensure, help them understand the steps to complete for foster parent  
1140 licensure, as well as what resources are available to them once they become licensed.

- 1141  
1142 A. The kinship or other designated staff will discuss with the friend caregiver the  
1143 advantages and responsibilities of becoming a licensed foster care placement for  
1144 the child. Resources and advantages include:
- 1145 1. Monthly foster care payment.
  - 1146 2. Medical needs maintained by Child and Family Services to cover  
1147 Medicaid, dental, and mental health needs.
  - 1148 3. Access to and assistance from a Resource Family Consultant.
  - 1149 4. Further options for supports and resources, such as trackers, respite, and  
1150 mental health services, other than those found through the local mental  
1151 health authorities.
  - 1152 5. Educational and training opportunities to assist them in meeting the needs  
1153 of the child.
  - 1154 6. Cluster support groups.
  - 1155 7. Respite care.
  - 1156 8. If the child's permanency goal changes to adoption, the AAG will facilitate  
1157 a process for termination of parental rights and the child will be assessed  
1158 for monthly adoption assistance.
  - 1159 9. Transition to Adult Living resources.
  - 1160 10. Health Care Nurse.

- 1161  
1162 B. In an effort to support the permanency needs of the child and expedite the ability of  
1163 the friend caregiver to obtain foster parent licensure, a caseworker and/or kinship  
1164 worker will complete the following after the placement of the child with the friend  
1165 caregiver:
- 1166 1. Within two months (or earlier) of initial placement of the child with the  
1167 friend caregiver: The caseworker, kinship worker, or other designated  
1168 Child and Family Services staff will conduct a child and family team

- 1169 meeting for the purpose of addressing the permanency needs of the child.  
1170 The Child and Family Team Meeting will include the following individuals  
1171 (when applicable): the friend with whom the children were placed, other  
1172 potential kinship caregivers and relatives, the caseworker, the kinship  
1173 worker, and any other Child and Family Services staff involved in the  
1174 placement, including out of region staff if the placement is made in another  
1175 region. Other informal and formal supports to the family may include  
1176 supportive family, friends, health care nurse, therapist, school  
1177 representative, daycare provider, etc.). Child and Family Services staff  
1178 will do the following in the Child and Family Team Meeting:
- 1179 a. Educate the friend caregiver regarding permanency timeframes and  
1180 other information associated with the case.
  - 1181 b. Review the advantages of becoming licensed with the friend  
1182 caregiver (listed in A1 above). Remind the friend caregiver that  
1183 when the child was initially placed with them, they agreed to  
1184 become a licensed foster care provider.
  - 1185 c. Review the progress of the friend caregiver in obtaining the  
1186 provisional license.
  - 1187 d. If the friend caregiver does not have the provisional license, assess  
1188 whether there are systemic issues that have prevented it or  
1189 whether the friend caregiver has not actively engaged in the  
1190 process of obtaining the provisional license. If the friend caregiver  
1191 has not engaged in the process of obtaining a provisional license,  
1192 assess whether the friend caregiver is able to care for the needs of  
1193 the child and whether the child needs to be moved to a new  
1194 placement.
  - 1195 e. If the friend caregiver has received a provisional license, explain  
1196 there are further steps to achieve foster parent licensure and that  
1197 the provisional license will expire after six months.
  - 1198 f. Review the steps for obtaining foster parent licensure.
  - 1199 g. Review the progress of the friend caregiver in obtaining foster  
1200 parent licensure.
  - 1201 h. Assess whether the friend caregiver is actively engaged in the  
1202 process of obtaining the foster parent license. Examples of being  
1203 "actively engaged" include but are not limited to the following:
    - 1204 (1) Licensing application has been completed and given to the  
1205 caseworker or kinship worker.
    - 1206 (2) Child and Family Services kinship staff has been contacted  
1207 to schedule a home study.
    - 1208 (3) Medical appointments are scheduled or complete.
    - 1209 (4) FBI fingerprint background screening has been completed.
    - 1210 (5) Friend caregiver has begun required foster parent training.
  - 1211 i. If the friend caregiver is not actively engaged in the process of  
1212 obtaining foster parent licensure, assess whether the child needs to

- 1213 be removed from the friend caregiver's care and explore other  
1214 placement options for the child.
- 1215 (1) Remind the friend caregiver that if foster parent licensure is  
1216 not completed prior to the provisional license expiring, the  
1217 child will be removed from their care.
- 1218 (2) Introduce the concept of adoption to the friend caregiver and  
1219 provide education regarding the child's need for  
1220 permanency, including educating the friend caregiver  
1221 regarding the resources available through Adoption  
1222 Assistance and post adoption support if the friend caregiver  
1223 becomes licensed.
- 1224 (3) If the friend caregiver has not yet become licensed, discuss  
1225 any obstacles to obtaining licensure and help formulate a  
1226 written action plan to overcome the barriers. The written  
1227 plan will state Child and Family Services' expectations of the  
1228 friend caregiver, provide specific steps and designate who is  
1229 responsible for each step, and outline specific dates to  
1230 accomplish the steps prior to meeting in two more months.
- 1231 2. Within four months (or earlier) of initial placement of the child with the  
1232 friend caregiver, if the friend caregiver has not yet received the foster  
1233 parent license, the caseworker or kinship worker will conduct a Child and  
1234 Family Team Meeting for the purpose of assessing the progress of the  
1235 friend caregiver on the written plan that was completed in the prior team  
1236 meeting. Participants in the Child and Family Team Meeting will include  
1237 those outlined above in B1. Child and Family Services staff will do the  
1238 following in the Child and Family Team Meeting:
- 1239 a. Educate the friend caregiver that there are only two months  
1240 remaining in which they should have completed or be well into the  
1241 process of obtaining a foster parent license for the child placed in  
1242 their home.
- 1243 b. Inform the friend caregiver that if foster parent licensure is not  
1244 obtained and/or if the friend is not actively engaged in the process  
1245 of becoming licensed within six months of the child being placed  
1246 there, the child will be removed from their care.
- 1247 c. Discuss any obstacles to obtaining licensure and modify the action  
1248 plan to overcome the barriers. The written plan will:  
1249 State Child and Family Services' expectations of the friend  
1250 caregiver
- 1251 (1) Provide specific steps and designate who is responsible for  
1252 each step.
- 1253 (2) Outline specific dates to accomplish the steps in the action  
1254 plan.

- 1255 (3) Schedule a further meeting to discuss any remaining barriers  
1256 for obtaining the foster parent license prior to the end of the  
1257 sixth month.
- 1258 (4) State in writing that if a foster parent license is not obtained  
1259 within six months of the child being placed there, then the  
1260 child will be removed from their care.
- 1261 (5) State in writing that if the foster parent license is not  
1262 obtained by the end of the sixth month, the next meeting will  
1263 be to discuss a transition for the child to another placement.
- 1264 d. Discuss other placement options for the child, and if possible,  
1265 identify who the child will be placed with if the friend caregiver is  
1266 unable to obtain the foster parent license.
- 1267 e. If the friend caregiver is not actively engaged in the process of  
1268 licensure at the time of the four month meeting, plans to transition  
1269 the child to live with another relative or foster home will be arranged  
1270 and pursued immediately, in a manner that limits trauma to the  
1271 child.
- 1272 3. Within six months of initial placement, if the friend caregiver has not  
1273 received the foster parent license and the child remains in the home while  
1274 retaining the status of being in foster care, the caseworker or kinship  
1275 worker will:
- 1276 a. Assess whether the barriers to licensure or **custody and**  
1277 **guardianship** are the result of barriers in the system or the result of  
1278 the kinship caregiver's lack of follow through on the written action  
1279 plan.
- 1280 b. If the barriers to licensure are the result of systemic issues, the  
1281 kinship worker will staff the situation with a supervisor to determine  
1282 if the barriers will likely be overcome and the child may remain in  
1283 the home pending licensure. The staffing will include any steps that  
1284 Child and Family Services must take in order to assist in completion  
1285 of the licensure process. The staffing will be documented in the  
1286 activity logs of each child's case.
- 1287 c. If the barriers are a result of the friend caregiver's lack of follow  
1288 through, the kinship worker will conduct a child and family team for  
1289 the purpose of planning to transition the child from the friend  
1290 caregiver's home into the home of another relative or foster parent  
1291 and addressing the child's permanency plan. Participants in the  
1292 Child and Family Team Meeting will include those outlined above in  
1293 B1, as well as the identified caregiver that will have the child placed  
1294 with them.
- 1295 d. Unless the friend caregiver is close to completing licensure and has  
1296 completed all the necessary steps to obtain the license, the child  
1297 will be removed and placed in a home that is willing to provide  
1298 permanency for the child.

- 1299 e. In unusual circumstances, the case may be staffed to determine if  
1300 remaining in the unlicensed home that does not have **custody and**  
1301 **guardianship** is in the best interest of the child. This option will not  
1302 be readily utilized. The staffing shall be done first with the Child and  
1303 Family Team. Then it will be done with the State Office kinship  
1304 administrator and the deputy director of Child and Family Services.  
1305

## 1306 **502.9 Preliminary Placement With A Kinship Caregiver Out Of** 1307 **State**

- 1309 A. If the non-custodial parent lives outside of Utah, all requirements under the ICPC,  
1310 including parent home study and background screening, must be completed as  
1311 described in Practice Guidelines General Major Objectives [Section 703](#) prior to  
1312 placement of the child out of state.  
1313
- 1314 B. If a relative lives outside of Utah, all requirements under the ICPC, including  
1315 relative home study and background screening, must be completed as described  
1316 in Practice Guidelines General Major Objectives [Section 703](#) prior to placement  
1317 of the child out of state.  
1318
- 1319 C. If the friend who is designated for placement of the child lives outside of Utah, all  
1320 requirements under the ICPC, including fingerprint-based background screening  
1321 and being licensed as a foster parent in the receiving state, will be completed as  
1322 described in Practice Guidelines General Major Objectives [Section 703](#) prior to  
1323 placement of the child out of state.  
1324
- 1325 D. If the child being placed is an Indian child and the kinship caregiver approved by  
1326 the tribe lives outside of Utah, the tribe must have completed their own approval  
1327 or licensure for the home prior to the child being placed out of state. Child and  
1328 Family Services may only make foster care maintenance payments to the home  
1329 if the home is licensed by the tribe or the receiving state, and may only make  
1330 Title IV-E foster care maintenance payments if fingerprint-based background  
1331 checks and out of state child abuse registry checks have been approved as part  
1332 of the licensing process. If the tribe has custody of the child, then ICPC does not  
1333 apply.  
1334

## 1335 **502.10 Notice Of Preliminary Placement**

1336  
1337 Notice must be provided to the court and all parties to a case when a child is placed in  
1338 or moved from a Preliminary Placement. Written notice must be provided within three  
1339 days after making or changing the placement, excluding weekends and holidays.  
1340



## 502.11 Preliminary Placement Coding In SAFE

- A. When the court orders a child into Child and Family Services 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.

Child and Family Services 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 Child and Family Services 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

- 1385 applying for financial or medical benefits because of fear it will  
1386 result in the person from whom the child was removed having an  
1387 obligation for child support. The relative needs to understand that  
1388 the court already ordered this financial obligation when the child  
1389 was taken into custody, and the relative receiving a specified  
1390 relative grant does not add to the financial obligation of the parent  
1391 from which the child was removed.
- 1392 2. Public Assistance – DWS:
- 1393 a. A non-custodial parent may apply for financial assistance, food  
1394 stamps, or child care through DWS. Income and assets of all  
1395 members of the household will be considered for determining  
1396 eligibility.
- 1397 b. A relative may apply for specified relative financial assistance and  
1398 Medicaid to care for a related child through DWS. Eligibility for  
1399 specified relative assistance and Medicaid is based on the income  
1400 and assets of the child. Other DWS benefits for the relative will be  
1401 based on the household income.
- 1402 c. A friend may apply for Medicaid through DWS. Financial and other  
1403 benefits will be based on the household income.
- 1404 3. Child's Unearned Income – Social Security or Supplemental Security  
1405 Income: When a child in Child and Family Services custody receives  
1406 unearned income, such as Social Security or Supplemental Security  
1407 Income (SSI), Child and Family Services will become the representative  
1408 payee for the child's income as specified in Practice Guidelines [Section](#)  
1409 [303.16](#). If the child is placed with a non-custodial parent, unlicensed  
1410 relative, or friend not eligible for a foster care payment (hereinafter  
1411 "caregiver") in a Preliminary Placement, Child and Family Services will  
1412 assess whether a Kinship Caregiver Maintenance Reimbursement will be  
1413 issued to the caregiver from the child's trust account.
- 1414 a. The caregiver will complete the "Division of Child and Family  
1415 Services Kinship Caregiver Maintenance Reimbursement  
1416 Agreement" form at the time the child is placed with them. Each  
1417 caregiver placement will require a newly-completed and signed  
1418 form.
- 1419 b. Child and Family Services will issue the kinship caregiver  
1420 maintenance reimbursement to the caregiver from the available  
1421 funds in the child's trust account, minus the \$35 personal needs  
1422 allowance, up to a maximum of the basic daily foster care rate. The  
1423 rate paid to the caregiver will be based on the child's age and the  
1424 number of days the child is in the caregiver's home. [See: [Section](#)  
1425 [303.16](#).]
- 1426 c. The caseworker is required to access the Trust Account System  
1427 monthly to request the kinship caregiver maintenance

- 1428 reimbursement, as well as personal needs funds through the SAFE  
1429 web system. [See: [Section 303.16.](#)]
- 1430 d. Payment will be issued the month after the child received care in  
1431 the caregiver's home.
- 1432 e. This reimbursement is to be used for the maintenance and basic  
1433 needs of the child (such as housing, utilities, food, supervision, and  
1434 personal incidentals).
- 1435 f. The caregiver will not be required to provide Child and Family  
1436 Services with receipts for these maintenance and basic needs  
1437 expenses, once the maintenance reimbursement is established.
- 1438 g. The caregiver may submit a request for funds to the caseworker to  
1439 help pay for specific additional needs of the child. Approval is  
1440 subject to availability of funds and administrative approval.  
1441 Receipts are required for approved expenses.
- 1442 h. Child and Family Services will continue to verify the child lives with  
1443 the caregiver.
- 1444 i. The caregiver will notify the caseworker if the child no longer  
1445 resides in the home.
- 1446 4. Foster Care Payment: After completion of the foster care licensing  
1447 process, a friend or relative who is selected for ongoing placement of the  
1448 child will receive a foster care payment appropriate for the child's level of  
1449 need and the provider's level of training.
- 1450 5. Special Needs Payment: Special needs payments may be made for  
1451 children who are in a Preliminary Placement with a kinship  
1452 caregiver/friend, according to limits for children in out of home care, if  
1453 other resources are not available to meet those needs.
- 1454
- 1455 B. Health Care Resources: A kinship caregiver that is not a licensed foster parent is  
1456 responsible to seek resources to pay for health care for the child while in a  
1457 Preliminary Placement.
- 1458 1. Medicaid and Children's Health Insurance Program (CHIP):
- 1459 a. Child and Family Services eligibility workers cannot issue Medicaid  
1460 for a child who is in a Preliminary Placement with a non-custodial  
1461 parent or relative who is not a licensed foster parent; however, the  
1462 caseworker is still responsible to submit the DCFS Title IV-E and  
1463 Medicaid Application within 30 days after the child is placed in Child  
1464 and Family Services custody (see Practice Guidelines [Section](#)  
1465 [303.9](#)) so an initial Title IV-E eligibility determination can be  
1466 completed. Eligibility workers can issue Medicaid for a child who is  
1467 placed in a Preliminary Placement or ongoing placement with friend  
1468 or extended relative who is licensed as a foster parent.
- 1469 b. A non-custodial parent, relative, or friend may apply for Medicaid or  
1470 CHIP for the child through DWS. Income and assets of all persons  
1471 in the household will be considered for determining eligibility for the

- 1472 child who is placed with a non-custodial parent. Income and assets  
1473 of the child only will be considered for determining eligibility for a  
1474 child who is placed with a relative or friend. Medicaid may be  
1475 requested on the same application submitted for financial  
1476 assistance.
- 1477 c. When submitting an application for Medicaid, a non-custodial  
1478 parent, relative, or friend should request that the application for  
1479 Medicaid be retroactive back to the date the child was placed in the  
1480 home; which is allowable for up to 90 days.
- 1481 2. Private Medical Insurance: A non-custodial parent, relative, or friend may  
1482 be able to provide for the child's health care needs by adding the child to  
1483 their own private medical insurance, when allowed by their insurance plan.
- 1484 3. MI706: An eligibility worker may issue an MI706 to the end of the month  
1485 following the month a child is ordered into Child and Family Services  
1486 custody, if the child is not enrolled in Medicaid when removed from the  
1487 home. After that time and only as a last resort, the caseworker may  
1488 request an MI706 from the Fostering Healthy Children nurse for specific  
1489 health care needs of the child and for medical, dental, or mental health  
1490 examinations required by Child and Family Services that the non-custodial  
1491 parent, relative, or friend cannot pay for through other available resources.  
1492 The non-custodial parent or relative should have applied for Medicaid,  
1493 including requesting retroactive coverage, before an MI706 is requested or  
1494 issued by a nurse.  
1495

## 1496 **502.13 Preliminary Placement Visitation**

1497  
1498 The kinship caregiver/friend will assist in carrying out plans for visitation for the child.  
1499

### 1500 **A. Child Visitation with Familial Connections:**

- 1501 1. Pre-placement Visits with Potential Kinship Caregivers/Friends: If the child  
1502 is not immediately placed in a Preliminary Placement, visitation between  
1503 the potential kinship caregiver/friend and child will be part of a planned  
1504 transition when it is determined that placement with the kinship  
1505 caregiver/friend is in the best interest of the child. Visitation between the  
1506 potential kinship caregiver/friend and the child may be limited and/or  
1507 supervised until all requirements for Preliminary Placement are met.
- 1508 2. Visitation with Siblings, Parents, and Other Relatives: Visitation for the  
1509 child with parents and siblings will be allowed in accordance with Practice  
1510 Guidelines [Section 303.1](#) when a child is in a Preliminary Placement.  
1511 Visitation between the child and extended relatives is allowable and may  
1512 assist in helping the child maintain valuable connections with the child's  
1513 family. The Child and Family Team will make a determination whether  
1514 visitation between the child and the extended relative is in the best interest

1515 of the child before visitation occurs. Visitation between the child and  
1516 extended relative will be individualized to meet the needs of the child.  
1517

1518 B. Caseworker Visitation with a Child, Kinship Caregiver, and Parents During a  
1519 Preliminary Placement:

- 1520 1. The caseworker will have an initial visit with the child by midnight of the  
1521 second day after making the Preliminary Placement. If the kinship  
1522 caregiver resides in another region, the caseworker may request the  
1523 caseworker who conducted the limited home inspection to make this visit  
1524 for them.
- 1525 2. For the first four weeks of a Preliminary Placement, the caseworker will  
1526 visit with the child at least once per week in the home of the kinship  
1527 caregiver/friend.
- 1528 3. The caseworker will follow Practice Guidelines [Section 302.2](#) regarding  
1529 purposeful visiting with a child, out-of-home caregiver, and parents when a  
1530 child is placed in a Preliminary Placement.  
1531

1532 **502.14 Preliminary Placement - Child And Family Team**  
1533

1534 A. Role of the Child and Family Team:

- 1535 1. All kinship work is done in the context of a Child and Family Team. The  
1536 team is identified to bring together critical supports for the family. This  
1537 may include the biological parents, kinship caregivers, friends, children 12  
1538 years of age or older, stepparents, other significant persons to family, the  
1539 tribe/ICWA caseworker, health care nurse, therapist, and school  
1540 representative. The caseworker will engage the kinship caregiver/friend to  
1541 participate in the Child and Family Team.
- 1542 2. If the child has Native American heritage and is eligible as a registered  
1543 tribal member, Child and Family Services will establish contact with the  
1544 tribe/ICWA caseworker as early as possible to ensure the tribe is invited to  
1545 participate in Child and Family Team Meetings.
- 1546 3. The caseworker will prepare for the unique circumstances of each family  
1547 prior to a Child and Family Team Meeting. For example, if there are  
1548 domestic violence issues, the caseworker will consider separate Child and  
1549 Family Team Meetings for safety and confidentiality issues, and will  
1550 prepare in advance to deal with barriers, attitudes, relationship issues,  
1551 safety issues, and legal concerns.
- 1552 4. If background screening for a potential kinship caregiver/friend has been  
1553 denied, the caseworker will discuss with the potential kinship  
1554 caregiver/friend prior to the Child and Family Team Meeting, other ways  
1555 they may support the child and their recommendations for another kinship  
1556 caregiver/friend for Preliminary Placement. The caseworker will not  
1557 discuss any specific criminal history or child abuse findings with the  
1558 potential kinship caregiver/friend or the Child and Family Team but may



- 1559 provide information about how a kinship caregiver/friend may obtain a  
1560 copy of their own criminal history or child abuse and neglect findings.  
1561
- 1562 B. Primary Purposes of Initial Child and Family Team Meeting:
- 1563 1. As soon as possible, the caseworker will conduct an initial Child and  
1564 Family Team Meeting. The initial Child and Family Team Meeting **[is-used**  
1565 **for-]will include** the following:
- 1566 a. Sharing how Child and Family Teams work to support the goals of  
1567 the family.
- 1568 b. Explaining requirements for a Preliminary Placement.
- 1569 c. Gathering information to identify and notify possible kinship/friend  
1570 placements and supports.
- 1571 d. Explaining the court process/status.
- 1572 e. Explaining roles/responsibilities and how to work with Child and  
1573 Family Services.
- 1574 f. Explaining requirements of caring for the child, such as  
1575 expectations for medical, dental, and mental health care  
1576 examinations.
- 1577 g. Explaining the process for evaluation of ongoing capacity of the  
1578 kinship caregiver/friend to care for the child and/or identifying the  
1579 most appropriate relatives or friends to be considered for ongoing  
1580 placement for the child.
- 1581 h. Exploring and developing strategies for other members of the Child  
1582 and Family Team to support the kinship caregiver/friend in caring  
1583 for the child and meeting agency requirements.
- 1584 2. The Child and Family Team will decide the best ongoing placement for the  
1585 child and identify ways members of the team can support the placement,  
1586 taking into consideration the best interests of the child, preferences for  
1587 placement, and factors that may delay placement or hinder permanency  
1588 for the child.
- 1589 **3. The Child and Family Team will make every effort to prevent a kinship**  
1590 **placement disruption by providing support to the family and working to**  
1591 **overcome any barriers. In the event that a disruption is imminent, the**  
1592 **Child and Family Team will look back at kinship options and resume**  
1593 **search and engagement activities.**
- 1594 **[3-]4.** For Preliminary Placements made with a friend, the Child and Family  
1595 Team Meeting process outlined in Practice Guidelines [Section 502.8](#) must  
1596 be followed.  
1597



1598 **503 Kinship Services - Evaluation And Support For Ongoing**  
1599 **Care Of A Child**

1600 Major objectives:

- 1601 A. Child and Family Services will evaluate with a kinship caregiver/friend their  
1602 capacity for ongoing care of the child.  
1603  
1604 B. The region in which a kinship caregiver/friend resides will provide support in  
1605 accessing local resources and in responding to urgent concerns.  
1606  
1607 C. The region with jurisdiction of a child is responsible for supporting limited financial  
1608 needs of the child that cannot be met by the kinship caregiver/friend.  
1609  
1610

1611 **Applicable Law**

1612 Utah Code Ann. [§62A-2-120](#). Criminal background checks – Direct access to children or  
1613 vulnerable adults.

1614 Utah Code Ann. [§62A-4a-202.1](#). Entering home of a child – Taking a child into  
1615 protective custody – Caseworker accompanied by peace officer – Preventive services –  
1616 Shelter facility or emergency placement.

1617 Utah Code Ann. [§62A-4a-209](#). Emergency placement.

1618 Utah Code Ann. [§62A-4a Part 7](#). Interstate Compact on the Placement of Children.

1619 Utah Code Ann. [§78A-6-306](#). Shelter hearing.

1620 Utah Code Ann. [§78A-6-307](#). Shelter hearing – Placement – DCFS custody.

1621 Utah Code Ann. [§78A-6-307.5](#). Post-shelter hearing placement of a child who is in  
1622 division custody.

1623 Utah Code Ann. [§78A-6-308](#). Criminal background checks necessary prior to out-of-  
1624 home placement.

1625 U.S. Code [Title 25, Chapter 21](#). Indian Child Welfare.  
1626

1627 **503.1 Evaluation Of Kinship Caregiver/Friend Capacity For**  
1628 **Ongoing Care Of A Child**

1629  
1630 Child and Family Services will evaluate with the kinship caregiver/friend their capacity  
1631 for ongoing care of the child, including consideration of long-term stability of placement,  
1632 long-term view and permanency planning. The caseworker will initiate this evaluation  
1633 process within 30 days of the child being placed in a Preliminary Placement with a  
1634 relative. The process will be initiated immediately when a child is placed in a  
1635 Preliminary Placement with a friend. The process is initiated by submitting a Request  
1636 for Kinship Support Services to the region kinship supervisor. If the caregiver resides  
1637 outside of the region, the region kinship supervisor will send the request to the kinship  
1638 supervisor in the region where the kinship caregiver resides to complete the evaluation.  
1639 This evaluation consists of the following:  
1640

- 1641 A. Background screening: Background screening results from background  
1642 screening for Preliminary Placement and from the Office of Licensing review  
1643 must be approved for ongoing care of a child in custody. If background  
1644 screening is not approved, the caseworker and Child and Family Team will  
1645 carefully consider how the child's needs for enduring safety and permanency will  
1646 be met (long-term view) and what the permanency goals, both primary and  
1647 concurrent, for the child are before recommending that the court grant **custody**  
1648 **and** guardianship to a kinship caregiver.  
1649
- 1650 B. The Initial Kinship/Specific Family Application form to be filled out by the kinship  
1651 caregiver/friend includes:  
1652 1. Identifying information regarding the kinship caregiver/friend and the  
1653 spouse, if applicable).  
1654 2. Others living in the household: children of the kinship caregiver/friend or  
1655 others residing in the home.  
1656 3. References: At least two references and no more than four; only one may  
1657 be a relative.  
1658 4. Previous home studies.  
1659 5. If the kinship caregiver is currently licensed as a daycare provider.  
1660 6. Questionnaire #1 for kinship caregiver and the spouse (if applicable):  
1661 History regarding the kinship caregiver's family, relationships, and medical  
1662 information.  
1663 7. Emergency Plan Form.  
1664 8. Kinship/Specific Income Statement Form.  
1665
- 1666 C. Reference checks: Child and Family Services will contact at least two references  
1667 by email or regular mail using the approved Reference Request as part of the  
1668 Child-Specific Home Study. Child and Family Services will receive at least two  
1669 positive reference letters in order to approve the home study.  
1670
- 1671 D. Questionnaire 2: This will be given to the kinship caregiver/friend and the spouse  
1672 (if applicable) at the time of the home study visit and will be completed by the  
1673 kinship caregiver/friend.  
1674
- 1675 E. Child-Specific Home Study: Through Child and Family Team Meetings,  
1676 interviews, and other conversations with the kinship caregiver/friend and others  
1677 living in the home, the kinship home study worker will evaluate the kinship  
1678 caregiver/friend's ability to provide current and ongoing care for the child.  
1679 1. The Child-Specific Home Study will be comprehensive, objective, and will  
1680 address the kinship caregiver/friend's long-term ability to care for the child.  
1681 It may be used as a home study for a foster care license, as a report to the  
1682 court for recommendations for **custody and** guardianship, and as an  
1683 adoption home study if the child's permanency goal changes to adoption.

- 1684 2. The Child-Specific Home Study will include an assessment of the home  
1685 environment to evaluate if it meets the Office of Licensing health and  
1686 safety requirements. The Office of Licensing may issue a waiver  
1687 (variance) of any rule in regards to a kinship/specific home that does not  
1688 impact the health or safety of the specific child or sibling group. This  
1689 requires prior written approval by the director of the Office of Licensing.  
1690 [See: Administrative Rule [R501-12-15](#).]  
1691 3. The kinship home study caseworker will document the evaluation on the  
1692 Child-Specific Home Study form, which when completed will be a typed,  
1693 professional document of approximately 6-12 pages. The document may  
1694 be presented to the court, if requested. The Child-Specific Home Study is  
1695 a protected record.  
1696
- 1697 F. Licensing and Adoption Home Study (called a pre-placement evaluation per Utah  
1698 Code Ann. [§78B-6-128](#)): The caseworker will ensure that the following  
1699 requirements are included in a home study. The home study may be done by  
1700 Office of Licensing, Child and Family Services or a DHS home study contract):  
1701 1. The home study must be completed or updated within 12 months of an  
1702 adoptive placement.  
1703 2. Information gathered in the home study should include the following:  
1704 a. Criminal background clearances for all adults in the home.  
1705 b. Child abuse registry clearances for all adults in the home.  
1706 c. Stable marital relationship and/or commitment and stability in  
1707 existing family relationships and/or the ability to sustain long-term  
1708 relationships that would provide a foundation for an adoptive child.  
1709 d. Relationship with the specific child intended to be placed in the  
1710 home.  
1711 e. Commitment to the child as a permanent member of the family.  
1712 f. Parenting skills and emotional openness and flexibility to meet the  
1713 unique needs of the child.  
1714 g. Capacity, proper motivation, and realistic expectations of the  
1715 specific child who has experienced trauma and other effects of  
1716 abuse and neglect and may have other special needs.  
1717 h. How children living in the home will be affected by the placement of  
1718 the child.  
1719 i. How the kinship caregiver will preserve the child's family  
1720 connections and culture.  
1721 j. How supervision for the child will be arranged in accordance with  
1722 the child's age and developmental ability at times when the kinship  
1723 caregiver is not able to be in the home.  
1724 k. Who would take over care of the child if for some reason the  
1725 current caregiver is no longer able to be the primary caregiver.  
1726 l. Kinship caregiver/friend's current physical and mental health,  
1727 including health conditions, history, medications, and treatment of

- 1728 any family member in the home and how these might affect ability  
1729 to care for the child. Both the primary caregiver and the  
1730 spouse/partner (if applicable) will fill out their portion of the  
1731 approved Office of Licensing Medical form and provide this form to  
1732 their doctor to be completed and faxed back to the home study  
1733 worker.
- 1734 m. The kinship caregiver/friend's financial capacity, including  
1735 occupational information and length of time on the job, how the  
1736 kinship caregiver/friend's employment affects their ability to care for  
1737 the child in either positive and/or negative ways, earnings, and  
1738 ability to meet their own financial needs and needs of the child  
1739 without being dependent on foster care payments
- 1740 n. Home and neighborhood description, including the length of time  
1741 the kinship caregiver/friend has lived in the current home, sleeping  
1742 arrangements for the child and other ways the home might  
1743 accommodate the child's needs, benefits or risks for children  
1744 including people who may have regular access to the child, and a  
1745 list of schools in the area.
- 1746 o. Social support system for both the parent and child.
- 1747 p. Knowledge of resources to help raise a child.
- 1748 q. Factors that may be barriers and contribute to disruption including:  
1749 (1) History of emotional or psychological problems or substance  
1750 abuse.  
1751 (2) Marital or relationship difficulties and incompatibilities that  
1752 seriously compromise the ability to meet the needs of the  
1753 child.  
1754 (3) Serious problems in child rearing.  
1755 (4) Unrealistic expectations of self and child.  
1756 (5) Disruptive and/or crisis filled lifestyle.  
1757 (6) Criminal activity.
- 1758 3. For information on how and when to release the home study, refer to  
1759 Practice Guidelines [Section 305.6](#).
- 1760
- 1761 G. Educating the kinship caregiver/friend: Concurrently as the Child-Specific Home  
1762 Study is conducted, the kinship home study caseworker will educate the kinship  
1763 caregiver/friend about expectations of caring for a child who is under the  
1764 jurisdiction of the court, including:
- 1765 1. Carrying out the orders of the court.  
1766 2. Working toward the child's permanency goal.  
1767 3. Meeting the needs of the child while in their care.  
1768 4. Being involved in the Child and Family Team process.  
1769 5. Complying with Child and Family Services requirements, such as visits  
1770 with caseworkers, the child's visits with parents and siblings, maintaining

- 1771 the home-to-home book, role of the GAL, health care visits, and  
1772 education.  
1773
- 1774 H. Information about the child will be given to the kinship caregiver/friend: The  
1775 caseworker and other team members will discuss with the kinship  
1776 caregiver/friend information the caseworker knows about the child and is relevant  
1777 to the child's care, including medical, dental, education, mental health, and any  
1778 behavioral issues or special needs the child may have. Best practice is allowing  
1779 the kinship caregiver/friend an opportunity to review the child's file before making  
1780 any long-term decisions to care for the child. If the kinship caregiver/friend is a  
1781 licensed foster parent, refer to Practice Guidelines [Section 301.4](#) for details about  
1782 the information that may be shared with the kinship caregiver/friend.
- 1783 1. The file may have limited information. However, it is important to share  
1784 any relevant information that may help the relatives decide if they have the  
1785 skills and supports to raise the child. When a child has an existing file, the  
1786 caseworker will inform the relatives that the information in the file is often  
1787 subjective opinions of the caseworker or therapist written at one time in  
1788 the child's life. In addition, circumstances that occur in a given time in the  
1789 child's development can change the way a child behaves and adjusts to  
1790 life situations. For instance, the child may have received many different  
1791 mental health diagnoses. The mental health diagnoses in a child's file are  
1792 affected by each therapist's interpretation, the child's developmental  
1793 stage, factors in the child's environment, and different life circumstances.
- 1794 2. The following guidelines will be used when the potential kinship  
1795 caregiver/friend views the child's file.
- 1796 a. Appropriate information about the child will be shared; however,  
1797 neither the biological parents' nor prior foster parents' medical,  
1798 psychiatric, psychological, or other personal information will be  
1799 disclosed to the relative.
- 1800 b. Child and Family Services must use prudent judgment in helping a  
1801 kinship caregiver/friend have information about the child that may  
1802 be important for the permanency and stability of the child's  
1803 placement. Parents' confidential information that may be important  
1804 to caring for a child could be shared in general non-identifying  
1805 ways. For example, if a parent's psychological diagnosis indicates  
1806 schizophrenia, this specific information about the parent cannot be  
1807 disclosed to the relatives. However, information regarding  
1808 schizophrenia in general can be discussed.
- 1809 c. Child and Family Services file review guidelines:
- 1810 (1) The confidentiality agreement (SAFE form DCFS02) must  
1811 be signed. Special care will be given to addressing the  
1812 sensitive nature of confidential information about a child's  
1813 family member.



- 1814 (2) The caseworker will orient the kinship caregiver/friend to the  
1815 structure of the files and where information is located.
- 1816 (3) The caseworker will instruct the kinship caregiver/friend to  
1817 consider specific types of information when available, such  
1818 as medical conditions, developmental delays, disabilities,  
1819 mental health diagnoses, placements and transfers,  
1820 educational needs, and other considerations for the child.
- 1821 (4) If a child has an existing file, the kinship caregiver/friend will  
1822 want to look for specific information in the file that will be  
1823 important in caring for the child. (*Red italic script* identifies  
1824 information the caseworker will copy for the kinship  
1825 caregiver/friend review.)
- 1826 (a) Medical Information: *Immunizations, all allergies*  
1827 *including food allergies*, disabilities and treatments,  
1828 current medications and implications of discontinuing  
1829 medications, history of illnesses, conditions from  
1830 abuse or neglect, serious accidents, surgeries, past  
1831 doctors, and hospital of birth.
- 1832 (b) Dental Information: Dental records, *past dentists*,  
1833 orthodontic work, and *orthodontist*.
- 1834 (c) Educational Information: *Schools and grades*,  
1835 *evaluations, special education plans such as*  
1836 *Individual Education Plans (IEPs) or Student*  
1837 *Education and Occupational Plans (SEOPs), learning*  
1838 *disability including specific disability, and test results*.
- 1839 (d) Mental Health Information: *Current and prior*  
1840 *therapists* and history of treatment, current and past  
1841 medications, current and past diagnoses, including  
1842 what the diagnoses means in raising a child. The  
1843 kinship caregiver/friend will be encouraged to talk  
1844 directly with the child's mental health therapist when  
1845 possible about how behaviors are connected with the  
1846 diagnoses and how behaviors are best dealt with.
- 1847 (e) Family History: *Health Data Report from SAFE*,  
1848 culture, family situation, moves or stability factors,  
1849 abuse and neglect history, domestic violence, reason  
1850 for the child's removal from their biological family,  
1851 *genogram including the siblings (with their birth*  
1852 *dates), and timelines*. Family members' talents,  
1853 hobbies, and interests. *Family photos and letters, if*  
1854 *available*.
- 1855 d. After the kinship caregiver/friend has looked through the file,  
1856 the caseworker will:



- 1857 (1) Talk with the kinship caregiver/friend about what they  
1858 found in the file. Give them health and mental health  
1859 diagnoses summary sheets, and answer questions  
1860 they may have.
- 1861 (2) Share helpful websites such as:  
1862 (a) American Academy of Child & Adolescent  
1863 Psychiatry: [www.aacap.org](http://www.aacap.org).  
1864 (b) American Psychological Association:  
1865 [www.apa.org](http://www.apa.org).  
1866 (c) American Academy of Pediatrics:  
1867 [www.aap.org](http://www.aap.org).  
1868 (d) Substance Abuse and Mental Health Services  
1869 Administration: [www.samhsa.gov](http://www.samhsa.gov).
- 1870 (3) Give the kinship caregiver/friend time to process what  
1871 they have learned. Encourage them to set another  
1872 appointment to talk and ask other questions.
- 1873 (4) Help the kinship caregiver/friend know the importance  
1874 of keeping the child's information and history.
- 1875 (5) Encourage the kinship caregiver/friend to review the  
1876 child's file at intervals, especially after the child has  
1877 been with the family for a couple of months.
- 1878 3. After disclosure, the caseworker will confirm with the kinship  
1879 caregiver/friend their ability and willingness to become the  
1880 placement option for the child.
- 1881
- 1882 I. Assessing Current Supports: Concurrently as the Child-Specific Home Study is  
1883 conducted, the kinship home study caseworker will help the kinship  
1884 caregiver/friend assess current resources that may be available to assist them in  
1885 providing a stable placement for the child, which may include:
- 1886 1. Assistance for a specified relative from DWS for financial assistance (for  
1887 those that fit the definition of a relative).
- 1888 2. Health care resources, such as Medicaid, CHIP, or the family's health  
1889 insurance.
- 1890 3. Caregiver support groups such as the Utah Foster Care support groups  
1891 and Grandfamilies.
- 1892 4. Informal supports such as community, schools, church, friends, and  
1893 extended family.
- 1894
- 1895 J. Ongoing Care of the Child: If the kinship caregiver/friend who is a licensed foster  
1896 parent was the Preliminary Placement, the caseworker will assess with the  
1897 kinship caregiver/friend and the Child and Family Team the kinship  
1898 caregiver/friend's desire and ability to provide ongoing care for the child.  
1899

- 1900 K. Licensing or Temporary Custody and Guardianship: If the kinship caregiver is  
1901 an unlicensed relative, concurrently as the Child-Specific Home Study is  
1902 conducted, the kinship home study caseworker will provide information to the  
1903 kinship caregiver to assist them in assessing and comparing the possible  
1904 resource supports and responsibilities associated with the options of becoming a  
1905 licensed foster parent or requesting temporary custody and guardianship for  
1906 ongoing care of the child. If the kinship caregiver is a non-custodial parent, the  
1907 discussion will be limited to consideration for requesting temporary custody and  
1908 guardianship. If the caregiver is an unlicensed friend identified by the parent,  
1909 they are required to become licensed within six months or sooner of the child  
1910 being placed with them, and Child and Family Services may not recommend the  
1911 option of taking temporary custody and guardianship of the child.
- 1912 1. Discuss with the kinship caregiver/friend the advantages and  
1913 responsibilities of becoming a licensed foster care placement for the child.
    - 1914 a. Resources and advantages include:
      - 1915 (1) Monthly foster care payment.
      - 1916 (2) Medicaid maintained by Child and Family Services to cover  
1917 medical, dental, and mental health needs.
      - 1918 (3) Child and Family Services Resource Family Consultant help.
      - 1919 (4) Educational opportunities for meeting the needs of the child.
      - 1920 (5) Cluster support groups.
      - 1921 (6) Family's own informal support network, such as community,  
1922 schools, church, and extended family.
      - 1923 (7) Respite care
      - 1924 (8) If the child's permanency goal changes to adoption, the AAG  
1925 will facilitate a process for termination of parental rights and  
1926 the child will be assessed for monthly adoption assistance.
    - 1927 b. Requirements to become a licensed foster parent include:
      - 1928 (1) If married, both kinship caregivers/friends will complete the  
1929 required training provided for kinship caregivers/friends  
1930 through the current contractor for training, recruitment, and  
1931 retention services.
      - 1932 (2) All licensing requirements must be met including submission  
1933 of an application, financial and medical documentation,  
1934 obtaining written references, questionnaires, and safety  
1935 home inspection.
  - 1936 2. Discussing with the kinship caregiver the advantages and responsibilities  
1937 of becoming a kinship caregiver and the process to request temporary  
1938 custody and guardianship of the child from the court. (Unlicensed friends  
1939 identified by the parents as caregivers for the child will not be  
1940 recommended by Child and Family Services for temporary custody and  
1941 guardianship and will be given instructions on becoming licensed foster  
1942 parents.) Resources may include:

- 1943 a. Financial assistance for a specified relative (or from public
- 1944 assistance for a non-custodial parent) from DWS or child support
- 1945 from ORS.
- 1946 b. Medicaid or CHIP for the child or a private health insurance plan of
- 1947 the kinship caregiver to cover the child's medical, dental, and
- 1948 mental health needs.
- 1949 c. Support groups through the private provider, Grandfamilies, and/or
- 1950 other sources.
- 1951 d. Family's own informal support network, such as community,
- 1952 schools, church, friends, and extended family.
- 1953

1954 L. Initiating the Process to Apply to Become a Licensed Foster Parent: In order for

1955 the kinship caregiver/friend to apply to become a licensed child-specific foster

1956 parent, the caseworker or region kinship consultant will follow Practice

1957 Guidelines [Section 503.1](#) meeting current Utah Office of Licensing requirements.

1958 The region kinship supervisor or designated person will send a Request for

1959 Licensing a Child Specific Foster Home with the home study documentation to

1960 the Office of Licensing. The Office of Licensing will issue a provisional license

1961 when all of the necessary documentation is received from the kinship/specific

1962 caregiver and will work with the family to complete the licensing process. The

1963 caseworker will encourage the family to complete licensing requirements,

1964 including training, before the provisional license expires five months from the

1965 date of the provisional license being issued.

1966

### 1967 **503.2 Child And Family Services Support Of The Kinship**

### 1968 **Caregiver/Friend While The Child Is In Child And Family Services**

### 1969 **Custody**

1970

- 1971 A. The region in which the kinship caregiver/friend resides will support the kinship
- 1972 caregiver/friend in responding to urgent concerns or accessing local resources
- 1973 (such as Medicaid and Specified Relative Grant through DWS, establishing a
- 1974 local Child and Family Team or Utah Foster Care clusters).
- 1975
- 1976 B. If the kinship caregiver/friend lives in a different region than the region with
- 1977 jurisdiction over the child, the caseworker/kinship worker will send a Request for
- 1978 Kinship Support Services to the kinship supervisor in the sending region. The
- 1979 kinship supervisor will send the request to the region kinship supervisor in the
- 1980 region where the prospective caregiver resides to complete the evaluation.
- 1981
- 1982 C. The region that has jurisdiction for the child is responsible for supporting limited
- 1983 financial needs of the child that cannot be met by the kinship caregiver/friend
- 1984 (such as mileage, special needs payments, or MI706).
- 1985

## 504 Kinship Background Screening Process

### Major objectives:

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

### Applicable Law

- Utah Code Ann. [§62A-2-120](#). Criminal background checks – Direct access to children or vulnerable adults.
- Utah Code Ann. [§62A-4a-202.1](#). Entering home of a child – Taking a child into protective custody – Caseworker accompanied by peace officer – Preventive services – Shelter facility or emergency placement.
- Utah Code Ann. [§62A-4a-209](#). Emergency placement.
- Utah Code Ann. [§62A-4a Part 7](#). Interstate Compact on the Placement of Children.
- Utah Code Ann. [§78A-6-306](#). Shelter hearing.
- Utah Code Ann. [§78A-6-307](#). Shelter hearing – Placement – DCFS custody.
- Utah Code Ann. [§78A-6-307.5](#). Post-shelter hearing placement of a child who is in division custody.
- Utah Code Ann. [§78A-6-308](#). 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. Child and Family Services accesses both Utah and national

- 2030 fingerprint-based criminal records through BCI in accordance with federal  
2031 and state laws and BCI policies.
- 2032 2. Utah Code Ann. [§62A-4a-202.4](#), [§62A-4a-209](#), [§78A-6-307](#), and [§78A-6-](#)  
2033 [308](#) authorize Child and Family Services to complete background  
2034 screening for potential kinship caregiver/friends of children in custody.
- 2035 3. The Office of Licensing will complete the background screening process  
2036 for kinship caregiver/friends after Child and Family Services has  
2037 conducted the non-fingerprint-based check for Preliminary Placement.  
2038

2039 **B. Uses of Background Screening Results in Kinship Care:**

- 2040 1. Background screening conducted by the TAC/alternate or reviewed by the  
2041 Region Background Screening Committee is used to help assess safety  
2042 and threat of harm to a child for the purpose of approving or denying a  
2043 Preliminary Placement.
- 2044 2. Background screening conducted by Office of Licensing is used to help  
2045 confirm the appropriateness of a Preliminary Placement and as part of the  
2046 Child-Specific Home Study and safety assessment for evaluation of a  
2047 kinship caregiver/friend's capacity for ongoing care of the child. Office of  
2048 Licensing background screening results may also be used for the purpose  
2049 of a foster care license, subsequent adoption (if within 18 months of when  
2050 the background screening was originally approved and there is no reason  
2051 to believe the background screening is incomplete), or for a  
2052 recommendation to the court for temporary **custody and** guardianship.  
2053

2054 **504.2 Kinship Background Screening Process – Expedited**  
2055 **Request For Initial Background Screening For Preliminary Placement**  
2056

2057 A caseworker may request to expedite the initial background screening for Preliminary  
2058 Placement verbally. Steps to expedite background screening include:

- 2059
- 2060 A. The caseworker will obtain and write down the following information for the  
2061 kinship caregiver/friend and for all adults age 18 years and older residing in the  
2062 home on the Expedited Background Screening for Preliminary Placement form  
2063 (SAFE KBS00):
- 2064 1. Name, including correct spelling of first, middle, last, maiden, alias, and  
2065 previous married names.
- 2066 2. Social Security number, if a number has been issued.
- 2067 3. Date of birth.
- 2068 4. Relationship to the child.
- 2069
- 2070 B. The caseworker will view the photo identification of the kinship caregiver and  
2071 other adults age 18 years and older in the home to ensure the photo is of the  
2072 same individual, and spelling of name, date of birth, and if listed, Social Security  
2073 number are correct. The caseworker will also verify that the ID is not expired.



- 2074 Driver privilege cards and school IDs are not acceptable identification. The  
2075 caseworker will document on the form that this has been completed.  
2076
- 2077 C. The caseworker will have the kinship caregiver/friend and each adult review and  
2078 sign the form to verify that the information is correct and that Child and Family  
2079 Services is authorized to conduct background screening for the purpose of  
2080 Preliminary Placement.  
2081
- 2082 D. The caseworker will request initial background screening for Preliminary  
2083 Placement through an authorized TAC or designated alternate.  
2084 1. For on-call background screenings for Preliminary Placements, contact  
2085 Intake  
2086 2. If a request is made after hours to Intake, background screening  
2087 documentation will be sent the next business day by the caseworker who  
2088 requested the background screening to the TAC/alternate in the region  
2089 where the kinship caregiver/friend resides. The TAC/alternate in the  
2090 sending region may retain a copy of the documentation in a locked file for  
2091 audit purposes.  
2092 3. The Intake worker who completed the background screening will  
2093 document in a dissemination log that the background screening was  
2094 completed.  
2095
- 2096 E. The caseworker will provide the identifying information to the TAC/alternate by  
2097 phone, email through state email, fax, or in person.  
2098 1. The caseworker will give the TAC/alternate the name of the child being  
2099 considered for placement and, if known, the child's date of birth, SAFE  
2100 case number if a case is open, and if an out of region request, the  
2101 caseworker's region and kinship caregiver/friend's region of residence.  
2102 2. The caseworker will give the TAC/alternate the information provided by  
2103 the kinship caregiver/friend for all adults in the home, including the correct  
2104 spelling for all names, and will verify to the TAC/alternate that each of the  
2105 adults in the home signed the Expedited Background Screening for  
2106 Preliminary Placement form.  
2107 3. As follow-up to a verbal, emailed, or faxed request, the caseworker will  
2108 send the TAC the original Expedited Background Screening for  
2109 Preliminary Placement form signed by the kinship caregiver/friend and  
2110 adults in the home and by the caseworker.  
2111
- 2112 F. The caseworker will notify the kinship caregiver/friend that this expedited  
2113 background screening is preliminary and that the kinship caregiver/friend and  
2114 other adults age 18 years and older in the home must also complete additional  
2115 background screening requirements to complete the process (see Practice  
2116 Guidelines [Section 504.3](#)).  
2117



- 2118 G. The TAC/alternate may notify the caseworker verbally if the background  
2119 screening was approved, needs further review, is denied, or could not be  
2120 completed based upon the verbal information presented. Specific details may be  
2121 provided according to dissemination policies in practice guideline [Section 504.11](#).  
2122
- 2123 H. If the result of the background screening is a mandatory denial then the  
2124 TAC/alternate will send a denial letter to the applicant.  
2125

### 2126 **504.3 Kinship Background Screening Process – Initiating** 2127 **Background Screening For Preliminary Placements And Ongoing** 2128 **Care**

2129  
2130 The following steps are required before the kinship caregiver background screening is  
2131 complete. If expedited background screening was used, these steps are required as  
2132 follow-up to the expedited process. If expedited background screening was not used,  
2133 these steps will initiate ongoing background screening.  
2134

#### 2135 A. Caseworker Responsibilities:

- 2136 1. The caseworker is responsible to ensure that required background  
2137 screening is completed for all adults in the home. Another caseworker,  
2138 such as a supervisor, region kinship consultant, or senior assistant  
2139 caseworker, may assist with the tasks described below.
- 2140 2. The caseworker will notify the kinship caregiver of background screening  
2141 requirements and processes.
- 2142 3. The caseworker will print the Kinship Background Screening Application  
2143 (SAFE KBS01) from SAFE and will write on Page Two of the application  
2144 the caseworker name and child's name, date of birth, and SAFE case  
2145 number.
- 2146 4. The caseworker will make copies of the application for the kinship  
2147 caregiver and all persons age 18 and older living in the home and will  
2148 provide them written instructions for completing the background screening  
2149 process, including how to access Live Scan or to submit hard copy  
2150 fingerprint cards.
- 2151 5. The caseworker will follow up to ensure the application and fingerprints  
2152 were submitted.

#### 2153 2154 B. Kinship Caregiver Responsibilities:

- 2155 1. The kinship caregiver and each adult age 18 years or older residing in the  
2156 home must obtain the Kinship Background Screening Application (SAFE  
2157 KBS01) from the caseworker, complete the application following  
2158 instructions on the form, submit copies of photo identification and Social  
2159 Security cards, and bring it to the Child and Family Services office.

- 2160 2. The kinship caregiver and any other adults age 18 years and older living in  
2161 the home must submit fingerprints for an FBI national criminal records  
2162 check.
- 2163 a. Fingerprints may be submitted using Live Scan at Child and Family  
2164 Services offices, following the procedures described below. The  
2165 kinship caregiver or adults in the home are responsible to pay the  
2166 fee for scanning the prints.
- 2167 b. Fingerprints may be submitted using hard copy fingerprint cards,  
2168 following the procedures described below. The kinship caregiver or  
2169 adults in the home are responsible to pay the fee for having the  
2170 prints rolled by a law enforcement agency or BCI and to pay the  
2171 transmitting fee for scanning the fingerprint cards.
- 2172 c. Live Scan or submission of fingerprint cards must be completed no  
2173 later than 10 business days after the child's placement in the home.  
2174
- 2175 C. Live Scan Process:
- 2176 1. Live Scan Operators. Live Scan operators are designated by the region  
2177 and must receive training on scanning fingerprints and submitting Live  
2178 Scan data from qualified persons, such as BCI trainers or other qualified  
2179 Live Scan operators. The region will notify the Background Screening  
2180 Coordinator at the State Office when making a change in Live Scan  
2181 operators. Live Scan operators are responsible to verify applicant identity  
2182 and to electronically scan and submit fingerprints of background screening  
2183 applicants to the BCI.
- 2184 2. Live Scan Appointment. Persons required to have a fingerprint-based  
2185 background screening will schedule an appointment for Live Scan by  
2186 phone in advance. The Kinship Background Screening Application (SAFE  
2187 KBS01) must be completed prior to the appointment.
- 2188 3. What Individuals Must Bring for Live Scan. Persons required to have a  
2189 fingerprint-based background screening will bring the following with them  
2190 to their Live Scan appointment:
- 2191 a. Original Kinship Background Screening Application (SAFE KBS01)  
2192 completed and signed.
- 2193 b. Photo Identification. This must be a current photo identification  
2194 issued by a state or federal government such as a driver license or  
2195 identification card issued by Department of Motor Vehicles or  
2196 issued by the United States government such as a passport.  
2197 School identification and driver privilege cards are not acceptable.  
2198 If no United States identification is available, current photo  
2199 identification issued by the government of another country may be  
2200 used. If photo identification has expired, Live Scan cannot be  
2201 completed.
- 2202 c. Social Security card, if available at time of appointment.

- 2203 d. Fee to scan the prints. Each person is required to pay a fee to  
2204 have fingerprints scanned. Payments must be by cashier's check  
2205 or money order payable to Department of Human Services. Some  
2206 offices also accept cash.
- 2207 4. Live Scan Process. The Live Scan operator will complete the following  
2208 steps for the Live Scan process:
- 2209 a. Prepare the Live Scan Authorization Form.
- 2210 b. Hand out a copy of the FBI Privacy Rights to the Live Scan  
2211 applicant.
- 2212 c. Receive payment.
- 2213 d. Verify and make an enlarged, clear copy of photo identification and  
2214 Social Security card. (If expiration date or corrections are listed on  
2215 back, copy both sides of identification.)
- 2216 e. Document Live Scan billing code, Live Scan operator's initials, and  
2217 date of Live Scan submission on the second page of the Kinship  
2218 Background Screening Application.
- 2219 f. Send the original Kinship Background Screening Application and a  
2220 clear copy of both sides of photo identification and Social Security  
2221 card to the regional TAC.
- 2222 g. Scan and email a copy of the Live Scan Authorization Form to the  
2223 Background Screening Coordinator.
- 2224
- 2225 D. Hard Copy Fingerprint Card Process:
- 2226 1. Obtain Copy of Fingerprint Cards: If any persons who need a fingerprint-  
2227 based check do not have access to a Child and Family Services Live Scan  
2228 location, they can submit two hard copy 10-print fingerprint cards. Each  
2229 person is responsible to go to a law enforcement agency or other agency  
2230 approved by the BCI to have their fingerprints rolled on a 10-print  
2231 fingerprint card. Each person is responsible to pay the cost charged by  
2232 the agency to have the fingerprint rolled. Photo identification will be  
2233 required.
- 2234 2. Submission of the Fingerprint Cards and Payment for Submission:
- 2235 a. The kinship caregiver or adult in the home will submit to the  
2236 caseworker the Kinship Background Screening Application (SAFE  
2237 KBS01), copy of photo identification, Social Security card, two sets  
2238 of fingerprint cards, Live Scan Authorization Form, and payment for  
2239 fee to scan and transmit the fingerprint cards.
- 2240 b. The caseworker will give the application, fingerprint cards, copies of  
2241 photo identification and Social Security card, Live Scan  
2242 Authorization Form, and payments to the region TAC.
- 2243 c. The region TAC will submit all of the above paperwork, except the  
2244 payment, to the State Office background screening coordinator.
- 2245

## 504.4 Conducting Background Screening – TAC/Alternate

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The region director will designate the region's TAC and any alternates. Each TAC/alternate must receive approval and training to conduct background screening through the Background Screening Coordinator at the Child and Family Services State Office and through BCI, and must have an approved fingerprint-based national criminal history check submitted through BCI to the FBI.

The TAC/alternate will conduct background screening for each kinship caregiver and adult age 18 years and 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 TAC/alternate 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 TAC/alternate will research the systems listed below, in accordance with laws and policies authorizing Child and Family Services 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. [§62A-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 Child and Family Services. 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 Child and Family Services.
  2. Preliminary Placement Background Screening – SAFE Management Information System and Licensing Information System: The SAFE

- 2290 Management Information System and Licensing Information System is  
2291 searched for the following:
- 2292 a. To determine if the applicant has findings of a severe type of child  
2293 abuse or neglect as defined in Utah Code Ann. [§62A-4a-1002](#)  
2294 accessible in the LIS portion of SAFE, or if other child welfare or  
2295 domestic violence case history or patterns of behavior may pose a  
2296 likely threat to the safety of a child.
- 2297 b. To determine if the applicant has findings of adult abuse.
- 2298 3. Preliminary Placement Background Screening-Juvenile Criminal History:
- 2299 a. To determine if the applicant has juvenile criminal convictions or  
2300 patterns of arrests or convictions that indicate a likely threat to  
2301 safety of a child. Analysis will be based upon statutory criteria  
2302 specified in Utah Code Ann. [§62A-2-120](#).
- 2303 4. Preliminary Placement Background Screening-Federal Name Based  
2304 Check through Interstate Identification Index (III):
- 2305 a. This check only applies for an expedited background screening on  
2306 a kinship caregiver friend if the background screening is occurring  
2307 BEFORE the shelter hearing as per emergency statute [§62A-4a-](#)  
2308 [209](#).
- 2309 b. To determine if the applicant has criminal convictions or patterns of  
2310 arrests or convictions that indicate a likely threat to safety of a child.  
2311 Analysis will be based upon statutory criteria specified in Utah  
2312 Code Ann. [§62A-2-120](#).
- 2313 5. Preliminary Placement Background Screening-Fingerprint-Based:
- 2314 a. This check applies for a preliminary placement with a kinship  
2315 caregiver friend when placing with a friend AFTER shelter hearing  
2316 as per shelter hearing statute [§78A-6-307](#).
- 2317 b. Fingerprint-based FBI national criminal history records are checked  
2318 to determine if the applicant has criminal convictions or patterns of  
2319 convictions that indicate a likely threat to safety of a child. Analysis  
2320 will be based upon statutory criteria specified in Utah Code Ann.  
2321 [§62A-2-120](#).
- 2322 6. Completing Ongoing Background Screening – Fingerprint-Based Check:
- 2323 a. If fingerprinting has not already occurred, fingerprint-based FBI  
2324 national criminal history records are checked to determine if the  
2325 applicant has criminal convictions or patterns of convictions that  
2326 indicate a likely threat to the safety of a child. Analysis will be  
2327 based upon statutory criteria specified in Utah Code Ann. [§62A-2-](#)  
2328 [120](#).
- 2329 b. Live Scan results of multi-state and FBI national criminal history  
2330 records are accessed through BCI/Applicant Background Checks  
2331 (ABC) Webpage, which may include obtaining hard copy reports.  
2332 (1) If the Live Scan results are “approved,” no history exists.



- 2333 (2) If the Live Scan results indicate “research,” the  
2334 TAC/alternate must wait for either a result of “approved,  
2335 pending, or needs agency review” to determine if a criminal  
2336 history exists.
- 2337 (3) If Live Scan results indicate “pending or needs agency  
2338 review,” a criminal history may exist and a hard copy report  
2339 must be obtained by printing the report from the BCI/ABC  
2340 Webpage to determine if background screening is approved  
2341 or denied.
- 2342 c. If fingerprints were submitted on 10-print fingerprint cards, results  
2343 will be accessed through the BCI/ABC Webpage.
- 2344 7. Completing Ongoing\_Background Screening – Interstate Child Abuse  
2345 Registry Checks:
- 2346 a. Out of State Child Abuse Registry checks will be conducted for  
2347 each state in which an applicant resided in the previous five years  
2348 to determine if the applicant has findings of a severe type of child  
2349 abuse or neglect that are consistent with those defined in Utah  
2350 Code Ann. [§62A-4a-1002](#) or if other child welfare case history or  
2351 patterns of behavior may pose a threat of harm to a child.
- 2352 b. The TAC/alternate will complete and submit the paperwork and any  
2353 payments required for the specific state, and if necessary work with  
2354 the applicant to obtain state-specific paperwork from them.  
2355

## 2356 **504.5 Conducting Background Screening – Office Of Licensing**

- 2357
- 2358 A. As the authority to conduct background screening for prospective foster and  
2359 adoptive homes, the Office of Licensing will conduct background screening for  
2360 kinship caregiver and other adults age 18 years and older in the home after Child  
2361 and Family Services has completed background screening for Preliminary  
2362 Placement.  
2363
- 2364 B. The regional TAC will compile the background screening application, reports,  
2365 documentation submitted by the applicant for review, verify or attach copies of  
2366 photo identification and Social Security cards for each kinship caregiver and  
2367 other adults age 18 and older in the home, and will submit these to the Child and  
2368 Family Services background screening coordinator.  
2369
- 2370 C. The Child and Family Services Background Screening Coordinator will check the  
2371 paperwork submitted, log information received, and submit it to the Office of  
2372 Licensing background screening coordinator.  
2373
- 2374 D. The Office of Licensing background screening coordinator will return the  
2375 approved or denied background screening application to the Child and Family



- 2376 Services Background Screening Coordinator, and the coordinator will return the  
2377 approved or denied background screening application to the regional TAC.  
2378
- 2379 E. The regional TAC will disseminate information from the Office of Licensing  
2380 Screening according to Practice Guidelines [Section 504.11](#).  
2381
- 2382 F. If the kinship caregiver does not have a Social Security Number or an ID that  
2383 would be accepted by the Office of Licensing, a variance of [Rule 501-14-3](#)  
2384 through Office of Licensing may be requested by submitting the Kinship  
2385 Background Screening Application (KBS01) with supporting documentation to the  
2386 region TAC. The region TAC will submit the paperwork to the State Office  
2387 Background Screening Coordinator, who will coordinate with the Office of  
2388 Licensing to determine if the information submitted is sufficient enough to verify  
2389 identity. The Office of Licensing will determine if the variance will be accepted.  
2390

## 2391 **504.6 Analysis Of Background Screening Results**

2392 The TAC/alternate will complete an initial analysis of the background screening results  
2393 to determine:  
2394

- 2395
- 2396 A. No Criminal History or Child/Adult Abuse or Neglect Findings: If the  
2397 TAC/alternate finds NO history from any of the management information systems  
2398 or hard copy reports, the TAC/alternate will approve the background screening.  
2399
- 2400 B. Criminal History or Abuse or Neglect Findings That Require Mandatory Denial:
- 2401 1. If the TAC/alternate identifies criminal records that require mandatory  
2402 denial based upon Utah Code Ann. [§62A-2-120](#), the TAC/alternate may  
2403 deny background screening or may staff the report with the Region  
2404 Background Screening Committee Chairperson, Background Screening  
2405 Coordinator, or Kinship Program Administrator to verify accuracy of the  
2406 decision before denying the background screening.
- 2407 2. A child will not be placed in a Preliminary Placement if criminal history  
2408 requires mandatory denial. If there is any question about mandatory  
2409 denial for a Preliminary Placement, the TAC/alternate will refer the  
2410 background screening to the Region Background Screening Committee  
2411 Chairperson, Background Screening Coordinator, or Kinship Program  
2412 Administrator for review and for a decision to approve or deny background  
2413 screening for Preliminary Placement.
- 2414 3. If the result of the background screening is a mandatory denial, the  
2415 TAC/alternate will send a denial letter to the applicant.  
2416

- 2417 C. Criminal History or Abuse or Neglect Findings That May Be Approved Without  
2418 Review:  
2419 1. If the TAC/alternate identifies child abuse or criminal records that do not  
2420 require mandatory denial or that do not fall within the crime or abuse  
2421 categories or time periods that are subject to review, based upon Utah  
2422 Code Ann. [§62A-2-120](#), or severe types of child abuse or neglect records  
2423 based upon Utah Code Ann. [§62A-4a-1002](#), the TAC/alternate may  
2424 approve the background screening or may staff the results with a member  
2425 of the Region Background Screening Committee, Background Screening  
2426 Coordinator, or Kinship Program Administrator before approving the  
2427 background screening.  
2428 2. If there is any question about being able to approve the background  
2429 screening without review, the TAC/alternate will refer the background  
2430 screening to the Region Background Screening Committee for review and  
2431 for a decision to approve or deny background screening for Preliminary  
2432 Placement.  
2433

- 2434 D. Criminal History or Abuse or Neglect Findings Requiring Further Review Before  
2435 Approval or Denial of Background Screening Can Be Determined: If the  
2436 TAC/alternate identifies child or adult abuse or criminal records that do not  
2437 require mandatory denial but fall within the crime or abuse categories or time  
2438 periods that are subject to review based upon Utah Code Ann. [§62A-2-120](#), or  
2439 severe types of child abuse or neglect records based upon Utah Code Ann.  
2440 [§62A-4a-1002](#), the TAC/alternate will refer the background screening to the  
2441 Region Background Screening Committee for review and for a decision to  
2442 approve or deny the background screening for Preliminary Placement.  
2443

## 2444 **504.7 Documentation Of Results**

- 2445  
2446 A. Documentation of Results on Expedited Kinship Background Screening Form:  
2447 1. The TAC/alternate will document on the Expedited Kinship Background  
2448 Screening form either “yes” or “no” for existence of child abuse or neglect  
2449 findings or a criminal history, regardless of whether or not the history  
2450 affects approval of the placement. Each entry will be initialed and dated  
2451 by the TAC/alternate.  
2452 2. In addition, the TAC/alternate will document on the Expedited Kinship  
2453 Background Screening form the results of the initial analysis, indicating  
2454 approved for no history, approved for records not subject to review,  
2455 mandatory denial, or records requiring review. This entry will be initialed  
2456 and dated by the TAC/alternate. No specific details of findings or history  
2457 will be written on the application. Records will be retained for five years.  
2458  
2459 B Region Background Screening Committee: A decision by the Region  
2460 Background Screening Committee to approve or deny a background screening

2461 application will be documented by the TAC on the Expedited Kinship Background  
2462 Screening form with notes of the committee discussion attached to the original  
2463 application. No specific details of findings or history will be written on the Kinship  
2464 Background Screening form or committee report. Records will be retained for  
2465 five years.  
2466

2467 C. Supporting Documentation:

- 2468 1. Supporting documentation will be attached to the original Kinship  
2469 Background Screening Application (KBS01) and submitted to the Office of  
2470 Licensing for their background screening. Supporting documentation will  
2471 include Livescan reports and may include out of state child abuse registry  
2472 checks, original/certified court dockets, police reports, etc. The TAC will  
2473 store a copy of the application and reports in a locked file. Records will be  
2474 retained for five years.
- 2475 2. If fingerprints were submitted through Live Scan, the TAC/alternate will  
2476 print Live Scan results with the applicant's identifying information from the  
2477 BCI/ABC webpage results:
- 2478 a. Approved.
- 2479 b. Pending/Needs Agency Review. Pending/Needs Agency Review  
2480 indicates this person may have a criminal history. The hard copy  
2481 report from Live Scan when Pending/Needs Agency Review is  
2482 reported will be printed by the TAC/alternate from the ABC  
2483 webpage. The original hard copy report must be included as  
2484 supporting documentation for the background screening, even if the  
2485 report indicates there is no criminal history.
- 2486 3. Ten-print fingerprint card results scanned in through the Livescan machine  
2487 will be accessible through the BCI/ABC Webpage. Repeat process 2 from  
2488 above. The original hard copy report from the 10-print fingerprint check  
2489 must be included as supporting documentation, even if the report indicates  
2490 there is no criminal history.  
2491

2492 **504.8 Follow-Up Action For No Disposition, Outstanding Warrant,  
2493 Or Review**

- 2494
- 2495 A. If the criminal history record reports no disposition, an outstanding warrant, or if  
2496 the background screening report is subject to review by the Region Background  
2497 Screening Committee, Child and Family Services will give the individual an  
2498 opportunity to provide additional documentation before making a decision to deny  
2499 the background screening.
- 2500
- 2501 B. A fingerprint-based check will have been completed to verify that the record  
2502 being considered belongs to the applicant.
- 2503
- 2504 C. The TAC/alternate will send a notice to inform the applicant that:

- 2505 1. The applicant's criminal history or findings of abuse or neglect require  
2506 further review.
- 2507 2. The applicant is encouraged to submit a written statement about the  
2508 applicant's age and circumstances under which the offense or incident  
2509 occurred and to document rehabilitation, counseling, or psychiatric  
2510 treatment received, additional academic or vocational schooling  
2511 completed since the offense, or other information that the applicant  
2512 believes is important for the review.
- 2513 3. The applicant will obtain court documentation to show final disposition of  
2514 any reports for which disposition was not available and documentation that  
2515 outstanding warrants have been resolved.
- 2516 4. All additional information requested from the applicant must be received  
2517 by Child and Family Services within 30 calendar days of the written notice.
- 2518 5. The review being conducted by the regional committee is for the purpose  
2519 of Preliminary Placement, and another background screening review may  
2520 be required by the Office of Licensing as part of evaluation of their  
2521 ongoing capacity to care for the child required by state law.
- 2522 6. When requested by a caseworker, the regional committee may review the  
2523 background screening results for babysitting, visitation, or daycare  
2524 purposes.  
2525

#### 2526 **504.9 Review Of History By The Region Kinship Background** 2527 **Screening Committee For Preliminary Placement**

- 2529 A. When an applicant has a history or findings of abuse or neglect or criminal  
2530 convictions that require review before a decision can be made for Preliminary  
2531 Placement, the Region Background Screening Committee will conduct the  
2532 review. The caseworker and/or supervisor may attend the committee meeting to  
2533 provide pertinent information from their assessment of safety but may not be  
2534 voting members of the background screening committee to approve or deny the  
2535 background screening.  
2536
- 2537 B. The region will designate specific members to form a Region Background  
2538 Screening Committee, consisting of designated professional staff and alternates  
2539 who have been trained in specific rules, statutes, Practice Guidelines, and  
2540 committee protocol. Eight members are recommended. Members of the  
2541 committee may include the region director, associate region director, program or  
2542 child welfare administrators, caseworkers, supervisors, resource family  
2543 consultants, or clinical consultants.  
2544
- 2545 C. Each member of the Region Background Screening Committee will receive  
2546 training on the role of committee members, scope of responsibility for Region  
2547 Background Screening Committees, and background screening criteria.  
2548

- 
- 2549 D. At least three members must meet in order to approve or deny an applicant's  
2550 background screening, with at least one member being an administrator above a  
2551 supervisor level. A decision may be based on a simple majority of the voting  
2552 members. The committee may meet by telephone, if necessary.  
2553
- 2554 E. When the applicant lives in a different region than the region with jurisdiction over  
2555 the child, the Region Background Screening Committee where the applicant  
2556 resides will conduct the review. It is recommended that the caseworker attend  
2557 the Region Background Screening Review by telephone. A member(s) of the  
2558 Region Background Screening Committee from the region with jurisdiction over  
2559 the child may also meet by telephone, if necessary.  
2560
- 2561 F. In the event the Region Background Screening Committee has a conflict of  
2562 interest in reviewing an applicant's history, the background screening review may  
2563 be referred to another region's Background Screening Review Committee.  
2564
- 2565 G. The TAC/alternate will provide available information to the Region Background  
2566 Screening Committee including summaries of background screening reports and  
2567 any information provided by the applicant. Information will not be sent  
2568 electronically. Criminal history reports (rap sheets) will not be distributed to  
2569 committee members. The TAC/alternate will maintain a dissemination record to  
2570 track the names of the persons receiving the information (including the  
2571 caseworker/supervisor if they participate in the screening) and will ensure that all  
2572 copies of criminal history summaries have been returned to the TAC at the  
2573 conclusion of the review.  
2574
- 2575 H. The Region Background Screening Committee will act on a background  
2576 screening application as soon as possible, but no later than 10 business days of  
2577 receipt of applicant information requested for the review, or within 10 days  
2578 following the time frame allowed for the applicant to submit their explanatory  
2579 information.  
2580
- 2581 I. The Region Background Screening Committee may request additional  
2582 information from the applicant and may defer action on an application until the  
2583 applicant submits this information.  
2584
- 2585 J. The Region Background Screening Committee will not deny a background  
2586 screening application without the region giving the applicant an opportunity to  
2587 provide information regarding the history or findings that are being considered.  
2588
- 2589 K. The Region Background Screening Committee may approve a report without  
2590 additional information from the applicant if the report of history or findings  
2591 contains sufficient information to make a decision about likely threat of harm to a  
2592 child.



- 2593  
2594 L. The Region Background Screening Committee may deny a background  
2595 screening application in the event that an applicant fails to provide requested  
2596 information within the required time frame.  
2597
- 2598 M. The Region Background Screening Committee will carefully consider the  
2599 applicant's criminal history and/or child or adult abuse or neglect findings along  
2600 with any information submitted by the applicant to determine if approval of the  
2601 background screening will create a likely threat of harm to a child.  
2602
- 2603 N. The review will consider factors such as:  
2604 1. The date of the offense or incident;  
2605 2. The nature and seriousness of the offense or incident;  
2606 3. The circumstances under which the offense or incident occurred;  
2607 4. The age of the perpetrator when the offense or incident occurred;  
2608 5. Whether the offense or incident directly relates to abuse of a child or  
2609 vulnerable adult, including:  
2610 a. Actual or threatened non-accidental physical or mental harm;  
2611 b. Sexual abuse;  
2612 c. Sexual exploitation;  
2613 d. Negligent treatment;  
2614 6. Any evidence provided by the person of rehabilitation, counseling, or  
2615 psychiatric treatment received, or additional academic or vocational  
2616 schooling completed by the person, and  
2617 7. Any other pertinent information.  
2618
- 2619 O. Approval or denial will be determined according to standards established in Utah  
2620 Code Ann. [§62A-2-120](#) and Utah Code Ann. [§62A-4a-1002](#). If the committee  
2621 denies the background screening, the region TAC or Region Background  
2622 Screening Committee Chairperson will send the applicant a Kinship Background  
2623 Screening Committee denial letter.  
2624
- 2625 P. If the applicant's background has been denied by the Region Background  
2626 Screening Committee, a Region Background Screening Committee denial letter  
2627 will be sent to the applicant either by the Region Background Screening  
2628 Committee Chairperson, the region TAC/alternate, or region-designated person.  
2629 This notice will not include specific reasons for the denial.  
2630

2631 **504.10 Steps If Background Screening Is Denied After A Child Has**  
2632 **Been Placed With A Kinship Caregiver/Friend**  
2633

- 2634 A. If a child was placed with a kinship caregiver/friend in an approved Preliminary  
2635 Placement, and subsequent background screening of an adult in the home is not  
2636 approved, Child and Family Services will:



- 2637 1. Reassess safety based on safety decision-making (see Practice  
2638 Guidelines [Section 507.1](#)).
- 2639 2. Consult with the AAG and GAL assigned to the case.
- 2640 3. Child and Family Services cannot approve ongoing placement of a child in  
2641 Child and Family Services custody with a kinship caregiver/friend that  
2642 does not meet background screening requirements.
- 2643 4. Evaluate placement options and time frames in terms of immediate threat  
2644 of harm, placement stability, and long-term view with the Child and Family  
2645 Team. The team will decide if it is in the child's best interest to transition  
2646 to another placement or to recommend to the court that **custody and**  
2647 **guardianship** be granted to the kinship caregiver. If the child is placed  
2648 with a friend that has been identified by the parent and the background  
2649 screening is not approved, the child must be moved to a new placement  
2650 as soon as possible, as the friend will not qualify to become a licensed  
2651 foster parent. Child and Family Services will not recommend that  
2652 temporary **custody and** guardianship be granted to a friend.
- 2653 5. If **custody and** guardianship is going to be recommended to the court,  
2654 educate the court on the ramifications of granting **custody and**  
2655 **guardianship** without an approved background screening (e.g., the family  
2656 will not qualify for adoption assistance if they later decide to adopt).
- 2657
- 2658 B. Prior to the Child and Family Team Meeting and before requesting a court  
2659 hearing, the caseworker will meet with the kinship caregiver to discuss  
2660 ramifications of taking **custody and** guardianship when background screening  
2661 was not approved (e.g., will not qualify for adoption assistance if they later  
2662 choose to adopt) so the decision can be made with full knowledge of the options.
- 2663
- 2664 **C. The Child and Family Team will make every effort to prevent a kinship placement**  
2665 **disruption by providing support to the family and working to overcome any**  
2666 **barriers. In the event that a disruption is imminent, and the child is in a relative**  
2667 **placement, the Child and Family Team will follow Practice Guidelines [Section](#)**  
2668 **[507.1, Removal of a Child from the Home of a Foster Care Licensed or](#)**  
2669 **[Unlicensed Relative Caregiver, and look back at kinship options and resume](#)**  
2670 **[search and engagement activities.](#)**
- 2671
- 2672 **[E-D].** If a decision is made to move the child to another placement, the caseworker will  
2673 work with the kinship caregiver/friend to transition the child to another appropriate  
2674 placement in a time frame consistent with the urgency identified through the  
2675 safety assessment.
- 2676
- 2677 The caseworker will move the child to another placement and provide written  
2678 notice of the change of placement to the court and all parties to the proceedings  
2679 within three days of the removal, excluding weekends and holidays.
- 2680

2681 **[D,E]** If the Child and Family Team decides not to recommend that the kinship relative  
2682 caregiver be granted **[custody and]** guardianship, the caseworker may inform the  
2683 kinship caregiver of the their option to obtain their own legal counsel to seek  
2684 temporary **[custody and]** guardianship of the child from the court on their own.  
2685

## 2686 **504.11 Communication Of Background Screening Results And** 2687 **Dissemination Of Records**

### 2688 2689 A. Background Screening Results to Child and Family Services Staff:

#### 2690 1. Expedited Request:

- 2691 a. If the caseworker verbally requested expedited background  
2692 screening for a Preliminary Placement and communication of the  
2693 results is urgent, the TAC/alternate may notify the caseworker  
2694 verbally if the background screening is approved, needs further  
2695 review, is denied, or could not be completed based upon the verbal  
2696 information provided.
- 2697 b. The TAC/alternate will not provide specific details to a caseworker  
2698 about a background screening history that was initiated by a verbal  
2699 request until the TAC/alternate has received the Kinship  
2700 Background Screening Application providing written authorization  
2701 for the screening and photo identification. However, if  
2702 dissemination of details is urgent to the Preliminary Placement  
2703 decision, the results may be shared but will be considered tentative.

#### 2704 2. UCJIS Report for Utah Criminal History, Juvenile Criminal History, III 2705 History, and FBI Reports:

- 2706 a. The TAC/alternate may only communicate details contained in a  
2707 Utah criminal history, juvenile criminal history, III history, or FBI  
2708 report obtained through UCJIS or the BCI/ABC Webpage to Child  
2709 and Family Services staff who are authorized to receive the  
2710 information (such as caseworker, supervisor, kinship consultant, or  
2711 background screening committee members who have been trained,  
2712 tested, and fingerprinted, and who have approved access rights  
2713 through BCI).
- 2714 b. Any details shared will only be provided in a summary of the  
2715 original report.
- 2716 c. All details can be shared verbally.
- 2717 d. A dissemination log can be maintained and a dissemination form  
2718 can be completed to document the name of each person who  
2719 received the information, if dissemination was verbal or written,  
2720 date, case number, and signature of caseworker receiving the  
2721 information. However, this is not mandatory.
- 2722 e. Any information reported prior to the TAC/alternate receiving the  
2723 background screening application, photo identification, and  
2724 fingerprint-based report will be considered tentative because

- 2725 positive identification of the applicant and record has not occurred  
2726 through the fingerprinting process.
- 2727 f. The Utah BCI, juvenile criminal history, III history and FBI reports  
2728 (rap sheets) may not be provided to staff and will not be transmitted  
2729 electronically by fax or email and will not be stored in a case file.  
2730 The TAC/alternate will ensure that any results printed from the  
2731 UCJIS database or received from an FBI report will be locked in a  
2732 secure file cabinet or will be shredded after being reviewed.  
2733 Records will be retained for five years.
- 2734 3. SAFE Report of Child or Adult Abuse or Neglect: The TAC/alternate may  
2735 provide the details of background screening reports obtained in SAFE to  
2736 the Child and Family Services caseworker or background screening  
2737 review committee.  
2738
- 2739 B. Background Screening Results to the Court, Attorney General, and GAL:
- 2740 1. The TAC/alternate may provide a written summary of a Utah criminal  
2741 history, III history, or FBI report obtained through UCJIS or BCI for the  
2742 purpose of placement of children to the court, Attorney General's Office, or  
2743 GAL.
- 2744 2. Any information reported prior to TAC/alternate receiving the background  
2745 screening application, photo identification, and fingerprint-based report will  
2746 be considered tentative because positive identification of the applicant and  
2747 record has not occurred through the fingerprinting process.
- 2748 3. To disseminate Utah criminal history records to the court, Attorney  
2749 General's Office, or GAL, the report will be run again in UCJIS using the  
2750 purpose code X and stating the name and title of the judge, AAG, or GAL  
2751 in the audit field. This serves as a dissemination log for audit purposes.
- 2752 4. The TAC/alternate or caseworker may provide the details of background  
2753 screening reports obtained in SAFE to the court, Attorney General's  
2754 Office, or GAL.  
2755
- 2756 C. Reporting and Records Dissemination for Region Background Screening  
2757 Committee:
- 2758 1. Information in Preparation for Committee Review:
- 2759 a. The TAC is responsible to notify the caseworker or designated  
2760 regional kinship supervisor that a background screening application  
2761 requires review by the Region Background Screening Committee  
2762 when relevant findings or history of child abuse or criminal records  
2763 are found. A summary of the background screening reports may be  
2764 provided according to dissemination procedures for staff.
- 2765 b. The TAC will send the applicant notice of the review and give the  
2766 applicant the opportunity to provide additional information required  
2767 to complete the review. The notice will also include information  
2768 about how the applicant may obtain their own criminal history or

- 2769 SAFE report of child and adult abuse or neglect findings and steps  
2770 to take if they believe there are errors on the background screening  
2771 report used by Child and Family Services.  
2772 c. The TAC will compile and submit required documentation to the  
2773 Region Background Screening Committee for their review following  
2774 dissemination procedures for staff specified above.
- 2775 2. Information Dissemination Following Committee Review:  
2776 a. The Region Background Screening Committee is responsible to  
2777 notify the TAC and caseworker or regional kinship supervisor of the  
2778 committee's decision to approve or deny background screening for  
2779 Preliminary Placement. Dissemination guidelines must be followed  
2780 for release of specific details of an applicant's criminal history.  
2781 b. The Region Background Screening Committee will return the  
2782 original and all copies of the application, report summaries, and  
2783 supporting documentation to the TAC to be stored in a locked file or  
2784 destroyed. The TAC will retain documentation of the committee  
2785 decision with the application and supporting documentation for five  
2786 years.  
2787 c. If the Region Background Screening Committee denies the  
2788 application, the TAC or Region Background Screening Committee  
2789 Chairperson will send a written notice of denial to the applicant.  
2790 Specific reasons for denial will not be provided.  
2791
- 2792 D. Background Screening Application and Supporting Information for Office of  
2793 Licensing:  
2794 1. After background screening for Preliminary Placement has been  
2795 completed and fingerprint results received, the TAC/alternate will send the  
2796 Kinship Background Screening Application, out of state clearances (if  
2797 applicable), [and] supporting documentation (if application), and Live Scan  
2798 results to the Child and Family Services Background Screening  
2799 Coordinator for submission to the Office of Licensing. The TAC will retain  
2800 a copy of the information in a locked file until the stamped Kinship  
2801 Background Screening Application is returned from the Background  
2802 Screening Coordinator, who will record transfer of the information in the  
2803 dissemination log.  
2804 2. The TAC will let the caseworker or regional kinship supervisor know if the  
2805 Office of Licensing has approved or denied the background screening  
2806 application. The TAC/alternate will retain the original Kinship Background  
2807 Screening Application. A copy of the application will be sent to the kinship  
2808 home study caseworker to be retained with the Child-Specific Home  
2809 Study.  
2810 3. If the kinship caregiver applies for a foster care license, a copy of the  
2811 approved background screening application will be submitted to the local  
2812 licenser for the Office of Licensing with the Child-Specific Home Study.

- 
- 2813 4. Summaries of background screening reports may be communicated to the  
2814 kinship home study caseworker for consideration of safety as part of the  
2815 home study process following dissemination procedures. Specific  
2816 background screening details will not be included in the kinship home  
2817 study report.
- 2818 5. Background screening reports and supporting documentation will not be  
2819 submitted to local licensor.
- 2820
- 2821 E. Reporting of Background Screening Status and Results to the Applicant:
- 2822 1. The caseworker is responsible to keep the applicant informed regarding  
2823 the status of background screening; specifically, if background screening  
2824 is approved, denied, or requires further review. However, the caseworker  
2825 is prohibited from reporting details of findings or history to the applicant, in  
2826 accordance with BCI policies.
- 2827 2. The caseworker may give the applicant information about how to obtain  
2828 their own criminal history or SAFE report of child or adult abuse or neglect  
2829 findings.
- 2830 3. The TAC/alternate will notify the applicant of the opportunity to provide  
2831 further information if background screening for Preliminary Placement is  
2832 going to be reviewed by the Region Background Screening Committee  
2833 and will send a written notice if denied.
- 2834

2835 **505** (NO LONGER USED)  
2836



2837 **506 Temporary [Custody And] Guardianship With The Kinship**  
2838 **Caregiver And Court-Ordered Kinship Support Services**  
2839

2840 Major objectives:

2841 The Child and Family Services caseworker may recommend to the court that the child  
2842 be placed in the temporary [custody]guardianship of a kinship caregiver and that Child  
2843 and Family Services provide a comprehensive array of kinship support services to the  
2844 child, the kinship caregiver, and the parent. Friends identified by the parents as  
2845 caregivers for the child and with whom the child was placed in a Preliminary Placement  
2846 but are not licensed foster parents at time the child is placed are not eligible for  
2847 temporary [custody and] guardianship unless court ordered and Child and Family  
2848 Services will recommend that friends become licensed foster parents.

2849  
2850 **Applicable Law**

2851 Utah Code Ann. [§62A-4a-105](#). Division responsibilities.

2852  
2853 Practice Guidelines

- 2854 A. Temporary [custody]guardianship to the kinship caregiver and court-ordered  
2855 kinship support services may be recommended to the court when the initial  
2856 permanency goal is reunification and the kinship caregiver has agreed to:
- 2857 1. Work with the parent and Child and Family Services to reunify the child  
2858 with the parent.
  - 2859 2. Cooperate with Child and Family Services, the GAL, the AAG, and other  
2860 support agencies.
  - 2861 3. Follow all court orders.
  - 2862 4. Commit to the long-term permanency plan, which may include adoption or  
2863 permanent [custody and] guardianship of the child by the kinship  
2864 caregiver.
  - 2865 5. Resist and report inappropriate and unauthorized requests by the parent  
2866 for access to the child.
  - 2867 6. Commit to protect and care for the child as long as necessary.
  - 2868 7. Provide a secure and stable environment for the child.
- 2869
- 2870 B. The kinship caregiver needs to have the ability, commitment, and resources to  
2871 access and use the services needed to address the child's developmental,  
2872 mental health, educational, or medical needs.
- 2873
- 2874 C. The Child and Family Services caseworker needs to provide the kinship  
2875 caregiver with the following supports and services to meet the child's needs,  
2876 assist the child's parents, and meet the relative's needs as caregivers:
- 2877 1. Provide kinship support services for a minimum of six months unless  
2878 otherwise ordered by the court.
  - 2879 2. Contact the kinship caregiver within five working days of placement and  
2880 visit the kinship caregiver's home within 10 working days of placement to:

- 
- 2881 a. Observe the conditions and circumstances of the kinship  
2882 caregiver's home.  
2883 b. Determine the health, well-being, and safety of the child.  
2884 c. Identify any resource and service needs of the kinship caregiver  
2885 and the child.  
2886 3. Assist in obtaining needed supports and services, which may include day  
2887 care, respite care, transportation, and counseling.  
2888 4. Assist in obtaining any necessary financial and medical assistance for the  
2889 child and the kinship caregiver, within 30 days of placement, which needs  
2890 to include:  
2891 a. Explanation of the tasks needed for meeting eligibility criteria for  
2892 specific funding sources.  
2893 b. Technical assistance in securing documentation (i.e., Social  
2894 Security cards, birth certificates, legal documents) necessary for  
2895 completing financial applications.  
2896 c. Advocacy for the kinship caregiver with potential funding sources  
2897 throughout the application, interview, and evaluation processes.  
2898 5. Provide an opportunity for input into the service plan and participation in  
2899 ongoing Child and Family Team Meetings.  
2900 6. Thoroughly discuss the reunification services, the permanency plan, and  
2901 the permanency time frames with the kinship caregiver.  
2902 7. Offer and provide training and workshops based on the needs and  
2903 interests of the kinship caregiver.  
2904 8. Conduct a minimum of one visit per month to the home of the kinship  
2905 caregiver. The caseworker may make additional visits if the kinship  
2906 caregiver needs assistance and instruction to deal with the child's special  
2907 needs or if Child and Family Services has reason to believe that the  
2908 parent may harass or interfere with the kinship caregiver and help is  
2909 needed to cope with the interference.  
2910 9. Assist in establishing a specific visitation plan as part of the service plan  
2911 between the child and the parent and develop the rules that will govern the  
2912 visits. Visits between the child and the parent will occur a minimum of one  
2913 time per month. If problems arise with visitation, the kinship caregiver can  
2914 request Child and Family Services to be actively involved in establishing  
2915 visitation guidelines and schedules.  
2916 10. Assist in maintaining relationships with other extended family when  
2917 possible and appropriate.  
2918 11. Provide access to a Child and Family Services family resource consultant  
2919 to provide support, respond to questions and solve problems, offer  
2920 referrals to training and workshops, conduct face-to-face quarterly field  
2921 visits, and provide resource consultation.  
2922

- 2923 D. The Child and Family Services caseworker provides the following services and  
2924 supports to meet the child's needs and works collaboratively with the kinship  
2925 caregiver to enable the child to receive needed services:
- 2926 1. Assist the kinship caregiver in setting up and attending the child's required  
2927 mental health, dental, and health assessments. The assessment  
2928 appointment needs to be scheduled within 30 days of placement.  
2929 Ongoing treatment recommendations will be incorporated into the service  
2930 plan and monitored by the caseworker. The Child and Family Services  
2931 caseworker will report to the court, the GAL, and the AAG the status of the  
2932 assessments.
  - 2933 2. Conduct a minimum of one visit per month with the child (this may occur at  
2934 the same time as the visit with the kinship caregiver). The Child and  
2935 Family Services caseworker will visit with the child outside the presence of  
2936 the kinship caregiver to help assure that the child has a safe and healthy  
2937 relationship with the caregiver.
  - 2938 3. Contact an individual other than the kinship caregiver who knows the child  
2939 and who can provide feedback on the child's well-being.
  - 2940 4. Facilitate contact and visits between the child and the parent unless safety  
2941 concerns exist.
  - 2942 5. Share information about the parent's activities and progress toward  
2943 reunification or other permanency options.
  - 2944 6. Prepare the child to return to the parent's care or another permanent  
2945 arrangement including adoption or permanent guardianship by the kinship  
2946 caregiver.
  - 2947 7. Assist in maintaining relationships with siblings through visits and shared  
2948 activities whenever possible.
  - 2949 8. Provide an opportunity for input into the service plan, when age  
2950 appropriate, and identify the roles and responsibilities of the child in the  
2951 service plan.
  - 2952 9. Advocate for the child in negotiating with other service systems and  
2953 brokering access to resources for the child.
- 2954
- 2955 E. The Child and Family Services caseworker needs to provide the following  
2956 services to parents that will support and enhance their functioning as parents:
- 2957 1. Involve parents in service planning and thoroughly inform them of their  
2958 roles and responsibilities in the plan (if circumstances warrant, separate  
2959 plans may be developed for each parent).
  - 2960 2. Invite parents to participate in ongoing Child and Family Team Meetings to  
2961 assess progress in meeting the service plan and the permanency planning  
2962 goals.
  - 2963 3. Assist parents in addressing the problems that led to their child's  
2964 placement in kinship care and deliver or provide access to the services  
2965 needed to remedy those problems to achieve reunification.

- 2966 4. Include as part of the service plan a visitation schedule to maintain contact
- 2967 with the child that meets the needs of the child, parent, and kinship
- 2968 caregiver in consultation with the GAL.
- 2969 5. Deliver or provide access to services and resources to prepare the
- 2970 parents for reunification or other permanency options for the child.
- 2971

## 507 Periodic Review Of Kinship Placement

### Major objectives:

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

### **Applicable Law**

Utah Code Ann. [§62A-4a-105](#). Division responsibilities.

### Practice Guidelines

- A. The Child and Family Services 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 Child and Family Services?
  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 Child and Family Services 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 Child and Family Services.

### **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 licensed or unlicensed relative or friend when that relative or friend is incapable of caring for the child due to health or ongoing ability, consultation with the Assistant Attorney General assigned to the case is required.]~~

- 3015 B. Child and Family Services may not remove a child from a relative (as legally  
3016 defined in Utah Code Ann. §78A-6-307 and Indian Child Welfare Act 25 U.S.C.  
3017 §1901-63), who is a licensed or unlicensed caregiver on the basis of the  
3018 relative's age or health, unless the following criteria are met:
- 3019 1. There is a preponderance of the evidence that the licensed or unlicensed  
3020 relative or friend is incapable of caring for the child and the child will be  
3021 placed with another relative. [See: Utah Code Ann. §62A-4a-206.]
- 3022 Or,
- 3023 2. There is clear and convincing evidence that the relative or friend is  
3024 incapable of caring for the child and the child will be placed with another  
3025 foster parent who is NOT a relative.
- 3026
- 3027 C. If a relative or friend who is a licensed foster parent requests that the child be  
3028 moved to another placement, they will give a ten-day notice to the caseworker,  
3029 and complete the form PR100 Request for Agency Action to Remove a Foster  
3030 Child, which can be found in the Home-to-Home Packet.
- 3031
- 3032 D. If Child and Family Services, in consultation with the AAG, decides that removal  
3033 of the child from the relative or friend is in the child's best interest, Child and  
3034 Family Services will provide a ten-day notice, except for in the case where safety  
3035 is an immediate concern.]
- 3036 A. When considering the removal of a child from a foster care licensed or  
3037 unlicensed relative or friend when that relative or friend is no longer able to care  
3038 for the child due to health or ongoing ability, consultation with the Assistant  
3039 Attorney General assigned to the case is required.
- 3040
- 3041 B. Child and Family Services may not remove a child from a relative (as legally  
3042 defined in Utah Code Ann. §78A-6-307 and the Indian Child Welfare Act 25  
3043 U.S.C. §1901-63), who is a licensed or unlicensed caregiver on the basis of the  
3044 relative's age or health, unless the following criteria are met:
- 3045 1. There is a preponderance of the evidence that the licensed or unlicensed  
3046 relative or friend is incapable of caring for the child and the child will be  
3047 placed with another relative. [See: Utah Code Ann. §62A-4a-206.]
- 3048 Or,
- 3049 2. There is clear and convincing evidence that the relative or friend is  
3050 incapable of caring for the child and the child will be placed with another  
3051 foster parent who is NOT a relative.
- 3052
- 3053 C. If a relative or friend who is a licensed foster parent requests that the child be  
3054 moved to another placement, they will give a ten-day notice to the caseworker  
3055 and complete the form PR100 Request for Agency Action to Remove a Foster  
3056 Child, which can be found in the Home-to-Home Packet. If Child and Family  
3057 Services, in consultation with the AAG, decides that removal of the child from the  
3058 relative or friend is in the child's best interest, Child and Family Services will



- 3059 provide a ten-day notice, except for in the case where safety is an immediate  
3060 concern. [See: Practice Guidelines Section 305.3.]  
3061
- 3062 D. If Child and Family Services is considering the removal of a child in DCFS  
3063 custody from an unlicensed relative or friend, the following must have taken  
3064 place:
- 3065 1. When possible, the removal or change in placement has been discussed  
3066 in the Child and Family Team Meeting and is part of the ongoing plan.
  - 3067 2. The kinship caregiver(s) has been given notice of the removal prior to the  
3068 removal.
  - 3069 3. Another kinship placement will be made, or
  - 3070 4. If no kinship options are available, efforts to notify and engage kin have  
3071 been documented and provided to the placement committee.
  - 3072 5. If the unlicensed relative or friend disagrees with this decision, they may  
3073 address the court.
- 3074
- 3075 E. If a relative or friend has temporary guardianship of the child while Child and  
3076 Family Services is providing services to the family, a removal cannot take place  
3077 without a warrant or court order.  
3078

- 3079 **508** **Statutory Timelines For Establishing Permanency**
- 3080
- 3081 (See: Practice Guidelines [Section 301.2.](#))
- 3082

## 509 Preparing Kin For Permanency Plan

### Major objectives:

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

### **Applicable Law**

Utah Code Ann. [§62A-4a-105](#). Division responsibilities.

### Practice Guidelines

- A. In order to recommend the most appropriate permanency plan for the child, the Child and Family Services 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 **[custody and]** 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 **[custody and]** 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 Child and Family Services 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.

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

3130 **510 Temporary [Custody And] Guardianship With Child And**  
3131 **Family Services And Licensed Kinship Foster Care**

3132 Major objectives:

3133 The Child and Family Services caseworker may recommend to the court that temporary  
3134 **[custody]guardianship** of the child be ordered to Child and Family Services, the child be  
3135 placed in the home of a kinship caregiver/friend, the identified kinship caregiver/friend  
3136 becomes a licensed foster care provider, and Child and Family Services provides  
3137

3138  
3139 **Applicable Law**

3140 Utah Code Ann. [§62A-4a-105](#). Division responsibilities.

3141  
3142 Practice Guidelines

- 3143 A. The Child and Family Services caseworker will adhere to out-of-home  
3144 procedures and Practice Guidelines when a child is placed in kinship foster care.  
3145 The Child and Family Services caseworker needs to provide the kinship  
3146 caregiver/friend with the following supports and services to meet the child's  
3147 needs, assist the child's parents, and meet the kinship caregiver/friend's needs:
- 3148 1. Assist in obtaining needed supports and services, which may include day  
3149 care, respite care, transportation, and counseling.
  - 3150 2. Access to a family resource consultant to provide support, respond to  
3151 questions and solve problems, offer referrals to training and workshops,  
3152 conduct face-to-face quarterly field visits, and provide resource  
3153 consultation.
  - 3154 3. Conduct additional visits to the home of the kinship caregiver/friend if the  
3155 kinship caregiver/friend needs assistance and instruction to deal with the  
3156 child's special needs, or if Child and Family Services has reason to believe  
3157 that the parent may harass or interfere with the kinship caregiver/friend  
3158 and help is needed to cope with the interference.
  - 3159 4. Assist in establishing a specific visitation plan between the child and the  
3160 parent and develop rules that will govern the visits. If problems arise with  
3161 visitation, the kinship caregiver/friend can request Child and Family  
3162 Services to be actively involved in establishing visitation guidelines and  
3163 schedules.
- 3164
- 3165 B. In order to assist the kinship caregiver/friend to become a licensed foster home,  
3166 the Child and Family Services caseworker needs to:
- 3167 1. Provide follow-up assistance and advocacy until the kinship  
3168 caregiver/friend receives foster parent licensure.
  - 3169 2. Forward to the Office of Licensing a copy of the completed Kinship Home  
3170 Study and the results of the criminal background check on the kinship  
3171 caregiver/friend and all members of the household over the age of 18  
3172 years.

- 3173            3.     Offer services and supports, as appropriate, to assist the kinship  
3174                     caregiver/friend in adapting the home to meet licensing standards and the  
3175                     needs of the child.  
3176
- 3177     C.     Placement recorded in SAFE: When a child is receiving court-ordered In-Home  
3178                     Services (PSS) and has been placed in the home of a non-custodial parent or  
3179                     kinship caregiver/friend, the kinship placement needs to be recorded in SAFE.  
3180                     The role of Kin Caregiver will be recorded as KR. The role of Kin Child will be  
3181                     recorded as KC. Placement with a non-custodial parent will be coded as NCP.  
3182                     Placement with a kinship caregiver/friend will be coded as BHR.  
3183



## 511 Permanent [Custody And]With The Relative

### Major objectives:

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

### **Applicable Law**

Utah Code Ann. [§62A-4a-105](#). Division responsibilities.

### Practice Guidelines

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

### Applicable Law

Utah Code Ann. [§62A-4a-105](#). Division responsibilities.

### Practice Guidelines

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

1. Reunification with parents.

2. Adoption by the kinship caregiver/friend.

~~2.]3.~~ Permanent ~~[[custody and -]~~ guardianship with the kinship caregiver/licensed friend.

~~[3. — Adoption by the kinship caregiver/friend.]~~

4. Non-relative adoption.

5. ~~[Transition to independence.]~~ Individualized Permanency.

~~[6. — Long-term kinship care.]~~

~~[B. — If long-term kinship care is recommended, the Child and Family Services caseworker needs to ensure the following issues are addressed:~~

~~1. — Reasonable efforts to reunify the child and parent were not successful.~~

~~2. — Long-term kinship care is in the child's best interest, provides stability and permanency, and is preferable to all other permanency options.~~

~~3. — Compelling reasons to not proceed with termination or permanent custody and guardianship have been documented on a case-by-case basis. The following examples may warrant not recommending a permanent home for the child:~~

~~a. — A child's Indian tribe is opposed to termination of parental rights and has determined the child needs to remain with the kinship caregiver.~~

~~b. — A child has complex and expensive mental health, medical, or developmental needs and the kinship caregiver/friend's benefits and resources are insufficient to reliably cover the costs of the child's present or anticipated care and treatment.~~

~~c. — A teenager is opposed to termination of parental rights and adoption.~~

~~d. — Services identified in the case plan were not provided in a timely fashion.~~

~~e. — The parents have made substantial progress in eliminating the problems causing the child's continued placement, and it is likely~~

3257                                   that the child will be able to return home safely within several  
3258                                   months.]  
3259    B.    If Permanent Guardianship is being recommended by Child and Family Services,  
3260                                   the caseworker will follow Practice Guidelines Section 308.2.  
3261