

## 1006.0 Out of Home Placement Process

### 1006.1 Policy Approval Clearance Record

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Review by Representative from the Office of the Attorney General:	Date: 01/29/2013	Date Policy Effective: 04/22/2013
DCFS Administrator Approval Signature:	Date: 03/18/2013	Policy Lead: Dorothy Pomin, SSPS III

### 1006.2 Statement of Purpose

- 1006.2.1 Policy Statement:** Out of home placements for custody and non-custody children must ensure that the safety, well being, permanency, and best interests of the child are met.
- 1006.2.2 Purpose:** When a child is taken into protective custody or requires a placement change, the child welfare agency will identify the best placement for the child that will meet their unique, individual needs and limit the amount of trauma experienced by the child due to their removal from their home or change in placement.

### 1006.3 Authority

Titles IV-E and IV-B of the Social Security Act 42 U.S.C. §§ 620-632, 670-679 as amended by:

Adoption and Safe Families Act of 1997 (ASFA), P.L. 105-89

Fostering Connections to Success and Increasing Adoptions Act of 2008, P.L. 110-351, and

Child and Family Services Improvement and Innovation Act of 2011, P.L. 112-34

NRS 127.330 NRS 128.110; NRS 432B.360; 390; 391; 3905; 457; 550 NRS 179A.060

NAC 432B.250; NAC 424.031, 195.

### 1006.4 Definitions

- 1006.4.1 Caregiver:** Refers to the person or persons providing foster, adoptive, relative or kinship care for a child, or a person who provides care in a treatment home or residential treatment facility in which a child is placed.
- 1006.4.2 Custody:** DCFS protective custody.
- 1006.4.3 Fictive Kin:** As used in this policy, a person not related within the 5<sup>th</sup> degree of consanguinity by birth, marriage or adoption; such as a family friend or neighbor who has a significant emotional and positive relationship with the child.
- 1006.4.4 NCIS:** FBI National Crime Information Center
- 1006.4.5 NCJIS:** Nevada Criminal Justice Information System, name based criminal background check.
- 1006.4.6 Non-Custody:** Voluntary placement by parent.
- 1006.4.7 Out of Home Care:** Placement of a child outside of their home of origin for a period of 24 hrs or longer.
- 1006.4.8 Relative:** A person related to the child through birth, marriage or adoption.
- 1006.4.9 Shelter/Congregate Care:** Facilities that provide residential care to 16 or more children; or facilities that use shift staff caregivers, rather than foster parents; to provide residential

care to children who are in child welfare custody. It does not include a home or facility that provides medical services to children.

**1006.4.10 State:** The Family Programs Office (FPO) at the Division of Child and Family Services (DCFS).

## 1006.5 Procedures

### 1006.5.1 30 Day Removal Letter (Attachment A)

Within 30 days of removal, child welfare agencies are required to send notice to all known relatives of children removed from a parents care to inform them the child(ren) have been removed in the event that they or other relatives that they may know of, want to participate in the child's care or placement. See attachment FPO 1006A. Letters should be mailed regular parcel post. Please include a postage paid envelope for the return of the letter.

**1006.5.2 Children Entering Out of Home Placement:** When it is unsafe for a child to remain in their home of origin, the child welfare agency will identify an out of home placement that best meets the child's needs. There are many factors that must be taken into consideration when determining the best placement for a child.

#### A. Screen for Each Child's Individual Needs:

1. When it is determined that a child must enter an out of home placement, the caseworker is required to ensure that the child is assessed for any physical, medical, trauma from maltreatment or removal and/or mental health issues. A child must have an EPSDT exam within 30 days of removal, to identify a child's individual needs. *(See 0207 Health Services Policy)*
2. If a child comes into the legal custody of the child welfare agency and is currently prescribed psychotropic medications or is in need of psychiatric services, the child welfare agency must nominate for court appointment a "person legally responsible for the psychiatric care of the child." *(See 0209 Psychiatric Care & Treatment)*

#### B. Priority of Placement into Out of Home Care:

1. In a hospital, if the child needs hospitalization.
2. With a person who is related within the fifth degree of consanguinity or a fictive kin, who is suitable and able to provide proper care and guidance for the child, regardless of whether the relative/fictive kin resides within this State.
  - a. When an out of state caregiver is identified, the caseworker must follow procedures required by the Interstate Compact on the Placement of Children (ICPC).
3. In a licensed foster home.
4. In any other licensed shelter that provides care to children.
  - a. Every effort must be made **NOT** to place children under age 6 in shelter/congregate care. The only exceptions are:
    - i. Appropriate foster care is not available at the time of placement in the county in which the child resides;
    - ii. If the child requires medical services and such medical services could not be provided in any other placement; or
    - iii. If necessary to avoid separating siblings.
  - b. If a child under age 6 is placed in shelter/congregate care in circumstances other than those exceptions listed above (subsection 4.a), the Director of the Division of Health and Human Services **MUST** be notified of the placement

through the DCFS Rural Region Manager. The caseworker is to ensure the child is moved to another placement as soon as possible.

### C. Placement Criteria:

1. Least Restrictive Placement: Placement in a family home is the least restrictive and is the preferred placement unless a child's individual needs require a higher level of care. The following are types of placement, listed from least restrictive to most restrictive:
  - a. Relative / Fictive Kin
  - b. Licensed Non-Relative Family Foster Home;
  - c. Family Foster Group Home;
  - d. Specialized Foster Home;
  - e. Residential Treatment Center;
  - f. Acute Psychiatric Hospital.
2. Placement of Siblings: Whenever possible siblings must be placed together, if that is not possible initially, every effort must be made to locate or recruit a placement that can accept the sibling group.
  - a. If siblings cannot be placed together, the caseworker must ensure frequent visitation and/or ongoing interactions (letters, phone calls, text or email messages, etc.).
  - b. If the caseworker determines that the siblings cannot be placed together or have visitation, the reasons that the contact is contrary to the safety or well being of the siblings must be documented.
  - c. The caseworker needs to periodically reassess sibling visitation and placement decisions in cases where siblings are separated or not visiting to determine if a change is warranted.
3. Proximity to Home and School: It is important to maintain the continuity of a child's social relationships and school stability. A child should be placed within their same community whenever possible, so that the child maintains their positive connections within their community, i.e., friends, church/pastor, scout leader, sports activities, etc. In addition, this close proximity allows for ease of visitation between the child with parents and with family members, which may lessen the child's trauma of being removed from their family and supports efforts toward reunification. Furthermore, federal law requires that a child remain enrolled in their school of origin at initial placement and for any subsequent placements to support the child's educational stability, unless it is contrary to the child's best interests. Examples of when a child's placement in their own community or attending the current school are contrary to their best interests may include, but are not limited to:
  - a. Child's involvement with gang or drug activity;
  - b. Believable threats of violence from or abduction by the biological parents;
  - c. Close proximity to a perpetrator of sexual abuse.

Also see *FPO 0204D Educational Stability Guidelines* for further guidance in determining the child's best interests.

### D. Emergency Placement with a Relative/Fictive Kin

1. **Identification of Relatives/Fictive Kin** - The caseworker will work with the parents to identify relatives/fictive kin as potential caregivers for the child. When the child is of an age to understand, the caseworker should also ask about their

knowledge of relatives/fictive kin that they may be aware of. It can be especially helpful to ask the child, when a parent is not available or is unwilling to identify relatives or fictive kin.

- a. Children are less traumatized when placed with someone that is familiar to them.
2. **Emergency Placement During Normal Business Hours** - Prior to placing a custody or non-custody child in an emergency placement with a relative/fictive kin, the placing caseworker **MUST** complete the safety requirements of form *DCFS Emergency Placement Checklist (Attachment B)*. The following requirements must be performed:
  - a. **Home Inspection** - Inspection of the home to ensure the environment is safe for children.
  - b. **CANS Check** - A Nevada Child Abuse and Neglect (CANS) check in both UNITY and the Legacy system.
    - i. In addition, CANS check must be requested from any other states the relative/fictive kin has resided within the past 5 years within 5 business days of placement of the child.
    - ii. Placement resources with CANS substantiation require approval by the DCFS Administrator or the designee of the Administrator prior to placement.
  - c. **Criminal Background Records Check**
    - i. **Nevada NCJIS Records Check** - The Nevada Criminal Justice Information System (NCJIS) must be checked for all statewide criminal background history.
    - ii. **FBI NCIC Purpose Code X Criminal Background Name-Based Check** - When making an emergency placement **of a child in legal custody of the agency**, a preliminary NCIC name-based criminal background check must be made immediately and fingerprints must be received by the Nevada Dept of Public Safety within 15 days. Placement caregivers must get their fingerprints rolled and returned to DCFS within 3 days.
  - d. **Confirming Safe Environment (CSE) Present Danger Assessment (PDA). Attachment C.**
3. **Emergency Placement During Non-Business Hours** -
  - a. **Home Inspection** - Inspection of the home to ensure the environment is safe for children.
  - b. **CANS Check** - A Nevada Child Abuse and Neglect (CANS) check in both UNITY and the Legacy system.
    - i. In addition, a CANS check must be requested from any other states the relative/fictive kin has resided within the past 5 years within 5 business days of placement of the child.
    - ii. Placement resources with CANS substantiation require approval by the DCFS Administrator or the designee of the Administrator prior to placement.
  - c. **Criminal Background Checks** –
    - i. **Local Criminal History** - During non-business hours, a criminal background check is to be requested from local law enforcement agencies; and

- **NCJIS** - statewide criminal background check must be run the next business day.
  - ii. **FBI NCIC Purpose Code X Criminal Background Name-Based Check** – When making an emergency placement of a child in legal custody of the agency during non-business hours, a preliminary NCIC name-based criminal background check must be made on the next business day; fingerprints must be submitted to the Nevada Dept of Public Safety within 15 days.
  - d. **Confirming Safe Environment (CSE) Present Danger Assessment (PDA). Attachment C.**
4. **Exception to NCIC Criminal Background Check during Emergency Placement with Relative or Fictive Kin**
- a. An exception to forgo the Purpose Code X may include when the relative or fictive kin can establish he/she has resided within the State of Nevada for a minimum of six (6) consecutive years, he/she receives clearances through local law enforcement criminal background checks and he/she will be **immediately** applying to become licensed as a foster parent.
    - i. Completing the FBI Purpose Code X name-based check requires that the District Office's NCIC/NCJIS terminal designee ensures corresponding fingerprints are also submitted within 15 days. Meeting this Purpose Code X requirement does NOT eliminate the need to submit additional fingerprints during the foster care licensing process, thus a relative or fictive kin incurs additional costs to have fingerprints submitted twice within just a few weeks time.

**1006.5.3 Completion of Federal Bureau of Investigation (FBI) Purpose Code X Name-Based Check**

- A. The caseworker (or their designee) submits the names of persons over the age of 18 residing in the home to the District Office's NCIC/NCJIS terminal designee by completing the Criminal History Request Form (Attachment D).
- B. The caseworker (or their designee) must ensure that every adult residing in the home completes fingerprinting through an approved fingerprinting entity (i.e. Sheriff's Office, Police Division, DCFS etc.) within six (6) days of the placement. **If the finger print cards are not submitted within the established timeframes the children must be immediately removed from the relative/fictive kin.**
  - 1. Caseworker (or their designee) will provide the individuals with a Civil Applicant Waiver (attachment D) to be signed, dated and returned to the caseworker (or their designee), when the fingerprint cards are submitted.
  - 2. Caseworker (or their designee) will provide individuals with the unsealed Chain of Custody Envelope (2 fingerprints cards per envelope) and individuals should complete necessary information and sign both cards. Individuals will have fingerprints completed and fingerprinting entity will seal the Chain of Custody envelope
  - 3. Individuals will return Chain of Custody envelopes to caseworker (or their designee) for processing within six (6) days.
  - 4. DCFS MUST mail the fingerprints, in the chain of custody envelope, to DPS within 4 days of receipt. Fingerprints MUST be received by DPS within 15 days of the day the child was placed.

**1006.5.4 Criminal History Dissemination**

- A. All DCFS personnel are required to adhere to the NCJIS/NCIC Security Policies regarding access and dissemination of information which states disseminating Criminal History Record Information from any system on NCJIS to any unauthorized source is prohibited. Information can only be distributed to other authorized users. Information cannot be disseminated to the subject of the inquiry.
- B. If the subject of the inquiry has questions regarding their criminal history they can be referred to the State of Nevada Department of Public Safety Records and Technology Division website located at <http://www.nvrepository.state.nv.us/index.shtml> where they can receive information on how to obtain information regarding their own criminal history.
1. **Failure to follow these procedures may result in sanctions imposed upon the Division and/or staff to include the elimination of the Division's access to NCJIS/NCIC information and the possibility of employee disciplinary action up to and including termination as outlined per NAC 284.650 CAUSES FOR DISCIPLINARY ACTION.**
  2. **Criminal history records MUST be maintained in the case file on ORANGE COLORED PAPER with an ORANGE FACE SHEET indicating that the attached is CONFIDENTIAL INFORMATION and CANNOT BE DISSEMINATED. The criminal history results MUST NOT be shared and MUST be removed from the case file during a case file review by any unauthorized personnel** (i.e. CASA workers, foster parent, child attorneys, etc. reviewing a case file).
- C. If information is disseminated to other authorized users, the Terminal Agency Coordinator (TAC) must record it in a secondary dissemination log. Within one business day following dissemination, staff must submit the following information to the TAC:
1. The date the information was provided;
  2. The name of the person who is the subject of the information;
  3. The agency or person the information was released to
  4. A brief description of the information released; and
  5. Reason for the release of the information.

**1006.5.5 Preliminary Results and Warrants**

- A. If a "hit" or confirmation is received on preliminary results (without fingerprint confirmation) regarding arrest, convictions or warrants, staff must confirm the veracity of the information by contacting the arresting jurisdiction. Electronic warrants do not require confirmation. The warrant information cannot be shared with the individual.
- B. Pursuant to NCJIS/NCIC Security Policies, the caseworker or designee must contact law enforcement if any subjects have active warrants.

**1006.5.6 Criminal History Background Check Results for Unlicensed Relatives and Fictive Kin**

Unlicensed relatives/fictive kin of children in DCFS legal custody need to meet the same background check standards that other types of foster placements must meet. Checking for criminal background records helps to identify potential safety concerns with a relative/fictive kin. The following is the NAC 424 listing of problematic crimes.

**NAC 424.195 Denial, suspension or revocation of license: Criminal history of applicant, licensee or prospective employee.** ([NRS 424.020](#), [424.031](#))

1. Except as otherwise provided in subsection 3, a license to operate a foster home must not be issued, or must be suspended or revoked if one was issued, if the

- applicant, licensee holding the license to operate the foster home or a prospective employee of the foster home:
- a. Has been convicted of a crime involving harm to a child;
  - b. Has charges pending against him for a crime involving harm to a child; or
  - c. Has been arrested and is awaiting final disposition of the charges pending against him for a crime involving harm to a child.
2. Except as otherwise provided in subsection 3, a license to operate a foster home must not be issued, or must be suspended or revoked if one was issued, if any person listed in subsection 1 has a felony conviction for, has charges pending against him for a felony conviction for, or has been arrested and is awaiting final disposition of the charges pending against him for a felony conviction for:
- a. Child abuse or neglect;
  - b. Spousal abuse;
  - c. Any crime against children, including child pornography;
  - d. Any crime involving violence, including rape, sexual assault or homicide, but not including any other physical assault or battery; or
  - e. Physical assault, battery or a drug-related offense, if the assault, battery or drug-related offense was committed within the last 5 years.
3. If any of the persons listed in subsection 1 has been convicted of, has charges pending against him for, or has been arrested and is awaiting final disposition of the charges pending against him for:
- a. A felony or a gross misdemeanor, the home must not be licensed without the approval of the Administrator or the designee of the Administrator. The Administrator or the designee of the Administrator may approve the issuance of a license or the continuance of a license if the applicant or licensee has been convicted of a felony described in subsection 2, has charges pending against him for a felony described in subsection 2 or has been arrested and is awaiting final disposition of the charges pending against him for a felony described in subsection 2, if the Administrator or the designee of the Administrator determines that such an approval or continuation is in the best interest of the child.
  - b. One or more misdemeanors, the home must not be licensed without the approval of the Administrator or the designee of the Administrator.

**NRS 424.031 Licensing authority or designee to investigate background of applicant for license, licensee, prospective employee and certain adult residents of foster home; charge for investigation; periodic additional investigations.**

1. The licensing authority or a person or entity designated by the licensing authority shall obtain from appropriate law enforcement agencies information on the background and personal history of each applicant for a license to conduct a foster home, person who is licensed to conduct a foster home, employee of that applicant or licensee, and resident of a foster home who is 18 years of age or older, other than a resident who remains under the jurisdiction of a court pursuant to [NRS 432B.594](#), to determine whether the person investigated has been arrested for or convicted of:
  - a. Murder, voluntary manslaughter or mayhem;
  - b. Any other felony involving the use of a firearm or other deadly weapon;
  - c. Assault with intent to kill or to commit sexual assault or mayhem;

- d. Sexual assault, statutory sexual seduction, incest, lewdness, indecent exposure or any other sexually related crime;
  - e. Abuse or neglect of a child or contributory delinquency;
  - f. A violation of any federal or state law regulating the possession, distribution or use of any controlled substance or any dangerous drug as defined in [chapter 454](#) of NRS;
  - g. Abuse, neglect, exploitation or isolation of older persons or vulnerable persons, including, without limitation, a violation of any provision of [NRS 200.5091](#) to [200.50995](#), inclusive, or a law of any other jurisdiction that prohibits the same or similar conduct; or
  - h. Any offense involving fraud, theft, embezzlement, burglary, robbery, fraudulent conversion or misappropriation of property within the immediately preceding 7 years.
2. The licensing authority or its approved designee may charge each person investigated pursuant to this section for the reasonable cost of that investigation.
  3. Unless a preliminary Federal Bureau of Investigation Interstate Identification Index name-based check of the records of criminal history has been conducted pursuant to [NRS 424.039](#), a person who is required to submit to an investigation pursuant to this section shall not have contact with a child in a foster home without supervision before the investigation of the background and personal history of the person has been conducted.
  4. The licensing authority or its designee shall conduct an investigation of each employee and resident pursuant to this section at least once every 5 years after the initial investigation

A child can be placed with an unlicensed relative/fictive kin once they have completed and passed the required minimum background checks and basic home safety inspection as identified in subsection 1006.5(D)(2) or (3) dependent upon time of placement. (Attachment B: DCFS Emergency Placement Safety Checklist List)

- a. Non-licensed relatives should be strongly encouraged to obtain foster home licensure. Licensure assists the relative in understanding how to better provide for the child's safety and well being. Upon placement with unlicensed relatives, workers should inform relatives their information is being forwarded to licensing recruiters for information regarding becoming licensed. Send out of home checklist and relative contact information to licensing recruiter within 5 days of placement.
- b. **For children in DCFS legal/protective custody, fictive kin and relatives not related within the fifth degree of consanguinity MUST agree to complete the foster care licensing process within 90 days of placement or the placement cannot be made.** If a preliminary FBI Purpose Code X name-based check was completed at the time of the emergency placement the relative or fictive kin will again be required to have their fingerprints resubmitted through the foster care licensing process.
- c. **IMPORTANT NOTE:** Relative/fictive kin are not eligible for foster care reimbursement until and unless they obtain full foster home licensure. Foster care reimbursement is not retroactive.

### C. Planned Foster Care Placement:

1. Planning for the placement of a child into a foster home requires matching the child with the most appropriate foster home that can meet the individual needs of the child. Criteria that must be considered for matching and placement includes, but is not limited to:



- a. Relative/fictive kin;
  - b. Placement with siblings;
  - c. Proximity to home and school of origin;
  - d. Least restrictive placement; and
  - e. Caregiver ability to meet child's needs.
2. In the event a non-relative foster home is identified as the best match for a child, whenever possible pre-placement visits need to occur prior to placement of the child. Having the opportunity for these visits allows the child to become familiar with the foster family and the foster family to become familiar with the child. Pre-placement visits help to reduce the trauma experienced by a child when they are first placed into a new foster home.

**D. Information to be Provided to Caregiver:**

The relative/fictive kin or foster caregiver plays a significant role in the day to day life of the child. It is important that they receive all necessary information regarding the child and family from the child welfare agency in order to provide the best possible care to the child. Much of this information needs to be obtained from the child's parents at the time of placement. The following list is much of what is required to be provided to the caregiver, but it may not be all inclusive.

1. Contact information for the child's caseworker, the child welfare agency's contact information if the caseworker is not available and a number to call if there is an emergency during non-business hours.
2. Information provided by the parents, relatives or caregivers regarding the child's medical, mental/behavioral health, dental and developmental history, to include a record of the child's immunizations.
3. At initial placement, all contact information for the child's primary physician, dentist and other health professionals along with any dates for scheduled appointments.
4. For subsequent placements, a current UNITY Medical Passport print-out on the child; this print-out provides the child's health history and other pertinent health information to the caregiver.
5. The child's Medicaid card.
6. Child's allergies (food, medication, environment)
7. Any prescriptions or over the counter medications the child may be taking. Prescriptions must be in the originally labeled containers from the pharmacy. Prescriptions for psychotropic medications must also have a copy of the informed consent signed by the person legally responsible (PLR) for the psychiatric care of the child. (*See Policy 0209 Psychiatric Care and Treatment*)
8. Any known behavioral issues or concerns of the child.
9. Child's current school, educational history and any identified educational needs, such as the child being in Special Education, having an IEP or any other pertinent educational information.
10. Any family history or information needed to assist the caregiver in providing for the ongoing safety and well-being of the child.
11. Personal belongings of the child, especially such belongings that provide a sense of comfort to the child. This may include such things as a special blanket, toy, trinket, family picture, etc.
12. Any sports, community or scholastic activities the child is active in currently.

13. At initial placement, provide emergency clothing allowance if the child does not have adequate clothing for a 7 day period, clothes for seasonal weather, etc.
14. Parent and/or family visitation schedule and locations.
15. Any written consents that the caregiver may need to provide care to the child on a day-to-day basis.
16. Date and location of next court hearing.

**1006.5.7 Attachments:**

- A. FPO 1006A 30 Day Removal Letter
- B. FPO 1006B DCFS Emergency Placement Checklist
- C. FPO 1006C Confirming Safe Environments Present Danger Assessment (CSE PDA)
- D. FPO 1006D Civil Applicant Waiver Form
- E. FPO 1006E Removal Checklist
- F. FPO 1006F Removal Child Health History Checklist

**1006.5.8 Documentation:**

**A. Case File Documentation (paper):**

Table 1006.1 Case File Documentation for Out of Home Placement Process Policy

File Location	Data Required
District Office	<ul style="list-style-type: none"> <li>▪ Emergency Placement Safety Checklist</li> <li>▪ Criminal History Background Checks</li> </ul>

**UNITY Documentation (electronic):**

Table 1006.2: UNITY Documentation for Out of Home Placement Process Policy

Applicable UNITY Screen	Data Required
CFS074/CFS076 CFS706 CFS708 CFS702 CFS042 CFS085	<ul style="list-style-type: none"> <li>▪ Case Plan</li> <li>▪ Safety Plan Determination</li> <li>▪ Safety Plan Detail</li> <li>▪ Present Danger Plan</li> <li>▪ Safety Assessment</li> <li>▪ Case Notes: To include notes on placement of child; observations in the placement home; expectations of the caregiver.</li> </ul>
CFS193 CFS104	<ul style="list-style-type: none"> <li>▪ Service Authorization for paid placements,</li> <li>▪ Placement location if non-paid.</li> </ul>

**1006.5.9 Supervisory Responsibility:**

- A. Supervisor and caseworker to discuss placement, background clearances, review the *Emergency Placement Safety Checklist*, consult on safety and well being needs of the child.
- B. Supervisor to document contact with caseworker in case notes.