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**Manual Transmission Letter (MTL)**  
**Family Programs Office: Statewide Child Welfare Policy Manual**

MTL # 1006 - 04112019  
04112019

TO: Betsey Crumrine, Social Services Manager V - DCFS – District Offices  
Laurie Jackson, Social Services Manager V – DCFS – District Offices

FROM: Kathryn Roose, Deputy Administrator, Division of Child and Family Services

**POLICY DISTRIBUTION:**

Enclosed find the following policy for distribution to all applicable staff within your organization:

- 1006 Out of Home Placement Policy

This policy is/was effective: 2/15/2019

This policy is new. Please review the policy in its entirety

This policy replaces the following policy(s): MTL # \_\_\_\_\_ - \_\_\_\_\_ Policy Name: \_\_\_\_\_

This policy has been revised. Please see below for the type of revision:

This is a significant policy revision. Please review this policy in its entirety.

This is a minor policy revision: (List page number & summary of change):

A policy form has been revised: (List form, page number and summary of change):

- NCIC/NCJIS timeframes have been reduced to three (3) days in the Completion of Federal Bureau of Investigation (FBI) Purpose Code X Name-Based Check section (pages 4-5).
- Included fictive kin and clarified unlicensed placement information. This is in the Licensing authority or designee to investigate background of applicant for license, licensee, prospective employee and certain adult resident of foster home; charge for investigation; periodic additional investigations section (pages 8-9).

**NOTE:**

- Please read the policy in its entirety and note any areas that are additionally required by your agency to be in compliance with the policy enclosed.
- This is an **All STAFF MEMO** and it is the responsibility of the person listed above to disseminate the policy enclosed to appropriate staff within his/her organization and to ensure compliance.
- The most current version of this policy is posted on the DCFS Website at the following address: <http://dcfs.nv.gov/Policies/> . Please check the table of contents on this page for the link to the chapter you are interested in.

## 1006 Out of Home Placement Process

### Policy Approval Clearance Record

<input checked="" type="checkbox"/> Statewide Policy <input type="checkbox"/> Administrative Policy <input type="checkbox"/> DCFS Rural Region Policy	<input type="checkbox"/> New Policy <input type="checkbox"/> Modified Policy <input checked="" type="checkbox"/> This policy supersedes: Policy dated 4/22/13
Date Policy Effective:	02/15/2019
Attorney General Representative Review:	11/28/2018
DCFS Deputy Administrator Approval	02/15/2019
DMG Original Approval	<b>4/22/2013</b>
DMG Approved Revisions	

### STATEMENT OF PURPOSE

**Policy Statement and Purpose:** 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.

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.

### AUTHORITY

**Federal:** 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](#); [Child and Family Services Improvement and Innovation Act of 2011, P.L. 112-34](#)

**NAC:** [NAC 432B.250](#)

**NRS:** [NRS 127.330](#); [NRS 128.110](#); [NRS 424.031](#); [NRS 424.090](#); [NRS 432B.360](#); [NRS 432B.390](#); [NRS 432B.391](#); [NRS 432B.3905](#); [NRS 432B.457](#); [NRS 432B.550](#); [NRS 179A.060](#); [NRS 432.535](#); [NRS 388E.105](#)

**Other:**

### DEFINITIONS

**Caregiver:** 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.

**Custody:** Being under the legal and physical care and protection of the State.

**Fictive Kin:** 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.

**NCIC:** FBI National Crime Information Center

**NCJIS:** Nevada Criminal Justice Information System, name based criminal background check.

**Non-Custody:** Voluntary placement by parent.

**Out of Home Care:** Placement of a child outside of their home of origin for a period of 24 hours or longer.

**Relative:** A person related to the child through birth, marriage or adoption.

**State:** An alternate word for the Division of Child and Family Services (DCFS) or Family Programs Office (FPO).

## **STANDARDS/PROCEDURES**

### **When Children Enter State Custody:**

1. **Thirty (30) Day Removal Letter (Attachment A):** Within thirty (30) days of removal, Child Welfare Agencies are required to send notice to all known relatives of children removed from a parent's 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. Refer to DCFS Rural Region Diligent Search Procedure and [Policy 1001 Diligent Search Process and Notice](#) for additional requirements.
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:**
    - i. 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 medical health issues. A child must have an Early and Periodic Screening, Diagnostic, and Treatment (EPSDT) exam. The EPSDT exam MUST be scheduled within seven (7) days and occur within the first thirty (30) days (refer to policy [0207 Health Services Policy](#) for additional requirements).
    - ii. 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" (refer to policy [0209 Psychiatric Care & Treatment](#) for additional requirements).
  - b. **Priority of Placement into Out of Home Care:**
    - i. In a hospital, if the child needs hospitalization.
    - ii. With a person who is related within the fifth degree of consanguinity or 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.
      1. When an out of state caregiver is identified, the caseworker must follow procedures required by the [0701 Interstate Compact on the Placement of Children \(ICPC\) Policy](#).
    - iii. In a licensed foster home.
    - iv. In any other licensed shelter that provides care to children.
      1. Every effort must be made **NOT** to place children under age six (6) in shelter/congregate care. The only exceptions are:
        - a. Appropriate foster care is not available at the time of placement in the county in which the child resides.
        - b. If the child requires medical services and such medical services could not be provided in any other placement; or
        - c. If necessary to avoid separating siblings.
      2. If a child under age six (6) is placed in shelter/congregate care in circumstances other than those exceptions listed above (section iv. 1), the Director of the Department 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:**
    - i. **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:

1. Relative/Fictive Kin;
  2. Licensed Non-Relative Family Foster Home;
  3. Family Foster Group Home;
  4. Specialized Foster Home;
  5. Residential Treatment Center; and
  6. Acute Psychiatric Hospital.
- ii. **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. Refer to policy [0213 Visitation](#) for additional information.
1. If siblings cannot be placed together, the caseworker must ensure frequent visitation and/or ongoing interactions (letters, phone calls, text or email messages, etc.).
  2. 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.
  3. 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.
- iii. **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 ([NRS 432.535](#) and [NRS 388E.105](#)). Refer to policy [0213 Visitation](#) for requirements regarding visitation with friends from school, community, tribe, and faith-based agencies. Examples of when a child's placement in their own community or attending the current school are contrary to their best interest may include, but are not limited to:
1. Child's involvement with gang or drug activity;
  2. Believable threats of violence from or abduction by the biological parents; and/or
  3. Close proximity to a perpetrator of sexual abuse.
- d. **Emergency Placement with a Relative/Fictive Kin:**
- i. **Identification of Relatives and Fictive Kin:** The caseworker will work with the child and his/her parents to identify relatives and fictive kin as potential caregivers for the child. Children are less traumatized when placed with someone that is familiar to them.
  - ii. **Emergency Placement During Normal Business Hours:** Prior to placing a custody or non-custody child in an unlicensed, emergency placement with 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:
    1. **Home Inspection:** Inspection of the home to ensure the environment is safe for children.
    2. **CANS Check:** A Nevada Child Abuse and Neglect (CANS) check in both UNITY and the Legacy system.
      - a. In addition, CANS check must be requested from any other states the relative/fictive kin has resided within the past five (5) years within five (5) business days of placement of the child.
      - b. Placement resources with CANS substantiation require approval by the DCFS Administrator or the designee prior to placement.
    3. **Criminal Background Records Check**
      - a. **Nevada NCJIS Record Check** – The Nevada Criminal Justice Information System (NCJIS) must be checked for all statewide criminal background history.



**by DPS within the established timeframes, the children must be immediately removed from the relative/fictive kin.**

- a. Caseworker (or their designee) will provide the individuals with a Fingerprint Background Waiver Application (attachment D) to be signed prior to the applicant being fingerprinted and then returned to the caseworker (or their designee). The designee will retain the waiver for audit purposes and then submit the fingerprint card to DPS.
- b. Caseworker (or their designee) will provide individuals with the unsealed Chain of Custody Envelope (one (1) fingerprint card per envelope) and individuals should complete necessary information and sign the card. Individuals will have fingerprints completed and fingerprinting entity will seal the Chain of Custody envelope.
- c. Individuals will return Chain of Custody envelopes to caseworker (or their designee) for processing within three (3) days.
- d. DCFS MUST process and mail the fingerprints to DPS within two (2) business days of receipt. Fingerprints MUST be received by DPS within fifteen (15) days of the day the child was placed.

**Criminal History Dissemination**

1. 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.
2. 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.
  - a. **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.**
  - b. **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 attorney, etc. reviewing the case file).
3. If information is disseminated to other authorized users, the Terminal Agency Coordinator (TAC) must record it in a secondary dissemination log. Within one (1) business day following dissemination, staff must submit the following information to the TAC:
  - a. The date the information was provided;
  - b. The name of the person who is the subject of the information;
  - c. The agency or person the information was released to;
  - d. A brief description of the information released; and
  - e. Reason for the release of the information.

**Preliminary Results and Warrants**

1. If a "hit" or confirmation is received on preliminary results (without fingerprint confirmation) regarding arrest, convictions, or warrants, caseworker or designee 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.
2. Pursuant to NCJIS/NCIC Security Policies, the caseworker or designee must contact law enforcement if any subjects have active warrants

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

1. 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 relative/fictive kin. The following are prohibited crimes identified in the [Social Security Act, Sec. 471\(20\)\(A\)](#) of Title IV-E.
  - a. Before the foster or adoptive parent may be finally approved for placement of a child regardless of whether foster care maintenance payments or adoption assistance payments are to be made on behalf of the child under the State plan under this part including procedures requiring that:
    - i. A felony conviction for child abuse or neglect, for spousal abuse;
    - ii. A crime against children (including child pornography); or
    - iii. A crime involving violence, including rape, sexual assault, or homicide, but not including other physical assault or battery;
    - iv. A felony conviction for physical assault, battery, or a drug-related offense, if a State finds that a court of competent jurisdiction has determined that the felony was committed within the past five (5) years, such final approval shall not be granted.

**[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 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 eighteen (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 regarding the possession, distribution or use of any controlled substance or any dangerous drug as defined in [NRS Chapter 454](#);
  - 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 seven (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 five (5) years after the initial investigation.
5. A child can be placed with an unlicensed relative or fictive kin once they have completed and passed the required minimum background checks and basic home safety inspection as identified in this policy dependent upon time of placement (attachment B: DCFS Emergency Placement Safety Checklist List).
  - a. Non-licensed relatives/fictive kin should be strongly encouraged to obtain foster home licensure. Licensure assists the relative/fictive kin in understanding how to better provide for the child's safety and well-being. Upon placement with unlicensed relatives/fictive kin,

workers should inform them their information is being forwarded to licensing recruiters for information regarding becoming licensed. Send out of home checklist and relative/fictive kin contact information to licensing recruiter within five (5) days of placement.

- b. **For children in DCFS legal/protective custody, relatives not related within the fifth degree of consanguinity MUST agree to complete the foster care licensing process within ninety (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 will again be required to have their fingerprints resubmitted through the foster care licensing process.
- c. **IMPORTANT NOTE:** Relatives/fictive kin are not eligible for foster care reimbursement until and unless they obtain foster home licensure. Foster care reimbursement is not retroactive.

#### **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's 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.

#### **Information to be Provided to Caregiver:**

1. 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.
  - a. 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.
  - b. 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.
  - c. At initial placement, all contact information for the child's primary physician, dentist, and other health professionals along with any dates for scheduled appointments.
  - d. For subsequent placements, a current UNITY Medical Passport print-out on the child; this print-out provided the child's health history and other pertinent health information to the caregiver.
  - e. The child's Medicaid card.
  - f. Child's allergies (food, medication, environment).
  - g. Any prescriptions or over the counter medication 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 (refer to policy [0209 Psychiatric Care and Treatment](#) for additional information).
  - h. Any known behavioral issues or concerns of the child.
  - i. 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.
  - j. Any family history or information needed to assist the caregiver in providing for the ongoing safety and well-being of the child.



- k. 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.
- l. Any sports, community or scholastic activities the child is active in currently.
- m. At initial placement, provide emergency clothing allowance if the child does not have adequate clothing for a seven (7) day period, clothes for seasonal weather, etc.
- n. Parent and/or family visitation schedule and locations.
- o. Any written consents that the caregiver may need to provide care to the child on a day-to-day basis.
- p. Date and location of next court hearing.

**Documentation:**

**Case File Documentation (paper)**

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

**UNITY Documentation (electronic)**

Applicable UNITY Screen	Data Required
<ul style="list-style-type: none"> <li>• CFS074/CFS076</li> <li>• CFS706</li> <li>• CFS708</li> <li>• CFS702</li> <li>• CFS042</li> <li>• CFS085</li> <li>• CFS193</li> <li>• CFS104</li> </ul>	<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> <li>• Service Authorization for paid placements,</li> <li>• Placement location if non-paid.</li> </ul>

**JURISDICTIONAL ACTION**

**Supervisory Responsibility:** Supervisor and caseworker to discuss placement, background clearances, review the *Emergency Placement Safety Checklist*, consult on safety and well-being needs of the child.

Supervisor to document contact with caseworker in case notes.

**POLICY CROSS REFERENCE**

**Policies:**

- [0207 Health Services Policy](#)
- [0209 Psychiatric Care and Treatment](#)
- [0213 Visitation](#)
- [0515 CANS and NCID Requirements for Prospective Foster and Adoptive Parents](#)
- [0701 Interstate Compact on the Placement of Children \(ICPC\) Policy](#)
- [1001 Diligent Search Process and Notice](#)

**History and Updates:** This policy was effective as of 04/22/2013 with reformatting completed 2/15/2019.

**ATTACHMENTS**

- [FPO 1006 Out of Home Placement Process Policy](#)
- [FPO 1006A – 30 Day Removal Letter](#)
- [FPO 1006B – DCFS Emergency Placement Checklist](#)
- [FPO 1006C – CSE Present Danger Assessment](#)
- [FPO 1006D – Civil Fingerprint Background Waiver Application](#)
- [FPO 1006E – Removal Checklist](#)
- [FPO 1006F – Removal Child Health History Form](#)