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DEPARTMENT OF HEALTH AND HUMAN SERVICES

DIVISION OF CHILD AND FAMILY SERVICES
Helping people. It's who we are and what we do.



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MTL # 1306 – 04012024

TO: Jill Marano, Director – Clark County Department of Family Services
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FROM: Betsey Crumrine, Interim Deputy Administrator, Division of Child and Family Services

POLICY DISTRIBUTION

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

1306 Kinship Licensing Standards

This policy is/was effective: 04/01/2024

- 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):

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.

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1306 Kinship Licensing Standards

Policy Approval Clearance Record

<input checked="" type="checkbox"/> Statewide Policy <input type="checkbox"/> Administrative Policy <input type="checkbox"/> DCFS Rural Region Policy	<input checked="" type="checkbox"/> New Policy <input type="checkbox"/> Modified Policy <input type="checkbox"/> This policy supersedes:
Date Policy Effective:	04/01/2024
Attorney General Representative Review:	3/20/2024
DCFS Deputy Administrator Approval	03/12/2024
DMG Original Approval	
DMG Approved Revisions	

STATEMENT OF PURPOSE

Policy Statement and Purpose: On September 28, 2023, Administration for Children and Families issued a final rule amending the regulations at §1355.20 to allow Title IV-E agencies to claim Title IV-E federal financial participation for the cost of foster care maintenance payments on behalf of an otherwise eligible child who is placed in a relative or fictive kin kinship licensed or approved foster family home when the agency uses licensing or approval standards for relative or kinship foster family homes that differ from the standards used for non-relative foster family homes. The final rule also amended section 1356.21(m) to require that during a periodic review mandated by section 471(a)(11) of the Act, Title IV-E agencies assure that a licensed or approved relative or kinship foster family home receives the same amount of foster care maintenance payments that would have been made if the child was placed in a non-related/non-kinship foster family home ([88 FR 66700](#)). Administration for Children and Families also issued Information Memorandum [ACYF-CB-IM-23-07](#) announcing publication of the final rule.

AUTHORITY

Federal: [Social Security Act \(the Act\)](#), 42 U.S.C. 1302. Section 1102; [§1355.20](#); [SSA 471\(a\)\(11\) 1356.21\(m\)](#); [CAPTA \[42 U.S.C. 5106a\(b\)\(2\)\(B\)\(xxii\)\]](#)
Nevada Revised Statutes (NRS): [NRS 432B.6213](#); [NRS 424.190\(2\)](#); [NRS 424.200\(4\)](#); [NRS 424.077\(2\)](#)
Nevada Administrative Code (NAC): [NAC 424.270\(1\)](#)
Other: [ACYF-CB-IM-23-07](#)

DEFINITIONS

Fictive Kin: A person who is not related by blood to a child but who has a significant emotional and positive relationship with the child ([NRS 432B.0657](#))

Relative: Relative includes, without limitation, a fictive kin, if the federal government approves a state plan for the administration of the program which is adopted pursuant to subsection 2 of [NRS 432B.622](#) and which provides for the provision of assistance to a fictive kin of a child pursuant to the program, pursuant to [NRS 432B.6213](#).

Relative Foster Parent: Individuals related to a child by blood, marriage, tribal custom, and/or adoption and other individuals who have an emotionally significant relationship with the child or the child's parents or other family members, often referred to as Fictive Kin.

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

STANDARDS/PROCEDURES

The Department of Health and Human Services, Division of Child and Family Services require the agencies

that provide child welfare services to meet at least the following minimum standards to approve a relative or fictive kin home as a licensed relative foster home. The kinship licensing minimum requirements include:

1. Criminal background check and clearance including a Child Abuse and Neglect (CANS) check and clearance.
2. A caregiver suitability assessment.
3. A home/placement safety and needs assessment.
4. Must meet the minimum training standards.

The kinship licensing standard must consist of the following:

1. A criminal background check and clearance that meets specific criteria:
 - a. For each relative or fictive kin caregiver seeking approval, and any other adult, 18 and over, living in their home:
 - i. Conduct a fingerprint-based background check (immediately, if possible, per [CAPTA \[42 U.S.C. 5106a\(b\)\(2\)\(B\)\(xxii\)\]](#)).
 - 1) The child welfare agency must initiate the kin caregiver's fingerprinting process right away in all cases. The agency can claim Title IV-E reimbursement upon receiving results for the primary kin caregiver. If there are other caregivers living in the home who are unable to process fingerprint immediately (i.e., school, vacation, away for work), the agency may process their fingerprints immediately upon return. There should be no delay in approving a kinship licensed based on this reason.
 - ii. Check the state child abuse and neglect registry.
 - iii. Check the child abuse and neglect registry of any other state where an adult lived in the last five (5) years, if applicable.
 - iv. Conduct a name-based state/local/tribal criminal background check.
 - v. Check the sex offender registry, refer to internal agency procedure.
 - b. A relative or fictive kin caregiver cannot be approved if the above checks show any of the following:
 - i. Felony **conviction** for child abuse or neglect;
 - ii. Felony **conviction** for spousal abuse;
 - iii. Felony **conviction** for a crime against children (including child pornography); or,
 - iv. Felony **conviction** involving violence, including rape, sexual assault, or homicide, but not including other physical assault or battery.
 - c. A relative of fictive kin caregiver cannot be approved if above checks show any of the following in the last five (5) years:
 - i. Felony **conviction** for physical assault;
 - ii. Felony **conviction** for battery; or,
 - iii. Felony **conviction** for a drug-related offense.
2. An assessment of the ability of the relative or fictive kin caregiver to care for all physical, emotional, medical, and educational needs of the child(ren).
 - a. Complete a kin caregiver suitability assessment that assess the ability of the relative or fictive caregiver to care for all physical, emotional, medical, and educational needs of the child.
 - i. The needs of the child and caregiver will change throughout the case, and support should be provided to ensure the continued success of the placement.
3. A safety and needs assessment for the home.
 - a. [NAC 424.165](#) requires at least one visit by a licensing authority representative to the foster home to determine if the home is safe. The licensing authority representative will include any caseworker, or their designee, for the purposes of approving a relative license.
 - b. Complete an assessment focused on evaluating a safe living space; and,

- c. Identifying any necessary concrete goods or safety modifications the agency will provide or assist the relative or fictive kin in obtaining to meet the needs of the child(ren).
 - d. This does not have to include all of the same requirements included in the safety assessment required for licensing of non-relative foster homes.
 - i. Relative or fictive kin should not be disqualified for not having appropriate safety equipment in their home prior to placement.
4. Training Requirements - Per Nevada Law, all family foster homes must meet a minimum requirement for training to include:
 - a. [NRS 424.190\(2\)](#) requires the foster care agency shall ensure that each person with whom it contracts as a provider of foster care receives any training required by the provisions of this chapter or by the licensing authority, including, without limitation, specific training to meet the needs of a population that requires specific services.
 - b. [NRS 424.200\(4\)](#) the licensing authority may provide any training it determines to be necessary to a foster care agency for the foster care agency to fulfill the provisions of this section.
 - c. [NRS 424.077\(2\)](#) requires the licensing authority shall establish and operate a program that complies with the regulations adopted pursuant to subsection 1, [\(NRS 424.077\(1\)\)](#), to provide respite, training and support to a provider of foster care in order to develop and enhance the skills of the provider to provide foster care.
 - d. [NAC 424.270\(1\)](#) includes a minimum requirement for a license to operate a foster home must attend at least eight (8) hours of training in foster parenting provided or approved by the agency which provides child welfare services. In addition, subsection (2), [\(NAC 424.270\(2\)\)](#), requires foster parents shall attend at least four (4) hours annually of training in foster parenting which is provided or approved by the agency which provides child welfare services.
 - i. If the home has a pool, hot tub or other freestanding body of water, the applicants must obtain information on water safety and the risk of drowning and are recommended to complete training in pool safety and receive certification in cardiopulmonary resuscitation.
 - ii. Applicants for a license to operate a foster home must receive training in how to use and apply the reasonable and prudent parent standard to provide normalcy for foster children when making decisions authorized by [NAC 424.573](#).

Funding Requirements for a Kinship License

1. Per federal regulation, during the periodic review performed by a title IV-E agency in accordance with [471\(a\)\(11\) of the Act](#), the agency must review the amount of Foster Care Maintenance Payments (FCMP) to assure that the agency provides a licensed approved relative or fictive kin (kinship) foster family home is the same as the amount that would have been made if the child was placed in a licensed or approved non-relative foster family home.
2. For the purposes of claiming title IV-E foster care maintenance payments, fingerprint background checks must be completed and results must be received.
3. The federal requirement for fingerprint-based checks is for Title IV-E reimbursement eligibility. If a title IV-E agency cannot conduct a fingerprint-based check of a kin caregiver under these circumstances, the Division of Child and Family Services Administrator may grant an exception for a kinship license; however, the caregiver will not be Title IV-E reimbursable. The agency should ensure equity for the caregiver by providing a full foster care maintenance payment utilizing state or county funds.
 - a. It is recommended agencies conduct a name-based background check in lieu of fingerprint-based check for kin caregivers, especially for those who do not have documentation indicating immigration status or do not have fingerprints (such as those missing fingers, or no longer have fingerprints due to age, or exposure to chemicals, etc.). The immigration status of the kin caregiver alone does not preclude the provision of foster care maintenance payments. Refer to internal agency procedure for more information regarding the need for a waiver and the alternative fingerprinting process.

4. The agency which provides child welfare services may waive a Nevada Administrative Code in relation to licensing a relative or fictive kin. The agency will need to follow the waiver process outlined in [1305 Waivers for Foster Care and Adoption](#) and their internal agencies policies. This allows the Department of Human Services Agency Division of Child and Family Services to enable the agencies who provide child welfare services flexibilities to rapidly license.

Timeline: The agencies which provide child welfare services should implement procedures to get fingerprints for background checks completed in a timely manner while considering the caregiver's schedule and resources.

Documentation: UNITY windows must be completed to reflect a relative licensure. The date for the home study will be the same as the date the fingerprint criminal background results are received, and the waiver windows will be completed using the date the Administrator or designee signed off on waiver.

All Title IV-E documentation must be stored in UNITY or the case file. Documentation must be completed within UNITY within five (5) business days.

JURISDICTIONAL ACTION

Development of Internal Policies: Agencies which provide child welfare services shall develop internal procedures and protocols as necessary to implement the provisions of federal and state law and this policy. Agencies will develop or utilize existing approved tools and forms to implement this policy.

Supervisory Responsibility: Review background checks, and assessments for approval or denial; and conduct case reviews to ensure worker compliance with the policy. Ensure child welfare worker complete the required training, licensing elements, and assessments for kinship licensure of relative and fictive kin homes.

STATE RESPONSIBILITIES

The State will provide technical assistance regarding program development and implementation to the child welfare agencies.

POLICY CROSS REFERENCE

Policies: [1305 Waivers for Foster Care and Adoption](#)

History and Updates: This is a new policy.

ATTACHMENTS

N/A