



**DEPARTMENT OF HEALTH AND HUMAN SERVICES
DIVISION OF CHILD AND FAMILY SERVICES**

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

MTL # 1001-06262015

06/26/2015

TO: Lisa Ruiz-Lee, Director - Clark County Department of Family Services
Betsey Crumrine, Social Services Manager V - DCFS – District Offices
Kevin Schiller, Interim Director - Washoe County Department of Social Services

FROM: Jill Marano, Deputy Administrator, Division of Child and Family Services

POLICY DISTRIBUTION:

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

- **Diligent Search Process and Notice**

This policy is/was effective: 06/19/2015

- 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):
 - This policy revision supports Public Law 113-183, the Preventing Sex Trafficking and Strengthening Families Act, which amended many provisions of title IV-E of the Social Security Act. This revision supports a change to relative notification requirements, and includes a new definition of “sibling” for that purpose. The following was amended:
 - Section 1001.3, Page 1, under “Authority” adding the Public Law 113-183.
 - Section 1001.4.14., Page 3, under “Definitions” adding “Sibling”.

- Section 1001.5.1 (A) Page 3, under “Procedures” adding additional requirements.

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 will be posted on the DCFS Website at the following address <http://dcfs.nv.gov/Policies/> Please check table of contents on this page for the link to the chapter you are interested in.

1001.0 Diligent Search Process and Notice

1001.1 Policy Approval Clearance Record

<input checked="" type="checkbox"/> Collaborative Policy	This policy supersedes: 1001 Diligent Search Process and Notice 12/16/2013	Number of pages in policy: 9 Date Effective: 12/16/2013
PART Approved reformat/revisions	08/06/08; 9/25/09	Policy Lead: Debora Flowers, SSPSIII
Revise and/or Reformat	01/15/09, 12/16/13, 06/19/2015	Policy Lead: Debora Flowers, SSPSIII
DMG Approved	08/31/05;10/23/09	
DMG Revisions Approved	12/16/2013. 06/19/2015	
DCFS Administrator Approval:	8/31/05; 8/3/07; 10/23/09,12/16/13	Signature: On File
Review by Representative from the Office of the Attorney General:	8/3/07; 7/21/09	Signature: n/a

1001.2 Statement of Purpose

1001.2.1 Policy Statement: Each agency that provides child welfare services will conduct diligent search activities in accordance with federal and state law and policy.

1001.2.2 Purpose: To ensure that child welfare agencies make concerted efforts to locate non-custodial parents, putative fathers, maternal/paternal adult relatives, and fictive kin to provide a safe, stable and nurturing environment for the child as soon as possible, thus avoiding long term placements in foster care and maintaining healthy adult connections.

1001.3 Authority

Adoption and Safe Families Act of 1997 (ASFA)

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

Indian Child Welfare Act of 1978 (ICWA) {25 U.S.C}

Social Security Act, 471 {42 U.S.C § 671 (a)}

Preventing Sex Trafficking and Strengthening Families Act of 2014, P.L. 113-183

NRS 126; .051; 126.0210,.610; 128.110; 432B.390; 3905; 425; 470; 457; 520; 550

NAC 432B.290

1001.4 Definitions

1001.4.1 Absent Parent (herein identified as Non-custodial): Means: 1) A non-custodial parent who is obligated to pay child support and who is physically absent from the child's home; 2) A parent who has abandoned his or her children; and 3) A parent who has failed to make contact with his or her children in 6 months.

1001.4.2 Caregiver: Means persons providing relative, foster and adoptive care for a child or person who provides care in a treatment home/facility in which a child is placed by a child welfare agency, court officials and/or legal guardian.

- 1001.4.3 Diligent Search:** Means conducting an ongoing and continuous process to identify, locate and contact custodial and non-custodial parents, putative father, maternal/paternal relatives, adult relative, fictive kin, friends, foster parents, legal custodians, community advocates, agency staff other involved and committed persons regarding their interest in providing a temporary or permanent placement for or adopting a child prior to or when the child is placed in foster care. Diligent search also includes a timely and thorough effort to locate absent parents of children in foster care.
- 1001.4.4 Diligent Search Tools (also known as locator resources):** Means activities used to locate family members, relatives, fictive kin, friends, and other significant persons for the child and family. Tools may include visual and graphic assessments such as the genogram and eco-map; people remembered chart, formal and informal gathering of information; and collaboration with local systems, such as, Department of Motor Vehicles, public and private schools, Employment Security Department; Welfare Division; Office of District Attorneys; Social Security Administration; Law Enforcement; neighbors; telephone directory, internet, and other new technologies. The agency may seek the services of the Federal Parent Locator Service to search for absent parents at any point in order to facilitate a permanency plan.
- 1001.4.5 Due Diligence:** Means the child welfare agency must expeditiously, comprehensively and to the best of its ability, to attempt to identify, locate and provide notice to non-custodial parents, putative fathers, maternal and paternal relatives of the child.
- 1001.4.6 Fictive Kin:** Means a person not related by birth or marriage who has a significant emotional and positive relationship with the child.
- 1001.4.7 Full Disclosure:** Means that the birth family, child welfare agency, resource family and legal system are all informed and share pertinent information regarding the case and family history for purposes of case planning and permanency planning options.
- 1001.4.8 Indian Child Welfare Act – ICWA:** The federal legislation designed to reduce the transracial placement of American Indian and Alaska Native children. The law gives tribal courts jurisdiction over child welfare custody proceedings involving Indian children: Protective Services, Substitute Care, and Adoptions. If the child may be an Indian child, requirements of the Indian Child Welfare Act must be met pursuant to 25 U.S.C. 1901 et seq.
- 1001.4.9 Interstate Compact on the Placement of Children (ICPC):** The ICPC is an interstate compact that has been enacted into law in all fifty states, the District of Columbia and the U.S. Virgin Islands. The Compact establishes procedures for the interstate placement of children and fixes responsibility for those involved in placing the child. It further provides a process through which children subject to this compact are placed in safe and suitable homes in a timely manner by facilitating ongoing supervision of a placement, the delivery of services, and communication between the states and providing operating procedures to further ensure that children are placed in safe and suitable homes in a timely manner.
- 1001.4.10 Legal Guardianship:** Means a judicially created relationship between the child and relative which is intended to be permanent and self-sustaining as evidenced by the transfer to the relative of the following parental rights with respect to the child:
- a. Protection;
 - b. Education;
 - c. Care and control of the person;
 - d. Custody of the person; and
 - e. Decision making.

- 1001.4.11 Notice in this section means the notice required under** Title IV-E of the Social Security Act, Section 471 [42 U.S.C. 671] (a)(29). Child welfare agencies are required to exercise due diligence to notify all adult relatives of a child, within 30 days of the child's removal, of the relatives' option to become a placement resource for the child.
- 1001.4.12 Putative Father** means a person, who is named, is alleged or reputed to be the father of a child who is not the legal or legally presumed father.
- 1001.4.13 Reasonable Efforts** means the efforts and services provided by the agencies to: 1) Maintain the family unit and prevent the unnecessary removal of a child from his/her home, as long as the child's safety is assured; or 2) Accessible and available services that are designed to improve the ability of a family to provide a safe and stable home for each child in the family or 3) Effect the safe reunification of the child and family (if temporary out-of-home placement is necessary to ensure the immediate safety of the child); or 4) Make and finalize alternate permanency plans in a timely manner when reunification is not appropriate or possible".45 CFR 1356.21 (b).
- 1001.4.14 Sibling** means a person who shares at least one parent with the child at issue.
- 1001.4.15 State:** Means the Family Programs Office (FPO) at the Division of Child and Family Services (DCFS).

1001.5 Procedures

1001.5.1 Notice of Parent/Relatives/Fictive Kin

- A.** Within thirty days of a child's removal, the Department of Children and Family Services (DCFS), Clark County Department of Family Services (CCDFS) and Washoe County Department of Social Services (WDSS) staff must exercise due diligence by identifying and notifying all adult grandparents and all other adult relatives (within the fifth degree of consanguinity) including the parents and other adult relatives of the removed child's siblings as well as any other adult relatives suggested by the parents from whom the child was removed (in accordance with the Fostering Connections to Success and Increasing Adoptions Act of 2008 and the Preventing Sex Trafficking and Strengthening Families Act of 2014).
- B.** For relatives identified after the 30 days, it is mandated that they are contacted no later than 30 days of identification to discuss their interest as a placement option and emotional support for the child(ren).

Note: Exception to the notice requirement includes family or domestic violence.

The notice to relatives must include:

1. Specifics that the child has been or is being removed from the custody of the parent or parents of the child;
2. An explanation of the options the relative has under Federal, state and local laws to participate in the case and placement of the child, including any options that may be lost by failing to respond to the notice;
3. Describe the requirements to become a foster family home and the additional services and supports that are available to children placed in such a home; and
4. Explain the availability of the Kinship Guardianship Assistance Program and how the relative guardian of the child may subsequently enter into an agreement with the agency and receive the payments.

1001.5.2 Identification of Parent/Relatives/Fictive Kin

- A.** As required by NRS 432B.390 (7)(c), as relatives are identified, child welfare agencies are required to give first preference of placement to qualified non-custodial parents, putative fathers and adult maternal and paternal relatives within the fifth degree of consanguinity over non-related care providers.
- B.** Agencies must ensure and demonstrate due diligence in locating non-custodial parent and/or putative father. If the custodial parent is reluctant in providing information about the absent parent, other diligence search tools must be utilized.
- C.** If more than one possible father is identified or if paternity is otherwise in question, paternity must be determined expeditiously and as conclusively as possible. Establishment of paternity broadens the placement and relative connections, for the child.
- D.** Placement with putative father, non-custodial parent, relatives and/or fictive kin, must be considered by the agency prior to placing a child in a foster home. This is not intended to prohibit temporary placement in a shelter or foster home when no qualified relative can be identified.
- E.** Agencies should consider cultural continuity in identifying placement resources. Relative and kin care of children has been a traditional part of the cultural, racial and socioeconomics of communities (National Child Welfare Resource Center for Family-Centered Practice and National Family Preservation Network).
- F.** Agencies must inform relatives and other interested parties of the opportunity to become a foster family home and the additional services and supports that are available for children placed in such a home.
- G.** When considering relative placement, agencies must inform relatives of their role and responsibility in ensuring the safety and well being of the child, to include limitations and restrictions on contact with caregivers from whom the child has been removed. It is very important that relatives are properly aligned with the child welfare agency in assuring the child's physical safety and emotional well being in an extended family environment.
- H.** Every effort must be made to place siblings together in the same relative, foster/adoptive family home, and/or guardianship placement. If this is not feasible, agencies must facilitate and maintain contact between the siblings through monthly visitations, telephone calls, and written communication.
- I.** After termination of parental rights, agencies may give preference to placement of the child with any person related within the fifth degree of consanguinity to the child whom the person or agency finds suitable and able to provide proper care and guidance for the child, regardless of whether the relative resides within this State.
- J.** Documentation of all efforts contained within this subsection must be included in the case file and UNITY in accordance with section 1001.64 of this policy.

1001.5.3 Conducting the Diligent Search and Notice

- A.** Search Procedures:
 - 1.** Children, based upon their ability to communicate, **MUST** be consulted and asked their preference in relatives to be considered for placement, names and location of other possible relatives, friends, parents and other important adults in their lives.
 - 2.** Parents and guardians **MUST** be questioned about the child's relatives and their placement preference.
 - 3.** Placement preference of the child, parent and guardian will be considered in the context of the child's best interest.

- B.** In accordance with the Indian Child Welfare Act (ICWA), upon initial child protective investigation, the caseworker must inquire as to whether or not the family is of Indian heritage. This inquiry should include both parent and child, if appropriate. If the agency determines that a child is of Indian descent, they must notify the tribe in which they are affiliated. If the Indian child is eligible for membership in more than one tribe, each tribe must be notified. Placement of an Indian child into a non-Indian home is the last option or alternative after all other options have been exhausted (Refer to Attachment - FPO 1001 Nevada ICWA Checklist).
- C.** Notice:
 - 1. Letters of inquiry must be forwarded to non-custodial parents, putative father, relatives, fictive kin and other significant adults who have a personal interest in the well-being of the child or possesses information that is relevant to the determination of the placement of the child (NRS 432B.457).
 - 2. Relatives must be contacted for the names of other relatives, divulging only the information necessary to help identify additional relatives and assess their interest in accepting placement of the child. Agencies **MUST** maintain confidentiality while completing diligent search activities. Obtain releases and/or court orders when necessary.
- D.** If a custodial or non-custodial parent and/or putative father objects to the agency contacting relatives, the agency shall contact relatives over this objection, unless the agency determines that it is not in the child's best interest to make contact. In making a determination whether or not to contact those identified relatives, the agency shall consider the following factors:
 - 1. Whether the safety of the child or the parent will be jeopardized if relatives are contacted, and
 - 2. Whether contacting relatives and/or fictive kin will substantially limit the agencies ability to work with the parent to the detriment of the child.
- E.** Informal and formal methods of completing diligent search should be used throughout the life of the case. (Refer to Attachment - FPO 1001A Diligent Search Resource Handbook)

1001.5.4 Sharing Information

- A.** If the CPS investigator has not been able to identify the non-custodial parent, putative father and/or relatives prior to filing the petition, any relevant information must be documented in the case file and UNITY and provided to the assigned permanency caseworker. This information must include:
 - 1. Any and all efforts to locate the non-custodial parent/putative father/relatives that have been completed or initiated, at the time of the transfer, including communication with relatives and their responses.
 - 2. Any and all identified efforts that may benefit from continued attention by the permanency caseworker.
- B.** Many different people are potentially involved in efforts to locate family members; therefore, it is vital that information is shared in a timely manner. Good communication between the CPS investigator, diligent search specialist, permanency caseworker, Guardian ad Litem (GAL/CASA) the judiciary and the child welfare agency legal staff is essential in reaching timely permanency for every child.

1001.5.5 Timelines

- A.** The initiation and extent of the diligent search shall be reasonable and comprehensible. The agency must contact maternal and paternal relatives as well as immediate and

extended family members within the timeframes established within this policy (see Table 1001.1).

- B.** Diligent search activities and identification of non-custodial parents/putative father /relatives and fictive kin **MUST** begin at time of initial contact with the family.
1. Diligent search activities **MUST** continue throughout the life of the child welfare case.
 2. In assuring compliance with ASFA requirements (Fostering Connections to Success and Increasing Adoptions Act of 2008), known non-custodial parent/putative father/relative must be notified within 30 days of removal. For relatives located after the 30 days, it is mandated that they are contacted no later than 30 days of identification to discuss their interest as a placement option and emotional support for the child(ren).
 3. Whenever a child’s placement is subject to change, the agency must include in court reports information on the progress and results of the diligent search and what efforts were made to place the child with a non-custodial parent/putative father/relative and/or fictive kin.
 4. The agency should notify all placement options, within five days of determining that they are not a suitable placement for the child as well as document the reasons in the case file and UNITY case notes.
 5. The agency must continue to search for non-custodial parent, putative father, relatives and/or fictive kin (and all other significant parties of interest in the child’s well-being) if they determine it is in the best interest of the child and to preserve long-term connections. This decision must be child focused and based upon:
 - The child’s needs, including the attachment and emotional support to the relative or current caretaker;
 - The ability of the non-custodial parent/putative father/relative/fictive kin to meet the child’s needs; and
 - The effect on the child of the delay in permanency, which may occur as a result of the new consideration process.

Table 1001.1: Timelines for Diligent Search Process and Notice Policy

Requirement	Deadline	Starting Date	Responsible Party	Actions to be Taken
Identify, locate, and contact non-custodial parents, putative father, relatives & other significant caregivers such as fictive kin in order to inform them of the CPS proceedings and notice that they can exercise the option of becoming a placement for the child.	1) Within 30 days of removal, child welfare agency staff will notify known relatives and will exercise due diligence in locating and contacting non-custodial parent, putative father, maternal/paternal adult relatives, adult siblings, parents of siblings and /or fictive kin in writing and telephonically (if known). 2) Document case	1) If known within 30 days of removal 2) If identified 30 days after removal within 30 days of identifying	CPS investigator, Diligent Search Specialist and Permanency caseworker	1) Interview parents, guardians, relatives, child(ren) and all others as identified in policy; 2) If the child is determined to be of Indian heritage, notify the Bureau of Indian Affairs and all identified tribes; 3) Make referral to jurisdictions diligent search team (where applicable)

	file notes within 5 days of making a decision not place a child with a relative.			
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1001.5.6 Forms:

- A. Child Welfare Agencies have the option to utilize the attachments to this policy or can develop their own resources.

1001.6 Child Welfare Agency Action

1001.6.1 Development of Internal Policies: Child welfare agencies who have determined the need to develop internal policies must ensure compliance with the requirements of this policy. Collaboration with local community agencies and out of state partners is encouraged.

1001.6.2 Timelines: In accordance with ASFA, each child welfare agency will adhere to the minimum requirements outlined in this policy immediately and may develop internal policies as negotiated.

1001.6.3 Tools & Forms:

- A. FPO 1001A: Diligent Search Resource Handbook
- B. FPO 1001B: Nevada ICWA Checklist

1001.6.4 Documentation:

- A. All search activities must be documented in UNITY to ensure diligent efforts were made to contact non-custodial parents, putative father, relatives, fictive kin and other important connections regarding a child welfare case. Search results must be entered into UNITY by the CPS investigator, permanency caseworker and/or diligent search specialist. Diligent search efforts must be documented in the appropriate UNITY screen (CFS412). Additional information regarding search efforts may be documented in case notes. The documentation should include but is not limited to:
 - 1. All correspondence related to the search;
 - 2. Any report generated by the agency that may include information; from the Federal/Local Parent Locator Service;
 - 3. Any official and unofficial results obtained,
 - 4. A description or documentation of all other efforts related to the search.
 - 5. A list of all identified relatives and other person interested in the child's well being with contact information if known.
 - 6. Parentage/Paternity Inquiry results
- B. **Case File Documentation (paper):** Any and all records obtained during the diligent search process that were not generated by the child welfare agency must be kept in the hard copy case file. For example, returned receipt mail.
- C. **UNITY Documentation (electronic):** Within five (5) days of making a decision not to place with interested relatives, the agency must provide documentation in the case file notes.

Table 1001.2: UNITY Documentation for Diligent Process and Notice Policy

UNITY Window	Title
CFS085	Case Notes
CFS412	Diligent Search
CFS094	Notification

1001.6.5 Supervisory Responsibility:

- A. Supervisors have the responsibility for consulting and providing oversight in the caseworker's diligent search efforts as well as assuring the documentation in case records and UNITY contain all relative search efforts, appropriate verifications, contact information and reasons why not considered for placement (if any).

1001.7 State Responsibilities

1001.7.1 Participants in Policy Development

- A. **FPO Staff:** Social Services Program Specialists
- B. **Child Welfare Agencies Representatives:** WCDSS, CCDFS, DCFS – Rural Region
- C. **External Stakeholders:** FPO Administration, FPO Managers, FPO Specialist, Court Improvement Project, Attorney General Office, District Attorney Office, Tribes

1001.7.2 Technical Assistance

- A. **Requesting Technical Assistance:** N/A
- B. **Relaying TA Information:** N/A
- C. **Evidenced Based Practice:** N/A

1001.7.3 Clearance Process

- A. **PART Review and Approval:** 08/06/08; 09/25/09
- B. **DMG Approval:** 08/31/05; 10/23/09
- C. **Review by Representative from the Office of the Attorney General:** 08/03/07, 07/21/09
- D. **DCFS Administrator Approval:** 08/31/05; 08/03/07; 10/23/09, 4/24/15

1001.7.4 State Oversight

- A. QI case review's will occur to ensure agencies are documenting concerted effort to locate, contact, engage and notify non-custodial parents, putative fathers, all adult grandparents and other adult relatives of the child including the parents and other adult relatives of the removed child's siblings. This includes any other adult relatives suggested by the parents from whom the child was removed.
- B. Targeted QI case reviews will occur, if deemed necessary.

1001.8 Policy Cross Reference

1001.8.1 Statewide Policies

- 0203 Case Management Practice Model Policy
- 0206 Court Notification Policy
- 0504 ICWA Policy
- 0514 Termination of Parental Rights
- 0601 Documentation Policy

1003 Kinship Care Policy

1001.9 Attachments

- 1001.9.1** FPO 1001A Diligent Search Resource Handbook
- 1001.9.2** FPO 1001B Nevada ICWA Checklist