

Child and Family Services Policy Manual: Substitute Care for Children Placement in Unlicensed Kinship Care

- Definition** Kinship care is the full-time care, nurturing and protection of a child by:
- a member of the child's extended family;
 - a member of the child's or family's tribe;
 - the child's godparents;
 - the child's stepparents; or,
 - a person to whom the child, child's parents and family ascribe a family relationship and with whom the child has had a significant emotional tie that existed prior to the agency's involvement with the child or family.

A kinship home may be unlicensed or licensed.

A child placed in an unlicensed kinship home is not eligible for foster care payments or foster care related Medicaid. The child may be eligible for a TANF child-only grant or Medicaid through OPA.

A child placed in a **licensed kinship foster home** is eligible for foster care payments and foster care related Medicaid.

Family Pre-assessment for Child Placement (CFS-106) is used when multiple relatives are identified through the FGDM or Permanency Team. It is a written home evaluation of the proposed placement(s) which contains a child protective services check, a national fingerprint based criminal records check, an evaluation of the extent to which placement in the home would meet the needs of the child, and a recommendation on the placement of the child and the *family's ability to meet licensing requirements*.

Emergency Placements In emergency removal situations the policy and procedures to be followed are outlined in Section 302-1, Immediate Protection and Emergency Protective Services, of this manual.

Visit to Kinship Home If at all possible, the Child Protection Specialist should visit the kinship home prior to placement.

If this is not possible, the Child Protection Specialist must make

Child and Family Services Policy Manual: Substitute Care for Children Placement in Unlicensed Kinship Care

a visit to the kinship home within 48 hours of the time the child is placed with the kin providers, excluding weekends and holidays. The purpose of the visit is to assess the safety and appropriateness of the home for the child. A visit by the placing worker is required even if the family has been referred to an FRS and is pursuing licensing.

The visit must be documented on ACTD.

Placing Child Protection Specialist Responsibility

When a Child Protection Specialist and his/her supervisor decide a child must be placed, the child will be placed with the child's family (or other kin) **when it is in the best interest of the child and the home is approved by the Division.** The Child Protection Specialist should proceed with the same care s/he takes when placing a child in any foster care placement. Although the decision regarding placement is made by the Child Protection Specialist in conjunction with his/her supervisor, the specialist is encouraged to consult with the child's parent(s) and other family members.

The Division must give preference to kinship caregivers when placement with kin is in the best interests of the child and the caregiver's home meets the requirements for the type of care the kin wishes to provide. Kinship care is intended to:

- preserve the continuity of family relationships and connections for children;
- minimize the loss of family;
- reduce the trauma of placement;
- provide permanency for children within their families; and,
- support families so they can protect and nurture their children.

Best Interests of the Child

The Child Protection Specialist in conjunction with his/her supervisor must determine if placement with kin is in the best interests of the child. The Specialist will document in the case record the reason(s) the worker believes that placement is in the best interests of the child. The best interests should regularly be assessed to determine if the placement continues to be in the best interests of the child. If it is determined that

Child and Family Services Policy Manual: Substitute Care for Children Placement in Unlicensed Kinship Care

the placement is not the optimal placement for the child, a more appropriate placement should be sought.

Diligent Search

For specific policy and procedures for ongoing diligent search, refer to section 304-2.
<https://dphhs.mt.gov/Portals/85/cfsd/documents/cfsdmanual/304-2.pdf>

Selection of Family

The process for selecting a kinship provider will vary depending on the situation and local agency practice. The Division encourages the involvement of the birth family, other relatives and interested persons in the selection of the kinship home. A family group decision-making meeting or use of family preservation services may help to determine the best placement for the child.

An FGDM, Permanency Team Meeting or Diligent Search result may locate several kin who express interest in being considered as a placement option for the child. A Family Pre-assessment for Child Placement may be completed by the Family Resource Specialist at the team's request to determine if one or more of the families could be a permanent resource for the child and the family's ability to meet licensing requirements.

The pre-assessments shall then be reviewed by the FGDM or permanency team to select which family(s) should be considered for further licensing assessment.

When selecting a kinship placement for the child, the child's safety and well being must be of paramount consideration. Placement should be based upon consideration of the best interest of the child. Factors to be considered in selecting a placement are:

- an assessment of the services the child will need, based on the physical, educational and psychological needs of the child;
- the child's race and the role racial identity has played in the child's life (if the child is Indian, the requirements of ICWA must be met; refer to section 301-5, Indian Child Welfare Act);
- placement with siblings is based on the needs of the

Child and Family Services Policy Manual: Substitute Care for Children Placement in Unlicensed Kinship Care

individual child. If placement with siblings is determined not to be in the best interests of the child, the reasons must be documented and submitted to the supervisor for approval;

- the location of the child's family and the need to maintain contact with other family members;
- identification of the child's religion and the role that religion has played in the child's life; and,
- other factors particular to the child and the child's circumstances.

The Child Protection Specialist should also consider the following factors when determining whether a particular kinship home should be approved for a child:

- the nature and quality of the relationship between the child and the unlicensed kinship provider;
- the ability and desire of the unlicensed kinship provider to protect the child from further abuse or neglect and any family dynamics in the home related to the abuse or neglect of the child;
- the safety of the home and the ability of the unlicensed prospective kinship provider to provide a nurturing environment for the child; including but not limited to whether the kinship provider has a chronic or debilitating medical condition that prevents them from providing a safe and nurturing environment for the child;
- the nature and quality of the relationship between the child and the unlicensed kinship provider;
- the willingness of the kinship family to accept the child into their home;
- the nature and quality of the relationship between the birth parents and the unlicensed kinship provider, including the birth parent's preferences about placement of the child with kin;
- the unlicensed kinship provider's ability and willingness

Child and Family Services Policy Manual: Substitute Care for Children Placement in Unlicensed Kinship Care

to cooperate with the Division; and

- the existing support system of the unlicensed kinship family.

If it is determined that the child has been placed in a setting that is determined not to be optimal, consideration should be given to moving the child to a more appropriate placement as soon as possible.

Once selection of the family has taken place, the team shall notify in writing all relative families that have inquired/actively pursued placement of the child with them, explaining the reasons for the determination that their family was not chosen as a placement option for the child.

Review of Options Licensing v. Approval

The Child Protection Specialist must discuss with the kinship family that is selected for placement the options of licensed or unlicensed care, the services to be provided and the financial assistance available.

If the caregiver wishes to pursue licensure as a kinship foster home, a referral must be made to the appropriate FRS within three working days. The referral may be made via e-mail.

If the family chooses to be approved and not licensed, the Child Protection Specialist is responsible for assessing the family's ability to provide for the child's safety and well-being. Consideration must be given to the family's ability to meet the child's needs on both a short and long-term basis. This assessment includes criminal and child protective service background checks.

Required Background Checks

The purpose of the criminal check is to determine whether any adult in the home has been convicted of a crime which might affect the kinship provider's ability to provide safe and appropriate care.

Release of Information and Background Checks

The Child Protection Specialist must obtain a signed **and notarized** copy of the DPHHS-CFS/LIC-018, Release of Information and will ensure that a criminal records, Montana motor vehicle and child protective services check is completed on each adult member of the household for a family under consideration for placement.

CPS Checks

Prior to placing a child in an unlicensed kinship home, the

Child and Family Services Policy Manual: Substitute Care for Children Placement in Unlicensed Kinship Care

<i>In-State</i>	<p>placing Child Protection Specialist is responsible for assuring that a thorough CAPS person search has been completed for the applicant and other household members and a determination made as to the existence of CPS history.</p> <p>Centralized Intake must be contacted if the Child Protection Specialist does not have access to a computer to conduct the CPS check.</p>
<i>Out-of-State</i>	<p>If the unlicensed kinship provider or other household member has lived in a state other than Montana within the past five years, the Child Protection Specialist must request CPS information from those states prior to or within three days of the child's placement in the kinship home. Documentation of the requests and the responses must be maintained in the child's file.</p> <p>NOTE: If a state does not maintain a CAN registry, the state is not required by Section 471(a)(20)(C)(i) of the Social Security Act to provide information to a requesting State or check further for child abuse and neglect information within the State on a prospective foster parent or other adult living in the home. Once we have verified that another State does not maintain a CAN registry, we are not required to keep making requests to that State to make a registry check. Documentation of that verification (a letter from that receiving state) shall be kept in the file.</p>
<i>Action if CPS History Exists</i>	<p>If the unlicensed kinship provider or other household member has received services for substantiated abuse or neglect or history indicates that the person may pose a risk to the child, the Child Protection Specialist must justify why placement of the child in that particular home is in the child's best interests and that the placement is consistent with the safety plan. The written approval of the Regional Administrator must be obtained in order to continue the placement or to place the child in the home.</p>
<i>Sexual and Violent-Offender Registries</i>	<p>The placing Child Protection Specialist is responsible for completing the checks on the sexual and violent offender registries prior to placement or in cases of emergency placement within three days of that placement. This can be completed on-line through the Department of Justice (DOJ) Website at www.doj.mt.gov/svor. Documentation of this check must be conducted in all states in</p>

Child and Family Services Policy Manual: Substitute Care for Children Placement in Unlicensed Kinship Care

which the applicant has lived (if such registries are available in states in which adults in the kinship home have lived)

Motor Vehicle Checks

The assigned Child Protection Specialist is also responsible for ensuring that an on line Montana Motor Vehicle check on all adults residing in the home is completed. These checks must be completed prior to the placement of a child in an unlicensed home or in cases of an emergency basis within three days of placement.

Tribal Law Enforcement

If the family lives or has lived on a reservation, a request to tribal law enforcement for criminal history must be made and documentation of the request maintained in the file.

Criminal Checks

In an unlicensed kinship placement, the assigned Child Protection Specialist is responsible for ensuring that a Federal (**national**) fingerprint based criminal records check is completed. This check must be completed prior to the placement of a child in an unlicensed home unless the placement is made on an emergency basis.

If a child is placed with a kinship family prior to the completion of a fingerprint based criminal records, an Emergency Background Federal name based criminal history records check (Purpose Code X) shall be completed through the Division.

Emergency Background Check

This Federal name base check can be completed through **the local law enforcement** when children are placed in an emergency placement with an unlicensed kinship family. The checks must be run on all household members 18 years of age and older. The placing worker at the time of placement must have the family sign the **DOJ Name Based Criminal History Record Background Request for Emergency Child Placement Form** and submit directly to law enforcement for immediate processing. (DOJ release on OURS under Placement Forms)

Purpose Code X

Note: This DOJ Request Form is specific to the Purpose Code X and does not take the place of the DPHHS-CFS/LIC-018, Release of Information that is to be signed and notarized by the family members for other background checks as noted on page 5 & 6 of this policy.

41-3-304 MCA which takes effect October 1, 2013 states that if

Child and Family Services Policy Manual: Substitute Care for Children Placement in Unlicensed Kinship Care

an adult refuses consent to the Department's request for a name-based and fingerprint-based background check, the Department may not place the child in a home in which the adult resides, or if the child was already placed in the home, the Department shall immediately remove the child from that home.

Per 41-1-304 MCA; If the Department elects to perform an initial name-based background check and a fingerprint-based background check pursuant to this section, the Department may not make an emergency placement or continue an emergency placement in a home in which an adult resident has been convicted of a disqualifying criminal offense.

The Department shall by rule designate those criminal offenses that constitute a disqualifying criminal offense under this section which may include but are not limited to felony convictions for violent crimes, crimes involving children, family members, or the elderly or disabled, and crimes involving drugs in which the conviction occurred within a certain period of time.

See information under Heading **Criminal History Check Results** (page 9&10) for specific convictions.

NOTE: A Federal (national) fingerprint based criminal records check is still required even if this Federal a name based check has been completed. The fingerprint card shall be completed **within 3 business days** of placement.

If an emergency placement is denied as a result of a name based check of a family member and the family member contests the denial, the family member may within 15 calendar days of the denial submit to the Department a complete set of fingerprints with written permission allowing the Department to submit the fingerprint to DOJ for processing the Federal background check. This procedure is explained in the **Noncriminal Justice Applicants Rights letter (Privacy Act Statement)**.

Fingerprint Based Checks

Fingerprint cards and a copy of the **Noncriminal Justice Applicants Rights letter** (Privacy Act Statement) <http://ours.hhs.mt.gov/forms/CFSforms/ResourceFamilyandLicensingForms/NoncriminalJusticeApplicantRights.pdf> must be provided to each kinship provider and adult member or the provider's household. The unlicensed kinship provider should be provided information on the local process for obtaining

Child and Family Services Policy Manual: Substitute Care for Children Placement in Unlicensed Kinship Care

fingerprints.

The unlicensed kinship provider and other adults in the home are required to provide completed fingerprint cards to the Division within three days if a child has been placed in a kinship home. The child's assigned Child Protection Specialist will ensure that the returned fingerprint cards are reviewed for accuracy and completeness prior to being sent to DOJ.

Payment for Fingerprint Based Checks

The regional CFSD office will pay the costs incurred in conducting fingerprint based criminal records checks. The Department of Justice (DOJ) will bill the Division for the costs of conducting and providing the criminal history check results if a memo is attached to the fingerprint card instructing DOJ to bill CFSD. The memo must indicate what region should be billed for the cost of the fingerprint check by including the regional billing number. The billing number for each region is available from the regional fiscal officer.

All completed fingerprint cards are sent to:

Department of Justice
Criminal Records and Identification Services
P.O. Box 201403
Helena, MT 59620

Criminal History Check Results

If the unlicensed kinship provider has a criminal history, the Child Protection Specialist must assess the criminal history and determine in consultation with his/her supervisor what action to take.

Felony convictions

A child may not be placed in the home or if a child has already been placed, the child must be removed if the unlicensed kinship provider or other household member has had a **felony conviction** at any time for one of the following crimes:

- Child abuse or neglect
- Child sexual abuse;
- Partner or family member assault;
- A crime against children (including child pornography);
or,

Child and Family Services Policy Manual: Substitute Care for Children Placement in Unlicensed Kinship Care

- A crime involving violence, including rape, sexual assault, or homicide.

Other serious crimes

A placement must not be made, or a child who has already been placed must be moved if the criminal records check reveals that the prospective placement has been convicted of other serious crimes not listed above including:

- Homicide
- Sexual intercourse without consent
- Aggravated assault, assault on a minor, assault on an officer, assault with a weapon,
- Kidnapping, aggravated kidnapping,
- Prostitution,
- Robbery or burglary,
- Incest, ritual abuse of a minor, child prostitution,
- Internet crimes involving children,
- Felony endangering the welfare of a child,
- Felony unlawful transactions with children and;
- Aggravated interference with parent-child contact.

Abuse and Exploitation of Elderly or Persons with Developmental Disabilities

If the unlicensed kinship provider or household member has been convicted of abuse, sexual abuse, neglect, or exploitation of an elderly person or a person with a developmental disability, approval for placement or continuation of a placement must be obtained from the Regional Administrator.

Felony Convictions within the last five years

Placement must not be made, or a child must be moved if the criminal records check reveals a felony conviction **within the past five years** for any of the following crimes:

- Physical assault;
- Battery; or

Child and Family Services Policy Manual: Substitute Care for Children Placement in Unlicensed Kinship Care

- A drug related offense, including alcohol related convictions.

Drug related offenses include use, distribution or possession of controlled substances, criminal possession of precursors to dangerous drugs, criminal manufacture of dangerous drugs, criminal possession of imitation dangerous drugs with purpose to distribute, criminal possession, manufacture or delivery or drug paraphernalia, or driving under the influence of alcohol or other drugs.

If the results of the criminal checks reveal convictions that do not fall into the above categories that does not mean the unlicensed kinship provider must be approved. The Child Protection Specialist must assess the criminal history and the potential effect on the safe and appropriate care of a child.

If the unlicensed kinship provider wishes to pursue licensure, the appropriate FRS and FRS supervisor must be consulted since the criminal and Child Protective Service history may prevent the unlicensed kinship provider from becoming licensed or approved for guardianship or adoption.

FINGERPRINT CARD REJECTIONS Medical conditions

If a person fingerprinted has a medical condition which has made the person difficult to print, a memo should be attached to the fingerprint card describing the medical condition causing the barrier to successful fingerprinting. This memo should also include a request to Department of Justice (DOJ) to forward **the fingerprint card to the FBI for rejection if it cannot be successfully read**. The fingerprint card and memo should be mailed to the "Lead Worker" at the Criminal Records and Identification Services of DOJ.

If the first fingerprint submitted with the memo is rejected by the FBI, A second fingerprint card needs to be submitted following the same procedure.

Note * Two fingerprint cards will need to be rejected by the FBI in order to obtain a national name based check.

A medical condition circumstance meets the requirement for an exception to fingerprint based results. Other than national fingerprint based check results, a national name based check provides the best criminal history information.

Child and Family Services Policy Manual: Substitute Care for Children Placement in Unlicensed Kinship Care

Exceptions

There are occasions when the rejected fingerprints cards are **not due to a medical condition** and may be rejected by DOJ. If the reason for rejection is **not due to poor quality prints**, (Examples of poor quality prints would be smudges, smears, incomplete prints, and other prints that are considered operator error, etc.) the Division may utilize the following exception process.

- If a person cannot be successfully fingerprinted or has had two fingerprint cards rejected by DOJ a name based check may be used for applicants who have not lived anywhere other than Montana.
- If a person who has lived in states other than Montana cannot be successfully fingerprinted or had had two fingerprint cards rejected by DOJ, the following process must be used:
 - a Montana name based check must be completed; and,
 - a criminal history must be requested from every state in which the applicant has lived in the past 15 years.

Affidavit as result of unsuccessful attempts obtaining out of state criminal history checks

If after 45 days, the Division has been unable to obtain criminal history for an unlicensed kinship provider who has lived in other states, but has lived in Montana for at least five years, the kinship provider must sign an affidavit attesting to his/her lack of criminal history or to the details of existing criminal history. The affidavit will be accepted in lieu of results from a criminal history check.

Storing and Destruction of Fingerprint Cards and Criminal Record Background Check Results (CHRI)

NOTE: Fingerprint Cards and results will no longer be scanned into DOCGEN. Results shall be recorded on the Federal Background Check Determination. This completed form shall be scanned into DOCGEN under the Provider ID. Department of Justice, Division of Criminal Investigation, Criminal Records and Identification Services (DOJ) has provided guidelines for storage, dissemination and destruction of criminal background checks including fingerprint cards and the CHRI.

Child and Family Services Policy Manual: Substitute Care for Children Placement in Unlicensed Kinship Care

<i>Recording of CHRI</i>	<p>Upon receipt and review of the fingerprint based search received by DOJ, the CHRI shall be recorded on the Federal Background Check Determination. (CFS-LIC-062) The recording shall include:</p> <ul style="list-style-type: none"> • the date that results were completed by DOJ; • the purpose of the fingerprint request (check all that apply); • determination that the results are in compliance or not in compliance with the federal and state standards.
<i>Storage of Results</i>	<p>If there is a possibility that the applicant will pursue licensure, it may be necessary to retain the copy of the CHRI. The documents shall be stored in a locked storage separately from the applicant and case file.</p>
<i>Destruction of Fingerprint Cards and Results</i>	<p>Fingerprint cards shall be shredded upon receipt of the results as the prints are not able to be resubmitted.</p> <p>The CHRI shall be shredded upon determining there is no longer a need to further use.</p>
Kinship Care Agreement	<p>The placing Child Protection Specialist and the family must sign a <u>DPHHS-CFS-055, Kinship Care Agreement</u>. If the Child Protection Specialist and family use an FGDM meeting, the written agreement developed may supplement the Kinship Care Agreement.</p> <p>It is important that there be written understanding among the kinship care family, the child's parents (and the child when appropriate), the Child Protection Specialist and his/her supervisor as to what will be done by each of the parties to protect and care for the child, resolve concerns, and reunite the family.</p> <p>In an emergency, a child may be placed in a kinship home pending receipt of the results of a criminal, and Montana motor vehicle check. A child must not be placed in a kinship home unless a thorough CAPS person search has been conducted and a determination made as to whether the applicant or other household members has a substantiated history of abuse or</p>

Child and Family Services Policy Manual: Substitute Care for Children Placement in Unlicensed Kinship Care

neglect in Montana.

Due to the uncertainty regarding the law and regulation surrounding the use and possession of medical marijuana, if an unlicensed kinship provider indicates that he/she is prescribed medical marijuana for a debilitating medical condition pursuant to Mont. Code Ann. 50-46-302, the Child Protection Specialist shall require that the DPHHS-CFS-054 Unlicensed Kinship Provider Medical Report be completed by the treating physician of the unlicensed kinship provider who has prescribed medical marijuana, to ensure that the debilitating medical condition does not prevent the provider from safely and adequately caring for the child.

Debilitating medical conditions are defined by Mont. Code Ann. 50-46-302 as

- Cancer;
- Glaucoma;
- positive status for human immunodeficiency virus, or acquired immune deficiency syndrome when the condition or disease results in symptoms that seriously and adversely affect the patient's health status;
- cachexia or wasting syndrome;
- severe chronic pain that is persistent pain of severe intensity that significantly interferes with daily activities as documented by the patient's treating physician and by: objective proof of the etiology of the pain, including relevant and necessary diagnostic tests they may include an x-ray, tomography scan or MRI, or confirmation of that diagnosis from a second physician who is independent of the treating physician and who conducts a physical examination;
- intractable nausea or vomiting;
- epilepsy or an intractable seizure disorder;
- multiple sclerosis;
- Crohn's disease;
- painful peripheral neuropathy;
- a central nervous system disorder resulting in chronic, painful spasticity or muscle spasms;
- admittance into hospice care;
- any other medical condition or treatment for a medical condition approved by the legislature.

Furthermore, if an unlicensed kinship provider is using medical

Child and Family Services Policy Manual: Substitute Care for Children Placement in Unlicensed Kinship Care

marijuana in compliance with state law, s/he is prohibited from driving under the influence pursuant to Mont. Code Ann. 50-46-320(1)(a);

Mont. Code. Ann. 50-46-320 (1)(b)(xi) also does not permit the use of marijuana where exposure to the marijuana smoke significantly adversely affects the health, safety or welfare of children.

The unlicensed kinship provider must agree to keep all medical marijuana in a place that is inaccessible to children, pursuant to the signed DPHHS-CFS-055 Kinship Care Agreement.

If all of these conditions are satisfied, the use of medical marijuana, in compliance with state law, is not an automatic prohibition on placement with a kinship provider.

If it is decided that the unlicensed kinship provider should be considered for placement of the specific child, the following documents need to be obtained from the provider, made available in the case file and submitted along with the recommendation of placement to the Regional Administrator to review and determine if this placement will be considered.

- Copy of the Medical Marijuana Registration Card
- Copy of the written certification by the treating physician

The Child Protection Specialist must have the kinship provider complete and sign a DPHHS-CFS-055, Kinship Care Agreement. If the completed and signed DPHHS-CFS-055, Kinship Care Agreement indicates there is not CPS or criminal history which would preclude placement, the worker may proceed with placing the child if the worker determines that the placement is in the best interests of the child. **If the placement is an emergency placement, the Department shall run a Federal Name-based check on all adults residing in the home using the Purpose Code X.**

Mont. Code Ann. § 41-3-101

Mont. Code Ann. § 52-2-102

Mont. Code Ann. § 41-3-304

Mont. Code Ann. § 50-46-302

Mont. Code Ann. § 50-46-320

**Child and Family Services Policy Manual: Substitute Care for Children
Placement in Unlicensed Kinship Care**

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Rev. 05/12
Rev. 03/13
Rev. 10/13
Rev. 09/14
Rev. 02/15

Child and Family Services Policy Manual: Substitute Care for Children
Placement in Unlicensed Kinship Care

This agreement is between CFSD and _____ regarding the
temporary care of _____
name of kinship provider(s)
name(s) of child(ren)

We appreciate your willingness to provide kinship care. This agreement is intended to help you understand your responsibilities and the expectations CFSD has of you.

CFSD is responsible to ensure that placement of the child(ren) will meet the child(ren)'s needs for safety and well being and is in the child(ren)'s best interests. CFSD is responsible for decisions and for planning for the child(ren). Placement with you does not transfer custody to you. Please ask the child's Child Protection Specialist for information regarding your specific rights and responsibilities. **CFSD will arrange for contact or visits between _____ and the child(ren). Contact is to occur only with approval from CFSD.**

The Department will be conducting both a criminal records check and a child protective services check on all adults living in the household. If you have been convicted of a crime in the past, are currently charged with a crime, or have been investigated for child abuse or neglect, TELL THE CHILD PROTECTION SPECIALIST IMMEDIATELY.

Have you or anyone living in your household been charged or convicted of:

	Felony	Misdemeanor
Child abuse, neglect or endangerment	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
Child sexual abuse	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
Partner or family member assault	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
Any crime against children including child pornography	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
A crime involving violence, including rape sexual assault or homicide	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
A crime involving serious harm to children.	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
Physical assault	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
Battery	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
A drug related offense, including an alcohol related conviction	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No

Have you or anyone in your household been the subject of a deferred prosecution or a deferred imposition of sentencing involving one or more of the crimes listed above? Yes No

Have you or any person living in your household been investigated for alleged child abuse or neglect in any state?
 Yes No

Have you or anyone in your household had a substantiated allegation of child abuse or neglect in any state?
 Yes No

Are you or anyone in your household suffering from a debilitating medical condition for which medical marijuana is being used in compliance with Montana law?
 Yes No

Explain any "yes" answers below:

**Child and Family Services Policy Manual: Substitute Care for Children
Placement in Unlicensed Kinship Care**

PLEASE PROVIDE THE NAMES AND AGES OF EVERYONE LIVING IN YOUR HOUSEHOLD:

Fingerprint based criminal records checks are required for all adults in a kinship provider's household. Completed fingerprint cards must be returned by _____ (**within 3 business days of receipt**). To arrange to be fingerprinted, contact:

FOR EMERGENCY BACKGROUND CHECKS ONLY

*Pursuant to 41-3-304 MCA; if an adult refuses consent to the Department's request for a Federal name base and Fingerprint based criminal background check the Department may not place the child in the home in which the adult resides or if the child was already placed in the home, the Department shall immediately remove the child from that home. Per 41-3-304 MCA; If the Department elects to perform an initial name based background check and a fingerprint-based background check pursuant to this section, the Department may not make an emergency placement or continue an emergency placement in a home in which an adult resident has been convicted of a disqualifying criminal offense.

IMPORTANT INFORMATION

- A representative of CFSD will conduct a home safety check within 48 hours of placement (excluding weekends and holidays) if not completed at the time of placement.
- CFSD has the discretion to remove the child(ren) from your home. Whenever possible, the Child Protection Specialist will provide advance notice before the child(ren) are removed from a kinship home.
- Unlicensed kinship providers are not eligible for foster care payments. Providers may apply to the Office of Public Assistance (OPA) for financial assistance in meeting the needs of the child(ren).
- **Approval as an unlicensed kinship provider does not mean that the provider/home meets the licensing requirements or that the home will be licensed. Kinship providers may apply to become licensed as a kinship provider to care for a child(ren). Call 1-866 9FOSTER or e-mail askaboutfostercare@mt.gov if you are interested in applying to become licensed.**
- The Child Protection Specialist will provide relevant information about the child, including the expected length of placement.
- Except in rare circumstances, CFSD is mandated to attempt to reunify children with the birth or legal parents.
- If CFSD receives a referral alleging abuse or neglect of a child(ren) placed in a kinship home, CFSD will investigate the allegation and the child(ren) may be removed from your home during the investigation.
- Approval of a kinship home is temporary and placement of a child(ren) in a kinship home is temporary pending ongoing assessment of the placement. If the permanent placement of a child with a family other than the birth or legal parents becomes the plan, continued placement in a kinship home will be reassessed.
- Visitation between the child and parents will be arranged by CFSD.

**Child and Family Services Policy Manual: Substitute Care for Children
Placement in Unlicensed Kinship Care**

KINSHIP PROVIDER RESPONSIBILITIES

As a kinship provider caring for a child placed with you by CFSD, you are:

- Responsible for the day-to-day care and safety of the child(ren) placed in your home.
- Expected to notify the Child Protection Specialist of all scheduled medical appointments and school meetings in advance of the appointment. If a child needs medical treatment other than routine care, you must obtain Child Protection Specialist approval. For emergency medical needs, seek immediate treatment and promptly call 1-866-820-KIDS (5437).
- Expected to work cooperatively with CFSD and to support the case plan established by CFSD, whether reunification or other permanent plan.
- Expected to respect and support the child's connection with his/her birth or legal parents and to respect the child's cultural traditions and religious beliefs.
- Expected to attend or otherwise participate in Family Group Decision Making Meetings (FGDM) and Foster Care Review Committee (FCRC) meetings.
- Expected to maintain confidentiality of information pertaining to the child and *the child's* birth or legal parents;
- Expected to notify the Child Protection Specialist within 48 hours (excluding weekends and holidays) of any change of address, major sickness in your family or changes in family composition.
- Expected to notify the Child Protection Specialist immediately if you cannot continue to properly care for the child(ren) placed in your home. You must notify CFSD as soon as this decision is made so CFSD will be able to make other plans for the child. **You may not place the child with someone else.**
- Required to have written authorization before taking the child out of the county, state or country.
- Required to report any known or suspected child abuse or neglect to 1-866-820- KIDS(5437).
- **Expected to obtain approval from CFSD before cutting or coloring** a child's hair, or consenting to piercings, tattoos, etc.
- Expected to apply for Medicaid for the child(ren) at the Office of Public Assistance.
- Expected to notify the Child Protection Specialist immediately if you or anyone in the home is legally using medical marijuana. If someone residing in the home is legally using medical marijuana, the treating physician must complete a report indicating that the debilitating medical condition for which medical marijuana is legally used does not prevent you from safely and adequately caring for the child.
- If a kinship provider is legally using medical marijuana in accordance with state law, the kinship provider is expected not to drive under the influence, not to expose the child to any secondhand marijuana smoke, to store the medication in a place inaccessible to the child, and to sign a safety agreement, if requested by the Child Protection Specialist to ensure that these conditions are met.

**Child and Family Services Policy Manual: Substitute Care for Children
Placement in Unlicensed Kinship Care**

The plan for visitation or the next scheduled visit is: _____

I/We have read, understand and agree to perform my/our outlined responsibilities and to abide by the contents of this agreement. I/We agree to report any problems regarding the care of _____ to CFSD at _____ **or if outside working hours, at 1-866-820-KIDS(5437). By signing this I/We attest to the truth and accuracy of the statements made in this agreement.**

_____	Date	_____	Date
Kinship Provider Signature		Kinship Provider Signature	

_____	Date	_____	Date
Child Protection Specialist Signature		CPS Supervisor Signature	

Original - Paper Case file
Copy - Kinship Parent(s)

Placing Worker please complete the following checklist:

- Name-Based Criminal History Record Background Request for Emergency Child Placement Form has been completed and signed (*Purpose Code X only*)
- DCFS-LIC-018 Release of Information given to the family for each household member 18 years of age and over
- Fingerprint Card(s) for each household member 18 years and over accompanied by the Privacy Act Statement.

The Department of Public Health and Human Services (DPHHS) does not discriminate on the basis of race, color, religion, creed, political ideas, sex, age, marital status, physical or mental disability, or national origin. If you believe you have been subjected to discrimination, contact the DPHHS Human Resources Division at (406) 444-3136 or the Montana Human Rights Bureau at 1-(800)-542-0807, or relay service at 711