

## 5.1 Relative and Fictive Kin Placement Consideration

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5.1 Relative and Fictive Kin Placement Consideration

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4

When a section of SOP has been revised users will see the following: Added **{This is added material}**, Deleted {This is deleted material}. The bold and strikethroughs will appear on the site for fifteen (15) days after a modification and will then be removed.

### Forms and Resources

- [DPP-178 Acknowledgement Statement Options and Available Services for Relative and Fictive Kin Caregivers.docx](#)
- [DPP-178 Acknowledgement Statement Options and Available Services for Relative and Fictive Kin Caregivers \(Spanish\).docx](#)
- [DPP-179 Relative and Fictive Kin Caregiver Agreement.doc](#)
- [DPP-1277 Safety Check and Review.doc](#)
- [DPP-1277 Safety Check and Review Sample.docx](#)
- [DPP-1278 Relative Placement and Fictive Kin Support Benefit Acknowledgment Form](#)
- [Relative and Fictive Kin Service Array Worksheet.docx](#)
- [Relative and Fictive Kin Service Array Flow Chart.docx](#)
- [Relative and Fictive Kin Service Array Checklist.docx](#)
- [Relative and Fictive Kin Tip Sheet.docx](#)
- [Relative and Fictive Kin Caregiver Discipline Policy](#)
- [Relative Placement Support Benefit and Fictive Kin Relative Support Benefits Payment Request](#)
- [Guide for Relative and Fictive Kin Caregivers](#)
- [Kentucky Relative Caregiver Program Brochure](#)
- [Reporting Child Abuse and Neglect Booklet](#)

### Links to External Resources:

## Legal Authority/Introduction

- [P.L. 113-183 Preventing Sex Trafficking and Strengthening Families Act](#)
- [KRS 199.011 Definitions for chapter](#)
- [KRS 199.011 Definitions for chapter](#)
- [KRS 199.462 Criminal background investigation of applicant to provide foster care, relative caregiver services or adoptive home and of applicant's adult household members-Request for conviction information-Form and fee for request-Background investigation at annual reevaluation authorized-Administrative regulation](#)
- [KRS 600.020 Definitions for KRS Chapters 600 to 645](#)
- [922 KAR 1:140 Foster care and adoption permanency services](#)
- [42 USC 671 State plan for foster care and adoption assistance](#)
- [KRS 205.010 Definitions for chapter](#)
- [KRS 605.120 Payments to home where children are placed-reimbursement system for foster parents-Pilot projects-Kinship care program-Administrative regulations-Decisions regarding haircuts and hairstyles](#)
- [KRS 605.150 Authority to promulgate administrative regulations](#)
- [KRS 615.030 Interstate Compact for the Placement of Children.](#)
- KY Acts Chapter 10

## Practice Guidance

- It is imperative to make a quality first placement for a child when placing with a relative or fictive kin caregiver. This minimizes the number of placement moves for the child.
- A DPP-1277 Safety Check and Review is needed anytime a child is removed from their home of origin, a relative or fictive kin requests for their home to be evaluated for placement, and any placement move that occurs during an investigation or ongoing case.
- When a child is placed in a relative or fictive kin placement, all information remains in the case of origin. A new case is not opened for this purpose. If the relative or fictive kin caregiver resides in a different county than the primary caregiver, the case will remain where the primary caregiver resides. The case is then shared with the county in which the relative or fictive kin caregiver resides.
- The decision to place the child with a relative or fictive kin caregiver is based on the child's needs and which setting is most suited to meet those needs.
- The assessment of the relative or fictive kin caregiver's home should contain adequate details to accurately depict the home environment, while completely capturing the caregiver's ability to meet the basic needs of the child.
- The assessment of the relative or fictive kin household should include an assessment of all individuals who stay in the home overnight more than one (1) night per week.
- Criteria for the SSWs assessment of whether it is appropriate to place a child with a relative or fictive kin caregiver may include, but is not limited to the:
  - Child's relationship with the relative or fictive kin;
  - Relative or fictive kin's ability to meet the child's basic needs;
  - Relative or fictive kin's ability to meet the financial needs of the child;
  - Relative or fictive kin's ability to meet the child's medical, emotional, educational, or treatment needs;
  - Possibility of placing siblings together; and
  - When a child is placed with a relative or fictive kin caregiver, the SSW will complete the caregiver placement screen in their active case in TWIST. This will initiate an intake with central intake and will generate the DPP-1277 Safety Check and Review.
- The DPP-1277 Safety Check and Review must be completed in TWIST and submitted to the FSOS for approval.

## **Placement with a relative caregiver:**

Placement with a relative or fictive kin is used when the agency determines that a child can no longer remain safely in their home. The term placement with a relative or fictive kin applies when a child is placed with a caregiver via a prevention plan or through temporary or permanent custody, given by the court to the relative, fictive kin, or the Cabinet for Health and Family Services (Cabinet/CHFS). Regardless of how the child came to be placed with the relative or fictive kin, the Division for Protection and Permanency (DPP) provides case management activities that seek to utilize a least restrictive placement, assist parent/caretakers in reunifying with their child(ren), provide supportive services to the relative or fictive kin, and achieve alternative permanency for the child if reunification is not possible.

If the Cabinet is granted custody of the child, all applicable out-of-home care (OOHC) standards of practice (SOP)s are utilized. If the child is placed on a prevention plan with a relative, fictive kin, or in the custody of the relative or fictive kin, in-home SOPs are applicable. The following SOP is utilized for any placement with a relative regardless of who has custody.

- The relative placement support benefit (RPSB) and fictive kin relative placement support benefits (FKRPSB) is provided one (1) time to facilitate the placement of a child with a

non-parental relative or fictive kin if it is determined that a child can no longer remain safely in their home, or is in the custody of the Cabinet and residing in foster care due to abuse or neglect.

| Number of Eligible Children | Maximum Payment Amount |
|-----------------------------|------------------------|
| 1                           | \$350                  |
| 2                           | \$700                  |
| 3                           | \$1,050                |
| 4                           | \$1,400                |
| 5                           | \$1,750                |
| 6 or more                   | \$2,100                |

- Upon the initial relative or fictive kin's receipt of temporary custody of the child, the SSW completes the **Relative Placement Support Benefit (RPSB) and Fictive Kin Relative Support Benefits (FKRPSB) Payment Request** form timely and emails the form to the Division of Administration and Financial Management (DAFM) at [rpsbdafm@ky.gov](mailto:rpsbdafm@ky.gov) for payment directly to the relative or fictive kin. The relative or fictive kin should receive a payment within seven (7) to ten (10) working days.
- The full amount of RPSB or FKRPSB is issued by check or electronic fund transfer directly to the relative or fictive kin to support the initial placement.
- RPSB or FKRPSB is available at the initial placement when the relative, fictive kin, or Cabinet is granted temporary custody of a child. Retroactive RPSB or FKRPSB payments will be made no further than ninety (90) days prior to June 2, 2017, and are not available if the child moves to a subsequent relative or fictive kin placement. Items purchased through RPSB or FKRPSB follow the child(ren).

## Placement with a fictive kin caregiver:

Fictive kin are individuals who are not related to a child by birth, marriage, or adoption; however, they have developed an emotionally significant relationship with a child. These individuals may include a trusted school teacher, coach, or neighbor. Fictive kin may be utilized when a child is removed from their home of origin and when no family members or relatives are identified as an appropriate placement option for a child.

The SSW is not obligated to search for or seek out fictive kin placements, however, they may utilize fictive kin if presented with an appropriate option. If a fictive kin caregiver becomes an approved foster home, per diem reimbursements will begin upon approval and will not be made retroactively.

## Childcare

Youth placed with relatives or fictive kin are eligible for childcare.

#### **The SSW:**

1. Will complete the DCC 85 Approval for Childcare Assistance at the time of placement for caregivers who require childcare and are pursuing temporary custody or the child is placed via a prevention plan. The request should be from the time of placement until the child enters DCBS custody.

#### **The Recruitment and Certification (R&C) Worker:**

1. Will complete the child care memo when a child enters DCBS custody and the caregiver has indicated that they will pursue foster parent approval; and
2. Will assess, as outlined in SOP 12.29, the family's eligibility for continued childcare after a caregiver becomes approved as a foster parent.

## **Procedure**

#### **The SSW:**

1. May utilize fictive kin placements for children removed from their home of origin when biological parents and other family members are not considered a placement option for a child;
2. Assesses the relationship of the individual considered for fictive kin placement during the initial case planning conference;
3. Informs the potential relative or fictive kin caregiver immediately upon placement consideration that they may apply to become a foster home while the child in their care is in the custody of the Cabinet; however, if they choose not to seek approval as a foster parent they will not have the option to do this at a later time after they have received temporary custody; 1
4. Informs the potential relative or fictive kin caregiver of the two permanency options that the caregiver may pursue per the Kentucky Relative Caregiver Program Brochure, Relative and Fictive Kin Service Array Worksheet, and DPP-178 Relative and Fictive Kin Caregiver Acknowledgement Statement form;
  1. A caregiver obtains custody- relative or fictive kin is granted custody, guardianship, or power of attorney (POA);
    1. Relative or fictive kin may be eligible for traditional benefits and supportive services, including but not limited to:
      1. KTAP, SNAP, KCHIP, child care assistance, and possibly other supports or forms of assistance;2 and
      2. A caregiver is initially granted temporary custody of the child and agrees to seek permanent custody of the child if the child cannot safely reunite with the birth or adoptive parent.
  2. DCBS obtains custody- relative or fictive kin pursues approval as a child-specific foster home per SOP chapter 12:
    1. The child enters and/or remains in the Cabinet's custody;
    2. The SSW or FSOS submits a copy of the completed Section I of the DPP-1277 to the local R&C supervisor within three (3) working days of the caregiver's decision;
    3. The SSW or FSOS submits a completed and signed copy of the DPP-1277 to the R&C supervisor upon completion;

4. The R&C supervisor assists the relative or fictive kin caregiver with the foster care approval process as outlined in SOP chapter 12;
  5. The caregiver completes training and foster home study requirements, background requirements, etc. per SOP chapter 12;
  6. Upon approval as a child-specific foster home, the caregiver is eligible to receive the child- specific foster home per diem;
  7. The caregiver may also choose to pursue approval as a basic DCBS foster home and complete the requirements; and
  8. The caregiver agrees to pursue adoption of the child if the child cannot safely reunite with the birth or adoptive parent, or the caregiver may choose to pursue permanent custody. If permanent custody is granted, the caregiver would be made aware that any per diem being provided would be discontinued.
5. Advises the relative or fictive kin that the Cabinet must maintain custody of the child if the relative or fictive kin caregiver pursues foster or adoption certification;
  6. Advises the relative or fictive kin that financial assistance, outside of public benefits, is not available unless the caregiver is pursuing approval as a foster parent, and provides the Kentucky Relative Caregiver Program Brochure and Relative and Fictive Kin Service Array Worksheet;
  7. Discusses the permanency options and provides the relative or fictive kin caregiver with the Kentucky Relative Caregiver Program Brochure, Relative and Fictive Kin Service Array Worksheet, and DPP-178;
  8. Advises that the caregiver must make their decision of which permanency option best suits their family's needs by the initial court date. If the child is placed through a prevention plan or in the custody of the Cabinet, the caregiver has ten (10) working days to complete the DPP 178 indicating their choice. Custody should not be given to a relative or fictive kin unless they have indicated that choice on the DPP 178;<sup>3</sup>
    1. The court date should occur within three (3) working days, however, relative or fictive kin caregivers have ten (10) working days to complete the DPP-178.
    2. If the court date does not occur within ten (10) days, the DPP 178 still must be signed within the ten (10) day timeframe.
  9. Ensures that the relative or fictive kin signs the DPP-178 prior to the first court date;
  10. Gathers the original signed DPP-178 from the caregiver and refers them to the local R&C team if the caregiver chooses to pursue approval as a foster parent (see SOP 4.10.4 Child Specific Foster Home); <sup>4</sup>
  11. Will advise the caregiver to complete the DPP-179 when the caregiver indicates on the DPP-178 that they intend to pursue foster care approval. The SSW will submit the DPP-178 and DPP-179 to the billing specialist, and upload the documents into TWIST;
  12. Refers the caregiver to other supportive services if the caregiver chooses not to pursue approval as a foster parent;
  13. Instructs the caregiver to complete a new DPP-178 if the caregiver decides they no longer wish to pursue foster parent approval and accept temporary custody;
  14. Visits the relative or fictive kin home and if placement needs are immediate, conducts an initial placement assessment by completing Section 1 of the DPP-1277, which includes:
    1. An evaluation of the home environment;
    2. The relative or fictive kin caregiver's willingness and ability to accommodate for the child within the home and meet the child's needs, (e.g., providing for the child's sleeping and eating; maintaining adequate heat and ventilation in the home; using active smoke detectors in the home; assuring the child's

- inaccessibility to medication, alcoholic beverages, poisonous or cleaning materials, ammunition, firearms, and unsupervised contact with the child's birth parent; understanding the child's trauma, and the ability to seek treatment for the child as needed, etc.); and
3. Anticipated RPSB/FKRPSB is needed to provide for the child's immediate need for clothing, school supplies, additional furniture, or a deposit for a larger apartment after local community resources have been exhausted (if any).
15. Conducts background checks on the relative and fictive kin home members consistent with SOP 4.5.4 Background Checks for Caregivers to include:
    1. Completion of TWIST check;
    2. Criminal background check; and
    3. Sex offender registry address checks.
  16. Discontinues the safety check and review process if a negative background check is returned (refer to procedure #3 in SOP 4.5.4);
  17. Completes Section II of the DPP-1277 within thirty (30) working days, documenting the following factors:
    1. The relative or fictive kin caregiver's willingness and ability to protect the child from abuse or neglect and provide full-time care;
    2. The relative or fictive kin caregiver's willingness and ability to participate in the child's case permanency plan;
    3. Discussion of permanency tracks and resource options with the relative or fictive kin family per the Kentucky Relative Caregiver Program Brochure and the family's ability to provide care for the child if they do not pursue approval as a foster parent, or are not eligible for other supportive benefits;
    4. Referral to the kinship support hotline and KY FACES for links to other appropriate supportive services; 5
    5. The relative or fictive kin caregiver's willingness and ability to access transportation, telephone, medical services, first aid supplies, the child's school, counseling, and other needs for the child;
    6. The relative or fictive kin caregiver's willingness and ability to understand the impact that familial abuse, neglect, or substance misuse may have on a child and the child's extended family;
    7. The results of the criminal background check(s), sex offender registry address check(s), and child abuse and neglect checks(s); and
    8. The family's current income and expenses taking into consideration outside resources including public assistance that may be used to support the family. If there is an income deficit, the SSW discusses the feasibility of the placement and the relative or fictive kin's ability to meet the needs of the child both in the short and long term.
  18. Provides, at the safety check and review visit, a copy of Reporting Child Abuse Neglect and Dependency booklet to help relatives and fictive kin caregivers recognize and report child abuse or neglect, and documents this in the service recordings;
  19. Provides information, within the first five (5) working days of placement, about the requirement to complete a Cabinet approved one and one half (1.5) hours of pediatric abusive head trauma (PAHT) training to individuals caring for a child under the age of five (5), and documents completion of the training in the hard file; 6
  20. Explains the Cabinet's requirement to make monthly home visits, facilitate visitation between parents, children, and siblings, and hold case planning conferences to meet the needs of the child and plan for permanency;
  21. Completes the DPP-1278 Relative Placement Support Benefit Acknowledgment form with a relative or fictive kin caregiver based on needs identified and documented in the safety check and review;
  22. Submits to the FSOS in TWIST, within thirty (30) working days of the placement, the completed DPP-1277 with attached background check documentation; 7

23. Enters each child who is in the custody of the Cabinet and placed with a relative or fictive kin in the OOHC screens as described on the Entering a Child Placed with a Relative in TWIST tip sheet;
24. Follows out-of-state placement guidelines when placing a child with relatives or fictive kin caregivers living in another state;
25. Informs the caregiver of any history of inappropriate sexual acts or other behaviors of the child that indicates a safety threat for placement as would be the case with any other type of substitute care placement;
26. Informs the caregiver within seventy-two (72) hours after receiving the information if such information is not known at the time of placement, per mandate; and
27. Petitions the court for an exit to temporary custody or legal guardianship for a relative or fictive kin who does not complete foster home certification within four (4) months of the child's entry into the placement, and discusses the service array with the caregiver. Exceptions may be made on a case-by-case basis.

## **Procedure for Interstate Compact on the Placement of Children (ICPC) Requests for Relative/Fictive Kin Caregivers:**

### **The SSW:**

Follows the same procedure in-state placement procedures with the following exceptions:

1. Submits an ICPC request to the Kentucky ICPC office. The signed DPP-178 must be included with the request packet. Kentucky retains jurisdiction over any child(ren) placed out-of-state in all matters related to the custody, supervision, care, treatment, and disposition until the child(ren) is adopted, reaches the age of majority, becomes self-supporting, or is discharged with the concurrence of the appropriate authority in the receiving state. For requests for placement with a fictive kin caregiver, an expedited request cannot be completed since the placement resource (PR) is not a relative. Not all states will accept fictive kin requests. Contact the KY ICPC office to determine if the receiving state will accept a fictive kin request or if a foster home request will need to be submitted;
2. Receives a completed home evaluation from the receiving state; and
3. Receives the one-time PAHT requirement from the PR prior to placement. This can be completed while the home study is being conducted or once approval is received, but must be completed before placement is to occur. The worker documents completion of the training in the case file and includes verification of completion with the ICPC- 100B.

### **Footnotes**

1. The decision by the relative or fictive kin to pursue foster parent approval does not guarantee approval.
2. Fictive kin caregivers are not eligible to receive KTAP.
3. A relative or fictive kin caregiver shall not be eligible for the initial clothing allowance as a foster parent if the relative or fictive kin receives the RPSB or FKRPSB payment.

4. If the caregiver has accepted custody, they are not eligible to pursue foster parent approval.
5. Retains the original signed DPP-178 in the case file.
6. Refer relative or fictive kin caregivers to the kinship support hotline and KY FACES for additional supportive services: 1-877-565-5608, Relative.Supports@ky.gov.
7. PAHT is a one-time requirement and may be viewed by the relative or fictive kin caregiver on the Cabinet's YouTube site (see link in Forms and Resources section). After completion of the training, the relative or fictive kin caregiver submits the Pediatric Abusive Head Trauma Certificate of Completion form to the worker, to be placed in the hard file.
8. The caregiver obtains a copy of the DPP-1277 evaluation through open records.
9. A relative or fictive kin caregiver cannot be denied placement solely based on receiving medication-assisted treatment (MAT). SSW must assess all protective and risk factors including but not limited to the length of sobriety and all other assessment areas.