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KINSHIP RESOURCE FAMILY APPROVAL

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2.1. Discovery of Relatives

The local departments of social services (LDSS) should prioritize placing children who enter foster care with relatives and fictive kin upon removal or at any point when it is determined to be in the child's best interest. The discovery of relatives for children in foster care is about maintaining and developing connections which may or may not involve placement options at the time of discovery. More about Relative search and engagement may be found in Chapter A. Practice Foundations, Section 2 and Foster Care Guidance 2.5. FUSION has Kin First Resources available.

For those relatives and fictive kin who become kinship resource parents, the approval standards are the same as they are for non-relative resource parents; however, *three types of waivers exist for LDSS to utilize for kinship resource parent approval. Kinship Resource Parent Waivers (2.4.2.3) are available for use for immediate placement upon identification of a relative, Non-Safety Waivers (2.4.1.6) are available for waiving home standards that do not compromise safety, and Kinship Barrier Crime Waivers (2.4.2.1.1.) are available for LDSS to apply for the waiver of Virginia state barrier crimes on behalf of potential kinship resource parents or household members*. This section of guidance acknowledges those differences and ensures that processes that are unique to kinship (such as the Permanency Assessment Tool) are located together in the same section as information regarding the approval process for kinship resource parents. What follows is guidance that contains all the necessary information around the processes required for assessing and approving kinship resource parents.

2.2. Relative Notification of the Kinship Approval Process

Whenever a relative or fictive kin expresses interest in becoming a kinship resource parent, the LDSS must provide the relative or fictive kin with the Kinship Foster Parent Approval Process Letter found on FUSION within 15 calendar days. A copy of the letter should be maintained in the child's file. The Kinship Care Brochure can assist the relative or fictive kin in exploring options related to caring for their children in foster care. Notifying interested relatives is also required for cases that involve ICPC.

2.3. Assessing a Prospective Kinship Resource Parent

2.3.1. Permanency Assessment Tool (PAT)

The LDSS must use the Permanency Assessment Tool (PAT) when a relative or fictive kin expresses interest in becoming an approved kinship resource parent. The LDSS must use the PAT to ensure (1) uniform and consistent strengths-based

assessments of kinship families that facilitate an understanding of how reunification and permanency must be supported, (2) an understanding of the approval process, and (3) the supports necessary to make placement possible and sustainable. The LDSS must use this tool to conduct and document the assessment of prospective kinship resource parents. The LDSS must maintain the completed PAT in the child's foster care file. During the assessment, the LDSS should ensure the following:

- The child feels safe with the prospective kinship resource parent and the prospective kinship resource parent has the capacity to meet the physical and emotional needs of the child.
- The prospective kinship resource parent conveys a commitment to complete and maintain approval as a kinship resource parent, as well as a commitment to supporting reunification and permanency.

Information gathered by the PAT may be integrated later into the kinship Mutual Family Assessment and elaborated upon. Prospective kinship parents should not be ruled out solely based on the verbal reporting of a potential barrier crime. If a prospective kinship resource parent or any adult household member acknowledges the presence of a potential barrier crime, the LDSS should still run a Virginia State Police criminal background check to officially determine whether a barrier crime is present. If a barrier crime appears to be present, the LDSS must request that the prospective kinship resource parent or adult household member submit fingerprints to the state-approved vendor to determine eligibility prior to proceeding with placement and completing all approval requirements. The LDSS shall assist relatives and fictive kin with meeting approval requirements by identifying barriers, utilizing waivers, and offering support and services. Many funding sources are available to support or address barriers to successful placements with kin, such as the Children's Services Act and Promoting Safe & Stable Families.

2.3.2. The decision to approve or deny

The decision to approve or deny a prospective kinship resource parent needs to be based on what is in the child's best interest in relation to safety, permanency, and well-being. Any decision to deny the approval of a kinship resource parent should be made only after the exploration of all necessary supports that would make the placement possible. Kinship resource parents do not need to meet all standards as established by the regulation and be approved by the LDSS prior to placement of a child in the home. Approval may be achieved by the prospective kinship resource parents meeting all standards or by meeting most standards and having a waiver granted for one or more standards. If the prospective kinship resource parent is able to meet a child's needs, but would not meet approval standards, consider using the State-funded Kinship Subsidy Screening Tool.

2.3.3. When not to approve as kinship resource parents

Non-custodial birth parents are not required to become approved kinship resource parents to have their child placed with them. Such a placement is a trial home visit. See Foster Care guidance 8.6.5. Placements with kin who were prior custodians in the removal home, which were determined to be contrary to the welfare of the child, are considered trial home visits and do not require the kinship resource family approval process.

2.3.4. Role of a Kinship Resource Parent

Kinship resource families should never be viewed as an alternative to children's parents, but instead, they must clearly understand their role in supporting family reunification. The role of kinship resource families is to help children in care maintain a sense of belonging by keeping them connected to their families and cultures. In making decisions regarding placement, preference should be given to relatives and fictive kin as resource parents, so long as they can meet approval requirements as outlined in 2.3.8.3. The LDSS shall assist relatives and fictive kin with meeting approval requirements by identifying barriers, utilizing waivers, and offering support.

2.3.5. Notification of Denial & Appeal for Prospective Kinship Resource Parent

If it is determined by the LDSS that it is not in the child's best interest to be placed with the prospective kinship resource parent following the completion of the Permanency Assessment Tool, the LDSS must provide the relative with the Notification of Denial and Appeal Letter by mail within 14 calendar days of the denial. The LDSS must also send the Regional Resource Family Consultant a copy of the denial letter. It is recommended that a copy of this letter be maintained in the child's file. The Notification of Denial and Appeal letter must contain the following:

- A clear and specific explanation of the reason for the denial.

A statement that such denial is appealable to the Commissioner of the Virginia Department of Social Services should the relative choose to appeal.

- Information regarding the procedure for filing such an appeal including contact information for the Office of Appeals & Fair Hearings.

If the relative chooses to appeal the denial, they must contact the Office of Appeals & Fair Hearings in writing by US mail or email and disclose their intent to appeal within 30 calendar days of the postmarked date on the Notification of Denial and Appeal letter. Upon being made aware of the relative's intent to appeal the decision of the LDSS, a hearing must be conducted by the Office of Appeals & Fair Hearings as soon as practicable, and a decision rendered in no more than 90 calendar days.

The Office of Appeals & Fair Hearings will either uphold the denial or overturn the denial. If the denial is overturned, the LDSS will have 14 calendar days to reassess the relative and either provide, in writing, a clear and specific explanation for the reason for denial which is consistent with guidance OR to approve the relative as a kinship resource parent, so long as all approval requirements are completed timely, pursuant to law and policy.

2.3.6. Timing of Background Checks

When criminal and central registry checks are completed as part of a relative assessment ahead of a child being placed with the kinship resource parent, the checks must be resubmitted if the date of completion is greater than 120 days from the expected approval start date on the Certificate of Approval (COA).

2.3.7. Assessing Kinship Capacity

When assessing a prospective kinship resource parent's capacity, the best interest of the child must be the determining factor. Use the Permanency Assessment Tool to review the needs of the child and prospective kinship resource family. The assessment of capacity is based on living space, the needs of other children receiving full-time care in the home, and the prospective kinship resource parent's ability to provide adequate physical and emotional care while maintaining family stability. LDSS may not let arbitrary space requirements prevent the approval of an appropriate and safe family who can maintain family connections. The LDSS must review how the family's established natural supports will be engaged and if other supports will need to be engaged. For example, if the LDSS determines that capacity limits should be exceeded in order to allow siblings to remain together or to care for a specific child, the LDSS should note the reasons in the kinship mutual family assessment document, document the plan to support capacity in the Kinship MFA and follow through with support to build and maintain capacity. The LDSS needs to develop an awareness of implicit biases prior to engaging and assessing prospective kinship resource families.

2.3.8. Other Criteria (4.1.)

2.3.8.1 Anti-discrimination for approving kinship resource parents (4.1.1.)

According to federal statute, the LDSS must not deny to any person the opportunity to become a kinship resource parent on the basis of race, color, nationality, state of residence, religion, age, disability, political belief, sex or sexual orientation.

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2.3.8.2. Age requirements (4.1.2.)

Kinship resource parents must be at least 18 years of age. The age of the prospective kinship resource parent is one of many considerations in the decision to approve an individual to foster or adopt.

2.3.8.3. Marital status (4.1.3.)

Only individuals or married couples may be approved as kinship resource parents. Unmarried/cohabitating couples may be approved with one individual approved and identified on the Certificate of Approval and the other person listed as a household member or adult caregiver.

When prospective kinship resource parents are married, but not dwelling in the same home and do not expect to dwell in the same home, complete the Married with Separate Dwellings form instead of completing criminal and central registry checks for an absent spouse. Should the absent spouse reenter the household, background checks and all other requirements for kinship resource parent approval must be completed for that spouse for the family to remain in compliance with approval standards.

This issue will need to be revisited in detail should the prospective kinship resource parent consider adoption while still legally married without the legal spouse participating in the approval process as a kinship resource parent. As discussed in Adoption Guidance, under Finalizing the Adoption only “a married couple or an unmarried individual shall be eligible to receive placement of a child for purposes of adoption”. § 63.2-1225

2.3.8.4. Maximum Number of Children (4.1.4.)

The number of children in foster care in the kinship resource parent's home shall not exceed six (6) unless:

- To allow the child of a parenting youth in foster care to remain with the parenting youth.
- To allow siblings to remain together.
- To allow a child with an established meaningful relationship with the family to remain with the family.
- To allow a family with special training or skills to provide care to a child who has a severe disability.

2.4. Requirements to Initiate Placement with a Kinship Resource Parent

When kin or fictive kin are identified and assessed to be an appropriate placement for a child in foster care, the LDSS must make a visit to the home prior to or on the day of placement to ensure safety of the home environment and complete the Physical Home Environment Checklist. All adult household members must submit to a Virginia State Police Name search and a search of the CPS Central Registry through Child Welfare Information System prior to placement of the child. When the presence of barrier crimes or CPS findings are ruled out, the child may be placed immediately, and the kinship resource parent will meet Kinship Pre-approval criteria.

2.4.1. Physical Home Environment (4.5.1.)

The physical environment of the home must be assessed both in terms of the physical space (e.g., adequate furnishings, heat, ventilation, etc.) as well as the kinship resource parent's attitude toward, and ability to provide for the child's need for space and privacy and separate sleeping arrangements. Documentation of an assessment of the home environment should include the Physical Home Environment Checklist.

Initially, kinship resource parents may not have had the time or opportunity to prepare their home to accommodate additional children. As such, there may be requirements on the Physical Home Environment Checklist that kinship resource parents do not automatically meet. Non-safety waivers may be used, where applicable, and LDSS should assist kinship resource parents in accessing community resources and/or funding to obtain the necessary supplies, such as medication lock boxes, appropriate storage for guns, etc.

If the kinship resource parent does not have sufficient bed space for a child or sibling group, the LDSS should utilize available funding to purchase necessary bedding supplies to make the placement possible.

The following areas must be assessed, as appropriate, during interviews at the kinship resource parent's home.

2.4.1.1. Physical comfort (4.5.1.1.)

- The kinship resource parent must be able to provide safe, comfortable sleeping furnishings.
- All rooms used by the child must be heated in winter, cooled in hot weather, dry, and well ventilated.

- Rooms and study space used by the child must have adequate lighting.

2.4.1.2. Space and furnishings (4.5.1.2.)

The home must have sufficient appropriate space and furnishings for each child receiving care in the home, including:

- Space to keep clothing and other personal belongings.
- Accessible basin and toilet facilities.
- Space for recreational activities.

2.4.1.3. Sleeping space (4.5.1.3.)

- Sleeping space must be provided on the first floor of the home for a child unable to use stairs unassisted, other than a child who can easily be carried.
- Multiple children sharing a bedroom must each have adequate space including closet and storage space. Bedrooms must have adequate square footage for each child to have personal space.
- Children over the age of two (2) years must not share a bed.
- Children over the age of two (2) must not share a bedroom with an adult unless the LDSS approves a plan to allow the child to sleep in the adult's bedroom due to documented needs, disabilities, or other specified conditions.
- Children of any age must not share a bed with an adult.
- Children of the opposite sex over the age of three (3) must not sleep in the same room.
- Children under age seven (7) or children with significant and documented cognitive or physical disabilities must not use the top bunk of bunk beds.

2.4.1.4. Phone access (4.5.1.4.)

The kinship resource parent and children must have access to a working phone in the home. This may be a cell phone; however, if the kinship resource parent does not wish for others to have access to their cell

phone, an additional working phone must be available. The optional Phone Requirement form may be utilized to assist the kinship resource parent in deciding which option will work best.

2.4.1.5. Home safety requirements (4.5.1.5.)

2.4.1.5.1. Emergency Preparedness plan (4.5.1.5.1.)

Kinship resource parents need to develop Emergency Plans that help protect their families and also provide communication information for use in emergency situations. This form should be provided to the kinship resource parent at placement and completed as soon as possible prior to the six-month period allowed by the Kinship Waiver. State regulation 22 VAC 40 21170 requires a plan that includes, but is not limited to fire and natural disasters. It also requires the plan to include:

- How the kinship resource parent plans to maintain the safety and meet the needs of the child in their home during a disaster.
- How the kinship resource parent will evacuate the home, if necessary, during a disaster.
- How the kinship resource parent will relocate in the event of a large-scale evacuation.
- The requirement to notify the LDSS of where they are relocating and contact information in the event of evacuation.

The LDSS FSS should encourage the kinship resource parent to review the appropriate sections of the Emergency Plans form with the children who are old enough to understand. The Emergency Plans form should be posted in a location that is accessible to the children.

Suggestions for information the kinship resource parents should include in the plan are:

- The phone number of the LDSS.
- The phone number of a close neighbor or relative who could come to the home quickly.

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- Plans for having emergency food, water, and batteries for flashlights and radios.

- The location and contact information for friends or relatives they may go to in an emergency or evacuation.

The LDSS will keep a copy of all sections of this plan in the kinship resource parent's file.

2.4.1.5.2. Fire Safety (4.5.1.5.2.)

The kinship resource parent must permit a fire inspection of the home by appropriate authorities if conditions indicate a need and/or the LDSS requests such an inspection.

- Every home must have an operable smoke detector, the specific requirements of which must be coordinated through the local fire marshal. If a locality does not have a local fire marshal, the state fire marshal must be contacted.

2.4.1.5.3. Weapons (4.5.1.5.3.)

Possession of any weapons, including firearms, in the home must comply with federal and state laws and local ordinances. The kinship resource parent must store any firearms and other weapons (e.g., BB guns, air guns, etc.) in a locked closet or cabinet, with the activated safety mechanisms. Ammunition must be stored in a separate and locked area. The key or combination to the locked closet or cabinet must be maintained out of the reach of all children in the home.

2.4.1.5.4. Pets (4.5.1.5.4.)

Kinship resource parents must ensure that household pets are not a health or safety hazard in accordance with state laws and local ordinances, and the LDSS must request verification of kinship resource parent compliance.

Pets must be vaccinated in accordance with state and federal law against diseases that can transmit to humans, including rabies.

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2.4.1.5.5. Other (4.5.1.5.5.)

- The home and grounds must be free from litter and debris and present no hazard to the safety of the child receiving care.
- Kinship resource parents must keep cleaning supplies and other toxic substances stored away from food and locked, as appropriate. Medications must be out of reach of children and locked as appropriate. Medications must be stored separately from food, except those medicines that require refrigeration.
- Every home must contain basic first aid supplies.
- Drinking water is always available to children.
- Homes with swimming pools, hot tubs, or spas should follow the safety guidelines outlined in the optional Water Safety Agreement form.
- The LDSS may require other safety-related checks or verifications as deemed necessary (e.g., well water tests, electrical safety, home structure stability).

2.4.1.6. Non-safety Waivers

To obtain a non-safety waiver, LDSS complete all requested information on the non-safety Waiver Request form and submit the form electronically to the Regional Resource Family Consultant. The LDSS must maintain the non-safety waiver documentation in the prospective kinship resource parent's file. If granted, the LDSS will conduct an annual review of the waiver.

No waivers will be granted that would compromise safety-related standards, are contrary to requirements set by law (such as *federal* barrier crimes or a search of the Child Welfare Information System) or that if granted, would violate federal or state law or any local ordinances.

If a kinship resource parent is granted a non-safety waiver and is in compliance with all other requirements of this guidance, the kinship resource parent remains approved.

While some non-safety waivers are permanent in nature, others may only be active for a set period. In this case, documentation that the non-safety waiver is no longer applicable must be kept in the kinship

resource parent's file. Annual reviews are not necessary when a non-safety waiver is no longer necessary.

2.4.2. Requirements Immediately following placement with a Kinship Resource Parent

Within 72 hours of placing a child in the home, the kinship resource parent(s) and all other adult household members must present themselves for fingerprinting with the approved vendor. The LDSS must submit the required request for search of the CPS Central Registry and release of information form to the State Office of Background Investigations for processing.

The first few days of an unexpected placement can be chaotic and filled with many mandated appointments for both the kinship resource parent(s) and child(ren) in their care. To ensure that the kinship resource parents and adult household members are successful in completing fingerprints, the LDSS should take an active role and assist those individuals in making all appointments. Ways of supporting the kinship resource parent in completing the appointment include but are not limited to:

- Offering to set up the appointment for any kinship resource parents who may find the process confusing or not have access to the necessary electronic equipment to arrange it.
- Actively tracking and following up with the kinship resource parent regarding the completion of fingerprints.
- Helping with transportation to the appointment.

2.4.2.1. Required Background Checks (4.4.)

Background checks are required for all prospective kinship and non-relative resource parents and every adult household member 18 years of age or older who reside in the home. Required background checks consist of a national criminal background check, a Child Protective Services (CPS) Central Registry search, and a search of the Sex Offender Registry, which is included in the national criminal background check. The Certificate of Approval (COA) cannot be issued for kinship resource parents until the results of all background checks have been received. *Checks must indicate "No Match" for Central Registry findings, and "Eligible" for the national criminal background check.* Prospective kinship resource parents *and/or adult household members in the kinship home* with barrier crimes as set forth in the Code of Virginia, § 63.2.1719 *may be eligible for a Kinship Barrier Crime Waiver if the background check is returned as "Not Eligible"*.

Results of these checks must be maintained in the file of the kinship resource parent and in no other place (including any form of archiving or electronic storage). Criminal records cannot be shared with any person other than the specific subject of the search. Eligibility letters from OBI may not be shared when transferring resource home approval between LDSS.

While background checks for kinship resource parents are typically initiated at placement, the expectation remains that the national criminal background check and the central registry check are done no more than 120 days prior to issuance of the COA. If any checks were done in advance of placement such that they were completed more than 120 days prior to the projected issuance of the COA, the LDSS must re-do any checks that risk falling outside of the 120-day window.

2.4.2.1.1 Kinship Barrier Crime Waiver

If a prospective kinship resource parent or household member has a barrier crime conviction on their record, the LDSS must not place a youth in the home unless a Kinship Barrier Crime Waiver has been approved by VDSS. LDSS may apply for a waiver on behalf of prospective kinship resource parents or the adult household members in the prospective kinship resource home for individuals whose national criminal background checks deem them to be not eligible based on a state barrier crime Code of Virginia, § 63.2.1719. Individuals with federal barrier crimes are not eligible for a kinship barrier crime waiver. Applications for Kinship Barrier Crime Waivers should be submitted within 60 days of the LDSS receiving the not eligible determination letter from OBI to ensure all checks are current within 120 days of issuing the COA. See Section 2.5.2.1 for more information about the COA.

The LDSS must thoroughly assess the prospective caregiver, considering the following factors:

- *type of crime for which the individual was convicted*
- *number of convictions*
- *nature of the offense or offenses*
- *age of the individual at the time of each conviction*
- *length of time that has elapsed since the last conviction*
- *The relationship between the crime for which the individual was convicted and the capacity to care for children*
- *Any evidence of rehabilitation; and*
- *Opinions of community members concerning the individual.*

The LDSS may apply for a Kinship Barrier Crime Waiver if their assessment determines:

- *there are no safety concerns regarding placement with the individual*
- *placement would be safe for the child, and*
- *placement would be in the child's best interest,*

The LDSS will submit an application for a Kinship Barrier Crime Waiver to VDSS, including a copy of the completed Permanency Assessment Tool (PAT), Physical Home Environment Checklist (PHEC), a written statement from the applicant about their conviction(s) and rehabilitation, and least one reference required for resource family approval. Ater receipt and review of the application, VDSS shall notify the LDSS in writing of either the approval or the denial of the Kinship Barrier Crime Waiver. If all approval requirements have not been met by the resource family, the LDSS must also use a Kinship Resource Parent Waiver upon placement, as outlined in 2.4.2.3. If the Kinship Barrier Crime Waiver is denied, LDSS must provide the relative with a copy of the Notification of Denial and Appeal Letter.

Kinship Barrier Crime Waivers must be requested each time new background checks are completed and a "not eligible" determination letter is received, such as in the case of re-approval or adoption.

2.4.2.1.1. Sworn Statement or Affirmation (4.4.1.)

A sworn statement or affirmation form is required disclosing whether or not the individual has a criminal conviction or is the subject of any pending criminal charges within or outside the Commonwealth and whether or not the individual has been the subject of a founded complaint of child abuse or neglect within or outside the Commonwealth. This statement indicates if the adult has lived in other states within the prior five years, thus requiring additional central registry checks from those states. A sworn statement must be completed during the initial approval process and does not expire.

The following background checks expire 36 months from the date of verification for all approvals occurring after 1/1/2020.

2.4.2.1.2. National criminal background check (4.4.2.)

Prospective kinship resource parents are required to be fingerprinted and complete all requirements outlined by the VDSS approved vendor, FieldPrint. All identifying information and prints will be electronically sent to the Virginia State Police (VSP), the

Federal Bureau of Investigations (FBI), and Office of Background Investigations (OBI). OBI staff will screen criminal history results received from the VSP and the FBI in order to provide the requesting LDSS a determination of eligibility on the individual being searched. For detailed information on how to complete the fingerprint-based criminal background check, reference this FieldPrint instruction sheet.

2.4.2.1.3. Central Registry of abuse and neglect (4.4.3.)

The LDSS shall submit a Search of the Central Registry and Release of Information Form to OBI to search the Virginia CPS Central Registry for each prospective kinship resource parent and adult household member over the age of 18 years, no more than 120 days prior to the prospective kinship resource parent being approved as a kinship resource parent.

If a prospective kinship resource parent or household member has resided in another state within the preceding five years a check of that state's child abuse and neglect registry is required. The Other States Request for Search of the CPS Central Registry is available on Fusion for reference. LDSS agencies must not approve individuals with a founded complaint of child abuse as a kinship resource parent or adult household member. Out of state searches of the child abuse and neglect registry should be completed only at the time of initial approval and do not expire. Out of country searches are not necessary as part of approval.

2.4.2.1.4. Department of Motor Vehicles Check (4.4.4.)

A Department of Motor Vehicle (DMV) driver background check must be obtained for the prospective kinship resource parent(s) as well as all others in the home who may be transporting the child. A Virginia driving record must be obtained if the individual holds a Virginia driver's license. If the individual holds an out-of-state driver's license, the out-of-state driving background check must be obtained. While there is no specific standard for a "satisfactory" DMV driver background check, results of this check should be considered in concert with other information gained in the Mutual Family Assessment process.

Local governments have access to DMV background checks free of charge in accordance with § 46.2-208 of the Code of Virginia. The LDSS should utilize this to obtain DMV background checks for kinship resource

parents and should not expect kinship resource parents to obtain their own DMV background checks. The information available includes convictions, accidents, driver's license suspensions or revocations, and other information that may be needed by the local government to carry out its official function. Most LDSS have established agreements with DMV to allow background check access; however, for more information on this process contact the DMV or access www.dmvnow.com.

2.4.2.2. Supporting New Placements (5.3.)

Providing a high level of information and support at both the early and ongoing stages of placement is critical for both the family and the LDSS to meet a child's needs.

Ensuring kinship resource parents understand what is expected of them is critical in ensuring their success. Upon placement, kinship resource parents should be provided with clear expectations around required paperwork, what to expect regarding completion of the MFA, and any deadlines for paperwork and appointments. For those children placed with kin using the kinship waiver, the LDSS should closely monitor and provide assistance with any barriers to completion of the waiver to ensure the placement can be maintained.

Individuals who are approved as kinship resource parents must be provided with the following information:

- LDSS contact information, including but not limited to, FSS name and phone number and after-hours contact information.
- Contact information including who the child may or may not have contact with and what type of contact is allowed (e.g., supervised visitation; phone contact; email; etc.).
- Information regarding the child's medical history and needs including allergies, immunizations, current medical treatment, the child's doctor's names, health insurance, and contact information and, when applicable, the child's medication.
- Educational information including provisions for getting the child to school and, if applicable, the plan for enrolling the child in a new school.
- The LDSS's plan for immediate follow-up regarding the child, including but not limited to, next FSS visit to the home; school enrollment; medical

follow-up; visitation between the child and family members including siblings.

- A review of and signing the Foster Care Agreement: Code of Ethics/Mutual Responsibility Agreement.
- A review and signing of the confidentiality agreement, including a discussion of the meaning of confidentiality.
- A discussion of the prohibition against the use of corporal punishment under any circumstances. Corporal punishment must be defined, and the caregiver must agree to refrain from all such methods of discipline. The Corporal Punishment Agreement must also be signed.
- The expectation and process for obtaining full approval as a kinship resource parent and the next steps the LDSS will take to support the caregiver's decision to pursue full approval.

2.4.2.3. Kinship Resource Parent Waiver

To allow children to be placed with kinship resource parents when they are identified, kinship waivers must be granted for pre-service training, completion of a mutual family assessment, tuberculosis assessment, screening or tests and physical examinations for a period of 6 months. Kinship waivers are not to be used to cover lapses in approval for kinship resource parents or to transfer approvals of resource parents between agencies. If all the standards of approval are not met within 6 months, the home approval will be suspended until all approval requirements are met. There is no time extension for the kinship waiver.

For ICPC cases in Virginia, kinship waivers can be utilized on a case-by-case basis. When a sending state requests that Virginia assess a relative based in Virginia, the LDSS should consult with the Virginia ICPC office to decide whether the waiver can be utilized for that particular child.

Non-safety waivers related to standards for the home of a kinship resource parent, as referenced in Resource Family guidance Section 2.4.1., may be granted to kinship resource parents and should be reviewed annually. The process of obtaining a non-safety waiver is outlined in Resource Family guidance Section 2.4.1.6.

If the only barrier to kinship approval is the presence of a Virginia state barrier crime, the LDSS may apply on behalf of the potential relative caregiver or adult household member for a Kinship Barrier Crime Waiver as outlined in

Resource Family Guidance 2.4.2.1.1. Placement of the youth in a home where an adult has been issued Non Eligible determination letter cannot proceed Section 2.4.2.1.1. unless a Kinship Barrier Crime Waiver is approved.

To obtain a kinship waiver the LDSS must submit the waiver to their regional consultant **within 72 hours of placement.** A waiver must be in place before the Certificate of Approval (COA) can be issued for kinship families who have not yet completed all the standards of approval. The waiver allows for children to be placed immediately with kinship resource parents. CSA funds should be utilized immediately to cover placement costs.

2.5. Approval of a Kinship Resource Parent

2.5.1. Additional Documents to Be Completed at Placement (4.5.2.4.10.)

The following additional documents should be completed immediately upon placement:

- Foster Care Agreement: Code of Ethics and Mutual Responsibility
- Financial Agreement

Upon placement, the kinship resource parents and any other adult caregivers in the home must be provided with the following documents. At least one kinship resource parent should be available to sign at placement. If not all kinship resource parents or adult caregivers are available at placement to sign, the LDSS should collect the remaining signatures as soon as possible.

- Discipline Agreement
- Confidentiality Agreement
- Foster Parent Bill of Rights

2.5.1.1. Agreements (4.5.2.4.10.)

The LDSS FSS must discuss the following mandatory agreements with the kinship resource parent:

- Discipline Agreement
- Confidentiality Agreement
- Foster Care Agreement: Code of Ethics and Mutual Responsibility
- Adoptive Placement Agreement (for adoptive placements only)

- Foster Parent Bill of Rights
- Financial Agreement

The content of these documents is reviewed, and prior to the prospective kinship resource parents' approval, they must agree to abide by the values and requirements as specified in these agreements. All prospective kinship resource parents sign the Discipline and Confidentiality Agreements and the Foster Parent Bill of Rights. The Foster Home Agreement: Code of Ethics and Mutual Responsibilities must be signed upon the placement of a child in the home. The Adoptive Placement Agreement is signed only upon the placement of a child in the home for the purpose of adoption (see Section 1.4. on approval process requirements).

The following agreements must be discussed with and, when noted, signed by the prospective kinship resource parent as soon as possible during the interview process.

2.5.1.1.1. Confidentiality Agreement (4.5.2.4.10.1.)

The LDSS must have the prospective kinship resource parent and any other adult caregivers in the home sign a Confidentiality Agreement. The LDSS FSS must discuss confidentiality requirements with the prospective kinship resource parent and ensure the prospective kinship resource parent understands the need to keep confidential all information regarding the child, their family, and the circumstances that resulted in the child coming into care. A copy of the signed agreement must be provided to the prospective kinship resource parent.

2.5.1.1.2. Discipline Agreement (4.5.2.4.10.2.)

The LDSS must have the prospective kinship resource parent and any other adult caregivers in the home sign a Discipline Agreement. This provides an opportunity to discuss the prospective kinship resource parent's approach to discipline and attitude towards, and beliefs about, the use of corporal punishment with children. The LDSS must clearly communicate that no form of corporal punishment as defined in Section 1.3. of this manual ("Definitions") may be used for any reason. The range of possible actions the LDSS may take because of the use of corporal punishment (e.g., additional training on discipline; anger management for the kinship resource parent; suspension of the approval of the home; removal of the child from the home) must also be discussed.

2.5.1.1.3. Foster Parent Bill of Rights and Dispute Process (4.5.2.4.10.3.)

The purpose of the Foster Parent Bill of Rights, as authorized by Virginia Code § 63.2-902 and established pursuant to Virginia Administrative Code 22VAC40-211, is to ensure collaboration, communication, access and transparency between LDSS, licensed child placing agencies (LCPA) and resource parents. LDSS must share the Foster Parent Bill of Rights with all kinship resource parents and maintain a signed copy in the family file.

Kinship resource parents have a right to file a complaint regarding alleged violations of collaboration, communication, access, and transparency between the LDSS and the kinship resource parents.

Prior to filing a formal complaint, the kinship resource parent must contact the FSS assigned to the resource family and provide a description of the alleged violation. For LDSS-approved homes, this would be the Resource FSS assigned to the kinship resource family. For LCPA approved homes, this would be the Foster Care FSS for the child in foster care. The FSS shall respond within five business days and explain any corrective action to be taken in response to the kinship resource parent's complaint. If the kinship resource parent and FSS are unable to informally resolve the complaint, the kinship resource parent may file a written complaint through the dispute resolution process with the foster care supervisor or designee. The supervisor shall respond to the complaint within five business days with the findings regarding the alleged violation and any correction action that will be taken.

If the kinship resource parent disagrees with the supervisor's response, the kinship resource parent may appeal the resolution to the local director by filing a written notice of appeal. The appeal shall include a description of the alleged violation, and a copy of the foster care supervisor's report. The director shall hold a meeting with all the parties within seven business days to determine the validity of the alleged violation and the appropriateness of the response from the FSS and supervisor. A summary of the meeting shall be documented by the FSS after approval by the foster care supervisor. The director shall issue written documentation of findings to all parties, and when applicable, recommendations for corrective actions.

This dispute resolution process does not apply to a complaint related to the denial or failure of an LDSS to act upon an individual's claim for

benefits. Complaints related to a claim for benefits shall be appealable pursuant to federal law (42 USC § 671(a)(12)) and state law (22VAC40-201-115 (22VAC40-201-115).

Kinship resource parents may call 833-TELL 2FC (833-835-5232) to reach the Virginia Division of Family Services for disputes at any point in the dispute process. As per § 2.2-445, kinship resource parents must also be notified and directed to the website for the Office of the Children's Ombudsman.

2.5.1.1.4. Foster Care Agreement/Adoptive Placement Agreement (4.5.2.4.10.4.)

The Foster Care Agreement: Code of Ethics and Mutual Responsibilities Form is required to be signed whenever a child is placed in a kinship resource parent's home. The Adoptive Placement Agreement is not signed during the kinship resource parent approval process but should be reviewed with the prospective kinship resource parent if the purpose of the placement is adoption.

2.5.1.1.5. Financial Agreement (4.5.2.4.10.5.)

The Financial Agreement must be signed and dated for the date that the child was placed in the home of the kinship resource parent. As outlined in Section 18.2 of the Foster Care Manual, if this is the child's first placement or they are discharging to kin from residential, the LDSS must pay the emergency maintenance rate to the kinship resource parents and schedule a VEMAT within 60 days. At signing, the LDSS should explain the VEMAT process to the kinship resource parent and ensure they are aware that the total stipend amount is subject to change.

2.5.2. Documenting approval (4.5.3.2.)

2.5.2.1. Certificate of Approvals for a Kinship Resource Parent

Certificates of Approval (COA) for kinship resource parents undergoing the Kinship Waiver process are child specific and the LDSS may only approve them for the child(ren) placed with them under the waiver. For relatives who may be providing relative respite, ensure that all children's names who might be in the home for respite are listed in "Other Specifics" on the kinship resource families COA.

For those kinship families utilizing a kinship waiver, a certificate of approval may be issued upon receipt of the results of background checks that indicate "eligible"

for all adult household members and the results of CPS Central Registry searches for all household members that are absent of CPS findings*. For kinship families in which a Kinship Barrier Crime Waiver is being utilized, the COA can only be issued after the LDSS receives written notification that the Kinship Barrier Crime Waiver has been approved and all other checks have been received, and all checks and the Kinship Barrier Crime Waiver are dated within 120 days of the issuance of the COA.* For relatives with out-of-state Central Registry checks, the COA can be issued while the results of the out-of-state checks are pending so long as in-state checks are completed and received indicating that all adults are eligible. Until a certificate of approval is issued, Children's Services Act funding must be utilized for placement costs. Title IV-E funding eligibility begins on the date in which the certificate of approval is issued.

For those kinship resource families who are approved without utilizing the waiver process, please see 4.5.3.3. Certificate of Approval for more information on approval dates.

2.5.2.1.1. Approval period (4.5.3.3.1.)

Certificates of Approval (COAs) are issued for periods of 36 months and are valid for 36 months or until the background check expires (36 months from the day of verification), whichever occurs first. For kinship resource families being re-approved, the LDSS should keep track of the approval date to ensure that their checks are renewed in a timely manner and their COA does not lapse.

When children are placed with kinship resource parents, kinship waivers may be obtained as outlined in Section 2.4.2.3. to allow for immediate placement of children in the home. The effective date of the certificate of approval for kinship resource parents is the date when all background checks for the kinship resource parents and all adult household members have been received. The results of background checks indicating eligibility for all adult household members must be obtained prior to signing a Certificate of Approval. The date of approval must be documented on the Certificate of Approval. A copy of the Certificate must be maintained in the kinship resource parent's file.

Only individuals or married couples may be approved as kinship resource parents. Unmarried/cohabitating couples may be approved with one individual approved and identified on the Certificate of Approval and the other person listed as a household member or adult caregiver.

For information on re-approval see 2.5.7.2.

2.5.2.2. Checklist for Initial Provider Approval (4.5.3.2.2.)

Not all information obtained during an assessment needs to be written into the narrative report. LDSS are required to complete the Checklist for Initial Provider Approval.

Once completed, this form, attached to the completed narrative report, constitutes the completed Mutual Assessment Family Report.

Upon initial approval of kinship resource parents utilizing the Kinship Waiver, the LDSS must upload the Checklist for Initial Provider Approval to COMPASS. The COA should be uploaded to COMPASS upon completion along with the remaining elements of the approval process.

2.5.2.3. Notification to the Kinship Resource Parent (4.5.3.3.4.)

Once approved, kinship resource parents are to be given a Certificate of Approval specifying the following:

- Type of approval (dually approved as a kinship resource parent or respite provider).
- Date when the approval became effective and the date when the approval will end.
    - The effective date cannot be any earlier than the date on which any of the items required to approve the home was received.
- The approval period cannot exceed 36 months.
- Specifications or limitations of the approval (e.g., number/types of children).
- The signature and title of the individual approving the home and the supervisor's signature and title.

NOTE: A Certificate of Approval cannot be issued unless all required documents are received. A copy of the Certificate must be filed with the prospective kinship resource parent's file.

If the approval process results in the LDSS's denial of the application, the LDSS must provide the relative with the Notification of Denial & Appeal Letter. A copy of the letter must be kept in the prospective kinship resource parent's file and provided to the Regional Resource Family Consultant for the LDSS. It is recommended that a copy of this letter be placed in the child's file.

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2.5.3. Pre-service Training for a Kinship Resource Parent

2.5.3.1 Core Competencies (4.2.2.)

As part of the approval process for kinship resource families, the LDSS must address core competencies (4.2.2) with the kinship resource family. The LDSS should work with the kinship family to address any gaps in their ability to demonstrate core competencies.

2.5.3.2. Supplemental Training (4.2.3.)

The following content areas are to be included in the pre-service training of applicants:

- The Children's Services Practice Model and Implication for Practice.
- Virginia's Family Partnership Meetings: The Purpose and Process.
- Rate structuring and the kinship resource parent's role in the process.
- The Foster Home Agreement: Code of Ethics and Mutual Responsibilities.
- The Adoptive Home Placement Agreement.
- Standards of Care for Continued Approval (see Section 2.5.6.1.1).
- Shaken Baby Information.

2.5.3.2.1. Mandated Reporter training (4.2.3.1.)

The Code of Virginia identifies those persons who are mandated reporters. These persons must report suspected child abuse or neglect that they become aware of in their professional or official capacity.

Effective July 1, 2012, kinship and non-relative resource parents, and respite providers are considered mandated reporters due to their association with a public organization that is responsible for the care, custody and control of children as referenced in § 63.2-1509 A.

Mandated reporter training and other resources for mandated reporters are available online from the Virginia Department of Social Services

Kinship resource parents may complete CWS 5692 - Recognizing & Reporting Child Abuse & Neglect as part of their pre-service training.

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2.5.4. Mutual Family Assessment for a Kinship Resource Parent

2.5.4.1. Mutual Family Assessment (4.5.2.)

A Mutual Family Assessment (MFA) is a process that includes both a study of the physical home as well as the prospective kinship resource parent(s). It is mutual in that while the LDSS maintains final authority on the decision to approve or not approve, the assessment is done with families rather than to families.

For relatives who have had children placed through the kinship waiver process, an initial assessment via the Permanency Assessment Tool would have already been completed to determine capacity and their ability to serve as a kinship resource parent. For these relatives, the Mutual Family Assessment is not meant to determine whether they should foster or not since that decision has already been made. Instead, the MFA should be used to further identify what strengths the family brings to the table, and where there are areas to support the family. The goal is to ensure the LDSS has all information necessary to support the placement and ensure the success of relatives and caregivers. It also helps family members realistically assess their own capacities and areas where they may need support. A mutually respectful process between the FSS, potential kin caregiver, the birth parents and extended family, as well as the children, is essential to conducting a culturally responsive and realistic assessment of the kin caregiver.

A thorough assessment integrates pre-service training topics into the home visits to maximize opportunities for developing and documenting a family's competence in meeting the special needs of children in care.

Training and home visits are primary sources for assessment, while also drawing information from sources such as references, background checks, etc.

Each prospective kinship and non-relative resource parent must be encouraged to participate in an open and honest assessment of their strengths in fostering or adopting, as well as their needs for support.

If the process of completing the Mutual Family Assessment alters the decision of the LDSS to approve the home and the kinship approval is denied, the LDSS must provide the relative with the Notification of Denial and Appeal Letter by mail within 14 calendar days of the denial.

2.5.4.1.1. Purpose of the Kinship Mutual Family Assessment

As part of the approval process, the LDSS must conduct a family assessment. This family assessment must address all elements required by regulation and be documented by a combination of narrative and must be signed and dated by the individual completing the assessment and the director of the LDSS or their designee. The information contained in the Mutual Family Assessment must consist of demographic information including:

- Age of prospective kinship resource parent.
- Marital status and history.
- Family composition and history.
- List of LDSS individuals involved in completing the assessment process and their roles.
- Information indicating that the kinship resource parent has been given and understands the standards for sleeping space and maintaining a safe environment as listed in Section 2.4.1.

2.5.4.1.2. Assessing the prospective kinship resource parent's knowledge, abilities, attitudes, relationships, and capacity to foster (4.5.2.2.)

Narrative documentation must include information from the interviews, references, observations, and other available information, and must be used to assess and document the prospective kinship resource parent's skills to foster and/or adopt. Much of this information may have been gathered while completing the Permanency Assessment Tool. That information can be used and expanded upon to ensure the LDSS has all necessary information to support the kinship resource parent. Decisions to approve may also be based on information gained through discussions, recommendations, etc. and should assess that the prospective kinship resource parent:

- Is knowledgeable about the necessary care for children and is physically and mentally capable of providing the necessary care for children.

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- Can articulate a reasonable process for managing emergencies and ensuring the adequate care, safety, and protection of children.
- Expresses attitudes that demonstrate the capacity to love and nurture a child born to someone else.
- Understands the role of kinship resource parent and parenting style for children with loss and trauma.
- Values children's birth family and other significant relationships.
- Expresses appropriate motivation to foster or adopt.
- Shows stability in all household relationships.
- Has the financial resource to provide for current and ongoing household needs.

2.5.4.1.3. Making the most of interviews (4.5.2.3.)

- Connect visits to the family's pre-service training, to allow for give-and take of information that helps inform mutual decision-making.
- Approach visits from the perspective that assessment is truly mutual—just as the VDSS must assess the family's ability to support children and families, so should the family assess the VDSS's ability to support them in this endeavor.
- Observe interactions among household members, looking for the strengths and/or challenges individuals have in sustaining their current family relationships.
- Have conversations with all family members in the home, focusing on how fostering/adopting will impact the current family system.
- Carefully and thoroughly examine the family's expectations of children in foster care, and how realistic these are.
- Use opportunities to stress the importance of maintaining children's connections, and explore prospective kinship resource

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parents' attitudes, skills, and willingness to support these connections.

2.5.4.1.3.1. On-going Kinship resource parent Training expectation (4.5.2.3.1.)

The LDSS FSS also explains training requirements and the concept of competencies necessary for foster and adoptive parenting. Kinship resource parents benefit from on-going development through support and in-service training to address gaps in understanding and help them meet the needs of children in their care. During the approval process, the LDSS should encourage kinship resource parents to be active participants in their own development. See Resource Family Guidance Section 5 for more information on supporting resource families.

2.5.4.1.3.2. Changes in the household (4.5.2.3.2.)

An addendum to the MFA should be completed when there are changes in the household. These changes include: a change in address, household members leaving the home, additional household members in the home, minor household members turning 18 and requiring background checks, changes in marital status for the kinship resource parent, and any significant changes in health or finances. The LDSS should inform the kinship resource parents which changes in circumstances require addendums in order to maintain compliance in approval.

2.5.4.1.4. Supporting documentation (4.5.2.4.)

2.5.4.1.4.1. Kinship resource parent application (4.5.2.4.1.)

The Application For Department-Approved Provider Form must be used by all individuals who are becoming kinship resource parents. The form provides basic information needed to begin the process of approval and eliminates obtaining such information during the interviews.

This form must be completed for kinship resource parents. However, if the kinship waiver is being utilized, the form can be completed while the child is placed and the waiver is being completed. The LDSS does not need to require that prospective kinship resource parents complete the application ahead of placement.

The LDSS must obtain at least three (3) references from persons who have knowledge of each prospective kinship resource parent's character and applicable experience with children and caregiving of others. At least one (1) reference per person must be from a non-relative. If a single reference addresses the skills and abilities of both prospective kinship resource parents, it may count as one of the three references for each. The state approved Reference Request Form is acceptable as reference documentation as well as references conducted via telephone and documented in the file.

2.5.4.1.4.3. Physical exams (4.5.2.4.3.)

The prospective kinship resource parent(s) submit the results of a physical examination conducted by a licensed health care professional, administered within *13* months prior to the kinship resource parent's approval. These results must include comments regarding the person's mental and/or physical condition or abilities, such as they relate to caring for a child in the foster care system. A Physical Examination Form is available for use.

For those kinship resource parents who have not had a physical completed within the last *13* months, this should be scheduled as soon as possible within the six-month waiver process to allow time to address any barriers related to doctor availability, scheduling and/or insurance.

2.5.4.1.4.4. TB risk assessments (4.5.2.4.4.)

All household members who come in contact with the child must submit to a tuberculosis screening and/or test, in compliance with current VDH requirements. For most individuals, a TB risk assessment should be sufficient. Information regarding the TB risk assessment form is found on the Virginia Department of Health website. If risk factors or TB symptoms are present, a TB test may be required. The Center on Disease Control offers more information on Testing for Tuberculosis Infection and Disease.

2.5.4.1.4.5. Verification of marriage and divorce (4.5.2.4.7.)

During a meeting with the kinship resource parent(s), the FSS must visually verify all documents that give proof of the kinship resource parent(s)' marriage(s) or divorce(s). This requirement is documented on the Checklist for Initial Provider Approval .

2.5.4.1.4.6. Federal W-9 (4.5.2.4.8.)

The LDSS should obtain a W-9 from the kinship resource parent prior to or immediately upon placement to ensure that the monthly maintenance and/or enhanced maintenance can begin promptly.

2.5.4.1.4.7. Financial/employment history (4.5.2.4.9.)

2.5.4.1.4.7.1. Income verification (4.5.2.4.9.1.)

The LDSS FSS must verify the kinship resource parent has income sufficient to meet the basic needs of the household. Requesting credit checks may have an adverse effect on the prospective kinship resource parent's credit history and are discouraged. Prospective kinship resource parents are not required to be employed so long as there is sufficient income to meet the needs of the family. Where there is no employment, agencies should carefully examine the source and reliability of any other income or resources in establishing whether there is sufficient income to meet the needs of the family. Financial or employment history information that may be used to assess income sufficiency may include:

- Recent pay stubs.
- Tax documents (e.g., W-2s).
- Verification of any assistance received (SSI, food stamps, public assistance, etc.).
- Utility bills (with payment history).
- Deployment information (military).
- Rental lease, public housing agreement, or mortgage statement.
- Bank statements.

2.5.4.1.4.7.2. Assets and resources (4.5.2.4.9.2.)

Assets and resources include any other sources of income (e.g., real estate), estate holdings, monetary gifts or bonuses, or any public assistance. There is no general

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restriction on the receipt of public assistance for resource families.

2.5.4.1.4.7.3. Debts and obligations (4.5.2.4.9.3.)

Debts may include aggregate amounts owed to credit cards, student loans, car leases/loans, etc., as well as individual amounts owed for home/rental, home maintenance.

2.5.5. Kinship Resource Parent File (4.5.4.)

2.5.5.1. Establishing a Kinship Resource Parent file (4.5.4.1.)

A kinship resource parent file should be established at the time the Permanency Assessment is completed and the decision has been made to place with that kinship resource parent. The Application for Department Approved Provider is part of that file.

Although the Child Welfare Information System is the official case record, all forms, letters, and other original hard copy documents (as referenced in this guidance) must be retained in the paper kinship resource parent file. The Initial Checklist for Provider Approval can help organize the file.

2.5.5.2. Child Welfare Information System record (4.5.4.2.)

The Resource Section of Child Welfare Information System is the electronic file that captures information on kinship resource parent homes and other resources. Information on the household applying to be a kinship resource parent should be updated in the Child Welfare Information System as the family assessment and approval process moves forward.

It is important to search the Child Welfare Information System Resource Directory prior to opening a new record in Child Welfare Information System to prevent duplication. The Child Welfare Information System Help section has several topics such as “Search for a Resource” and “Open a New Resource” which aid when completing the screens. Contact VCCC at 1 (866) 6378482 for additional assistance in entering resource homes into Child Welfare Information System.

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2.5.5.3. Maintenance of the file (4.5.4.3.)

Any changes in the kinship resource parent family that require new documents (e.g., criminal background search for a new adult in the home) or re-approval documents must be retained in the paper file and information updated in the Child Welfare Information System as needed.

Kinship resource parent files may be disposed of in a way that protects confidential information after five years have elapsed from the date the file was closed.

2.5.6. Maintaining Kinship Approval (4.5.5.)

2.5.6.1. Standards of care for continued approval (4.5.5.1.)

LDSS are required to engage in ongoing discussion with and supervision of kinship resource parents. The "Standards of Care for Continued Approval" as described below are first discussed during the assessment to ensure kinship resource parents are knowledgeable of what is expected of them once a child is placed in their home. The "Standards" should be part of the ongoing dialogue with kinship resource parents. The LDSS should discuss and monitor how the kinship resource parent meets these standards. Several of the "Standards" noted below also require the LDSS to document compliance on the Checklist for Family Re-Approval.

- The kinship resource parent must provide care that does not discriminate on the basis of race, color, sex, national origin, age, religion, political beliefs, sexual orientation, disability, or family status.

- The kinship resource parent must ensure the child receives meals and snacks appropriate to their daily nutritional needs. The child must receive a special diet if prescribed by a licensed health care kinship resource parent, or designee, or in accordance with religious or ethnic requirements or other special needs.

- The kinship resource parent must ensure that they can be responsive to mental health or medical needs of the child.

- The kinship resource parent must establish rules that encourage desired behavior and discourage undesired behavior. The kinship resource parent must not use corporal punishment or give

permission to others to do so and must sign an agreement to this effect.

- The kinship resource parent must provide clean and seasonally clothing appropriate for the age and size of the child.

- If a kinship resource parent transports the child, the kinship resource parent must have a valid driver's license and automobile liability insurance. These will be checked at approval and re-approval, but verification may be required at any time deemed necessary.

- The vehicle used to transport the child must have a valid registration and inspection sticker.

- Kinship resource parents and any other adults who transport children must use functioning child-restraint devices in accordance with requirements of Virginia law. See Section 10.6.1.2 of the Foster Care Manual and the following link for additional information. Virginia's Child Passenger Safety Laws

2.5.6.2 Monitoring Efforts (4.5.5.2.)

The LDSS, must visit the home of the kinship resource parent as often as necessary, but at least quarterly, to provide support to and monitor the performance of the kinship resource parent and must document these visits in the kinship resource file. For kinship resource parents, these quarterly visits should begin as soon as the child is placed, or as soon as the kinship resource parent is approved, whichever occurs first.

- When a child is placed in the home, these visits may coincide with the monthly visits to the child and be completed by the same LDSS FSS.
- If there is no child placed in the home, the quarterly visit may be replaced by telephone contact.

2.5.7. Addendums (4.5.6.)

All necessary addendums should be documented in the kinship resource parent file and updated in the Child Welfare Information System.

2.5.7.1. When an Addendum is Needed (4.5.6.1.)

Kinship resource parents should inform the LDSS as soon as possible but no later than 45 days **before** a significant change occurs in the household composition or circumstances, including but not limited to:

- A child turning 18 years of age.
- A new adult entering the household.
- A household member leaving the household.
- A change in marital status of a kinship resource parent.
- A significant change in health status of a kinship resource parent.
- A change of address (a move).
- A substantial change to the residence (such as a tree falling on the house or a remodel that impacts stability or functioning of the household).
- Any changes that may impact the health or safety of a child placed in the home such as recent arrests or pending charges of a kinship resource parent or adult household member.
- Any decline in a kinship resource parent's physical or mental health which directly impacts the kinship resource parent's ability to care for a child in foster care should be reported immediately but no later than seven (7) days from the time of occurrence.
- A child is being adopted and an Adoption Supplement is necessary. See Adoption Guidance, section 3.4.4 for details when completing an Adoption Supplement.

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2.5.7.1.1. Background Checks for New Adult Household Members (4.5.5.2.2.)

For any new adult entering the home, background checks must be conducted, consisting of a criminal background check, a CPS Central Registry search, and a search of the Sex Offender Registry, which is included in the criminal background check. The Registry may be accessed on the Virginia State Police website. If the new adult in the home has resided in another state within the previous five (5) years, they must also have a CPS Central Registry search run in those states in which they resided. If the adult will be transporting the child, a DMV check is required.

In instances where it is not reasonable to complete all the background checks prior to the new adult entering the household, **at minimum**, a written statement of affirmation disclosing any criminal and child abuse and neglect history in Virginia and any other state of residence within the past five (5) years, satisfactory findings on a Central Registry search, and a Virginia criminal name check must be completed.

The new household member must schedule themselves for fingerprinting and the LDSS must submit to a Search of the Central Registry and Release of Information Form, to the State Office of Background Investigations for processing **within 3 days**.

Within **60** days of any person in the home becoming 18 years old, the results of background checks must be obtained by the LDSS, consisting of a criminal background check, a CPS Central Registry search, and a search of the Sex Offender Registry, which is included in the criminal background check. A written Sworn Statement or affirmation disclosing any criminal and child abuse and neglect history in Virginia and any other state of residence within the past **five (5)** years must be completed when the individual becomes 18. If the 18-year-old will be transporting the child, a DMV check is required.

Any individual participating in the Fostering Futures program, which allows LDSS to continue to provide foster care services to individuals who are 18 years of age or older but have not reached 21 years of age, who is placed in a resource home must be subject to the background check requirements. The results of such background check must be used for the sole purpose of determining whether other children should be placed or remain in the same resource home as the individual subject to the background check. The results of the

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background check must not be used to terminate or suspend the approval of the resource home.

Adult household members in kinship homes may be eligible for a Kinship Barrier Crime Waiver as outlined in section 2.4.2.1.1.

2.5.7.2. Re-approval (4.6.)

The approval period for a kinship resource parent is 36 months. Re-approvals are due **no later than three (3) years** from the begin date of the previous certificate of approval. To ensure the COA does not expire while a child is placed with their kinship resource family, the LDSS should start the re-approval process, including the initiation of new background checks, at least 90 days but no more than 120 days prior to the background checks expiring. *If a Kinship Barrier Crime Waiver as outlined in 2.4.2.1.1 has been used, the LDSS must apply for another waiver when new background checks are received if they indicate the kinship resource parent or household member is "not eligible".* LDSS are required to complete all required documents including new background checks as outlined in. 2.5.7.4.1.

2.5.7.2.1. Checklist for Re-approval (4.6.1.)

LDSS are required to complete the Checklist for Family Re-approval. The LDSS should upload the completed checklist, in addition to the updated Certificate of Approval and Physical Home Environment Checklist, to COMPASS and place copies in the kinship resource parent file. Once completed, the forms attached to the completed re-approval addendum constitute the completed re-approval package.

2.5.7.3. Interview Requirements (4.6.2.)

During the re-approval process, the LDSS FSS must conduct a minimum of one (1) interview with the kinship resource parent(s) in their home. FSSs are to use the visit to conduct a review and update the Mutual Family Assessment.

The LDSS FSS must conduct a review of the previous home approval information with the kinship resource parents. By reviewing the information with the kinship resource parent, the FSS and kinship resource parent can identify and discuss any changes in the kinship resource parent's situation that may affect the approval of the home, such as the number and types of children for which the kinship resource parent will be approved.

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For the renewal of a child-specific Certificate of Approval, the re-approval interview should include a discussion of the kinship resource parent's ability to provide care for the child and any areas in which they need support to continue providing care for the child. If the permanency goal is no longer Return Home or if the case is approaching a goal change, the LDSS should conduct a review of permanency options with the kinship resource parent, if appropriate.

2.5.7.3.1. Written Addendum (4.6.2.1.)

The LDSS FSS must update the Mutual Family Assessment Report through a written Re-approval Addendum, documenting the decision to reapprove the kinship resource parent. The addendum includes any new information the FSS has obtained and considered in deciding to re-approve the kinship resource parent: (i.e., new additions to the household, changes to the home, changes in marital status, or updates to capacity). The Re-approval Addendum to the Mutual Family Assessment must indicate that the below requirements were met. When applicable, any supporting documents received during the re-approval process (e.g., TB screening, training verification) are to be included in the resource parent's file.

This narrative must address all requirements for re-approval as outlined in this guidance and contain documentation from interviews and submitted forms and must be signed and dated by the FSS completing the addendum and the director of the LDSS or their designee.

2.5.7.4. Addendum Supporting Documentation (4.6.2.2.)

2.5.7.4.1. Background checks (4.6.2.2.1.)

All adults in the home should already have had a national background check of criminal records completed and reflected on the Checklist for Initial Provider Approval. For re-approval**,** a Virginia criminal name check, CPS Central Registry search are required. Completed background checks must be dated within the 36 months since the date of the most recent central registry finding and the most recent criminal background check report. A national criminal background check with fingerprinting must be completed if prior criminal checks expired or the Certificate of Approval (COA) lapses. Background checks dates need to be dated within 120 days of the COA start date*. If fingerprints have expired and a new national criminal background check with fingerprints is completed, and a "not eligible" letter is issued, the LDSS will need to apply again for a Kinship Barrier Crime Waiver for the home approval to*

be renewed. A sworn statement or affirmation does not expire and does not need to be completed at re-approval.

2.5.7.4.2. Transportation (4.6.2.2.2.)

The kinship resource parent and other adults expected to transport children must show evidence of a valid driver's license, a valid motor vehicle inspection, and proof of automobile insurance. DMV record checks must also be completed with every approval and re-approval.

2.5.7.4.3. Agreements (4.6.2.2.3.)

LDSS must review and complete new the Confidentiality and the Discipline Agreements. A copy of the forms must be given to the kinship resource parent.

2.5.7.4.4. Physical Home Environment Checklist (4.6.2.2.4.)

As part of the re-approval process, the LDSS should conduct a walkthrough of the home and complete the corresponding Physical Home Environment Checklist.

2.5.7.4.5. TB Risk Assessments (4.6.2.2.5.)

Household members must obtain and provide to the LDSS the results of a new TB Risk Assessment or TB Screening form as documentation of the absence of tuberculosis in a communicable form.

2.5.7.4.6. In-service training (4.6.2.2.6.)

All in-service training must be documented in the kinship resource parent's file, as well as any additional training that is needed.

2.5.7.5. Subsequent Certificate of Approvals (4.6.2.3.)

A new Certificate of Approval (COA) is needed at re-approval and an updated COA should be issued when there are changes to any of the information that is listed on the COA, such as:

- A change in residence;
- A change in the legal name of the kinship resource parent(s);
- A change in marital status of the kinship resource parent(s); or
- Additional children in the home for a child specific COA.

The COA should be updated to reflect the change in information, but the dates of approval should remain the same.

2.5.7.5.1. Lapses in Certificate of Approvals and/or Background Checks (4.6.2.3.1)

Anytime background checks expire or a Certificate of Approval (COA) lapses, fingerprints must be completed, and a new COA issued. In these situations, a Virginia State Police name search is insufficient.

When a new COA is needed due to expired background checks or a lapse in background checks, a new re-approval checklist must also be completed and all elements on the checklist must be current before the COA can be issued. This includes ensuring that the TB test was completed within 12 months of the new COA.

Example 1: Initial fingerprints were received on May 6th, 2021. These fingerprints are valid for 36 months, which means they will expire on May 6th, 2024. If the agency responsible for the home does not conduct a name search for reapproval until May 25th, 2024, then the home is out of compliance. As a result, it is necessary to conduct fingerprint searches before issuing the re-approval COA and using IV-E funds.

Example 2: The COA was initially issued on May 20, 2021, with an expiration date of May 20, 2024. If the agency completes the reapproval process on June 5, 2024, fingerprint searches must be completed due to the COA expiring prior to the reapproval being completed. A fingerprint search for all adult household members must be completed within 120 days of the reapproval COA. In this situation, a name search is no longer sufficient, even if it was conducted before the fingerprints expired, as the COA has now lapsed.

2.5.7.6. Notification of Kinship Resource Parent (4.6.2.4.)

If the kinship resource parent is re-approved, they are to be provided with a new Certificate of Approval specifying the following:

- Type of approval (dual).
- Date when the approval became effective and the date when the approval expires.

  The effective date of the re-approval certificate should be no later than the expiration date of the previous certificate. The home is not eligible

for re-approval if all required documents are not received by the end date of the previous certificate of approval.

- The signature, date, and title of the FSS approving the home and the supervisor.

If the re-approval process results in the LDSS's denial of the approval, the LDSS must notify the kinship resource parent in writing of its decision. A copy of the letter must be filed in the kinship resource parent's file.

2.6. Suspending or revoking Kinship Resource Parent approval (4.7.)

Actions by the kinship resource parent or changes in the kinship resource parent's situation may require the LDSS to take action that results in the suspension or revocation of a kinship resource parent's approval. Kinship resource parents who do not maintain compliance with the standards of approval as outlined in this guidance must have their approval either temporarily suspended or completely revoked. Frequent contact with the kinship resource parent and visits to the home by an LDSS FSS are the major mechanisms for determining maintenance of standards. To avoid the risk that the child(ren) would experience a disruption, due to the suspension or revocation of a kinship resource parent's approval, the LDSS should utilize ongoing contact and home visits to support the kinship resource parent and pro-actively address any concerns that could be rectified. If there are concerns regarding the kinship resource parents' ability to maintain the safety and well-being of a child, the LDSS has the authority to change the placement.

Pursuant to § 63.2-900.1, if a child has been living with a kinship resource parent for six consecutive months and the kinship parent continues to meet approval standards, the child shall not be removed from the physical custody of the kinship resource parents, unless the exceptions outlined in code are met.

2.6.1. Suspensions of Approvals (4.7.1.)

Suspensions may occur when a change in the circumstances of the kinship resource parent results in the kinship resource parent's temporary inability to meet standards (e.g., individuals living in the home with barrier crimes that would jeopardize the safety of the child(ren); safety concerns regarding the physical structure of the home). The LDSS may suspend a kinship resource parent's approval when the kinship resource parent cannot temporarily maintain full approval through corrective measures or issuance of a waiver, and all agree that a violation of the standards for approval can be resolved.

If a kinship resource parent has received a founded disposition of child abuse or neglect after being granted approval, the LDSS must suspend the kinship resource parent's approval. In situations where the founded disposition is under appeal, the

kinship resource parent's approval must be suspended until the appeal process is completed.

Suspensions mean the kinship resource parent is no longer approved for the placement of children, and therefore, no child may reside in the home until the suspension is lifted. Reinstating approval requires resolution of the circumstances that caused the suspension and must be documented in the addendum to the kinship resource parent's file. Any child placed with a kinship resource parent at the time approval is suspended must be immediately removed. No other children may be placed with the kinship resource parent during the period of suspension. A suspension does not change the approval period and, as such, the dates of the COA remain the same during the suspension period.

2.6.2. Revocation of Approvals (4.7.2.)

The LDSS may revoke a kinship resource parent's approval when conditions in the home or actions of the kinship resource parent are a threat to the safety, permanency, or well-being of a child placed in the home. The LDSS must revoke a kinship resource parent's approval when:

- A kinship resource parent has been convicted of a barrier crime as defined by Virginia Code. *If a kinship resource parent or household member is convicted of a Virginia barrier crime, and the LDSS determines the barrier crime does not impact safety of the youth and the placement remains in the best interest of the youth, the LDSS may apply for a Kinship Barrier Crime Waiver, as outlined in Section 2.4.2.1.1. While awaiting approval of a Kinship Barrier Crime waiver, the youth cannot remain in the home pending a waiver. If the barrier crime waiver is approved, the COA can be reissued, and the youth may be placed back in the home.*
- A kinship resource parent does not comply with approval standards (unless a waiver has been obtained).
- A kinship resource parent whose approval has been suspended does not correct the conditions that led to the suspension.

The LDSS may also revoke a kinship resource parent's approval when other conditions result in the determination that the kinship resource parent is not or cannot provide a safe, stable, and nurturing home for children. Decisions to revoke and the factors that lead to such a decision must be documented in the kinship resource parent's file and discussed with the kinship resource parent. A kinship resource

parent whose approval has been revoked and who subsequently wants to seek approval must submit a new application.

See dispute process in Section 2.5.1.1.3.

2.7. Support of a Kinship Resource Parent

2.7.1. Provide information about services and supports

Kinship resource parents may have no knowledge of the resources and services available to support them in caring for their kin. Kinship resource parents may also harbor fear that if they ask for help, they will be viewed as unable to care for the children placed with them. To facilitate the support of kinship resource parents the LDSS should be upfront about the services available and should encourage kinship resource parents to seek support where needed. This includes but is not limited to:

- Any support groups the LDSS has available or to which they refer non-relative resource parents.
- Access to internet resources and support groups, such as those provided through GrandFamilies.
- An explanation of the FAPT process, including the role of the LDSS in referring the child and family for services and the expectation that kinship resource parents have an active voice in planning for services for the children in their care.
- The right to services to address safety concerns for children placed with kinship resource parents. Safety services can be concrete items such as purchasing child locks, or they can be a service such as childcare or respite.
- Automatic eligibility for Head Start and Early Head Start for youth in foster care who meet program age requirements, regardless of family income.
- Referral to Kinship Navigator Programs for families whose localities provide this service. Based on the locality, these programs offer support to families inside and outside the child welfare system in navigating access to benefits and services.

2.7.2. Provide information about permanency options and financial supports

LDSS should be transparent with prospective and current kinship resource parents around the permanency options for foster children and the financial support available with each permanency option. The Kinship Care Brochure should be provided to prospective kinship resource parents for their review and the differences between all permanency options should be discussed with an emphasis on the importance of the primary goal for all children in foster care being return home.

The level of financial support and the access to resources is an important factor in determining which placement and permanency option is the best for a child and their

family. As such, the differences in financial supports should be reviewed with kinship resource parents prior to permanency placement decisions being made.

For relatives and fictive kin whose kin have not entered foster care, a review of the options includes an explanation of eligibility for TANF child-only and Relative Maintenance Support Payment compared with ongoing foster care maintenance payments. For kinship resource parents or prospective kinship parents of children approaching permanency in foster care the LDSS should outline the differences between KinGAP, State Funded Kinship Subsidy and Adoption Subsidy.

2.7.3. Utilizing Kin to Support a Kinship Resource Parent

A child's family network extends beyond just the relatives or fictive kin serving as kinship resource parents. Every effort should be made to include the extended network in the foster child's life, both to maintain their family connections and to provide ongoing support for kinship resource parents. This benefits the child and the kinship resource parent and reduces strain on the LDSS.

Relatives who cannot volunteer for placement may be unsure of how to offer help. Ongoing family engagement should include conversations with family about other ways they can support the child and the kin caring for the child. The LDSS should utilize an FPM to create concrete steps around support. In circumstances where multiple relatives volunteered to serve as placement, consider pivoting to a discussion of ways those relatives can be involved.

The following are examples of ways that relatives and fictive kin can support children and their kinship resource parents:

- Providing financial assistance to the relative caregiver such as signing the child up for summer camp, contributing to the cost of daycare, and purchasing birthday presents.
- Providing transportation to and from appointments.
- Providing respite care for the child instead of placing the child with strangers for respite.
- Providing babysitting or care for children not in daycare or school.
- Providing meals to the kinship resource parent.