

State of West Virginia Department of Human Services

# Home Finding Policy

Bureau for Social Services

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## SECTION 1 – INTRODUCTION AND OVERVIEW

### 1.1 Mission, Vision, and Values

The Bureau for Social Services mission is to promote the safety, permanency, and well-being of children and vulnerable adults, supporting individuals to succeed, and strengthening families. Our vision is for all West Virginia families to experience safe, stable, healthy lives and thrive in the care of a loving family and community. Our values include professionalism, integrity, excellence, relationships, and staff contributions.

### 1.2 Philosophy

Safety is the paramount concern that must guide all child welfare services. When making decisions about a child, including those decisions regarding services provided, placement, and permanency planning, the safety of the child must be the foremost issue in determining what is in the best interest of the child.

Permanency planning efforts should begin as soon as a child enters the custody of the department. A child is to be placed in out of home care only when appropriate and when efforts to strengthen the family's situation have failed or when the child's safety is at risk. Concurrent planning should be utilized to allow staff to work to reunify the family while simultaneously planning for the possibility that reunification will not succeed. All possible resources should be considered in order to arrive at the least restrictive, appropriate environment for the child. Priority consideration should be given to the child's relatives for the most suitable placement. If no appropriate relatives are available, the child will be placed in a resource/adoptive home that best meets the child's needs. Whether they are placed with a kinship or relative caregiver or in a resource home, the family must be willing to help facilitate reunification with the child's family and possibly become a permanent adoptive placement for the child if reunification efforts do not succeed.

### 1.3 General Definitions

<b><i>Term</i></b>	<b><i>Definition</i></b>
<b>ASO</b>	An Administrative Services Organization that provides socially necessary services for child welfare cases as laid out in Child Welfare policy. Acentra is contracted by BSS as the Administrative Service Organization (ASO) to provide the socially necessary services.
<b>Caregiver</b>	A foster parent, kinship parent, or a designated official in a residential treatment facility. See, <a href="#">W. Va. Code §49-1-204</a> .

<b>Child placing agency</b>	A child welfare agency organized for the purpose of placing children in private family homes for foster care or for adoption. The function of a child placing agency may include the investigation and certification of foster family homes and foster family group homes. The function of a child placing agency may also include the supervision of children who are 16 or 17 years of age and living in unlicensed residences. See, <a href="#">W. Va. Code §49-1-206</a>
<b>Comprehensive Child Welfare Information System Provider Portal (CCWIS)</b>	A statewide computerized case management system for all child welfare and adult service programs. This system is in compliance with Federal requirements for a Statewide Automated Child Welfare Information System.
<b>Fictive kin</b>	An adult of at least 21 years of age, who is not a relative of the child, but who has an established, substantial relationship with the child, including but not limited to, teachers, coaches, ministers, and parents, or family members of the child's friends. See, <a href="#">W. Va. Code §49-1-206</a>
<b>Foster family home</b>	A private residence which is used for the care on a residential basis of no more than six children who are unrelated, by blood, marriage, or adoption, to any adult member of the household. See, <a href="#">W. Va. Code §49-1-206</a>
<b>Foster parent</b>	A person with whom the department has placed a child and who has been certified by the department, a child placing agency, or another agent of the department to provide foster care. See, <a href="#">W. Va. Code §49-1-206</a>
<b>Home study</b>	A home study or family assessment is the process by which information is gathered and evaluated to assess a family's ability to provide care for children who may be placed in the home through foster care. This assessment includes evaluating the physical environment of the home for safety and to determine adequate space, the family's capacity for parenting, as well as the family's motivation and commitment to providing a safe, caring environment for children.

## SECTION 2 – RESOURCE FAMILY RECRUITMENT AND CERTIFICATION

### 2.1 Resource Family Recruitment and Certification Definitions

The definitions used below are specific to this section and are a supplement to the general definition section.

<b>Term</b>	<b>Definition</b>

<b>Child specific recruitment</b>	Child-specific recruitment focuses on recruiting or identifying foster, adoptive, and kinship families for individual children in foster care based on the individual child's needs, interests, and connections.
<b>Pre-service orientation training</b>	Training provided to prospective foster/adoptive families to provide those interested in becoming certified foster/adoptive parents with an understanding of the foster care and adoption system, the children who are in foster care and who are available for adoption, and the responsibilities of foster/adoptive parents.
<b>Variance</b>	A written request that is submitted to WV CARES when a criminal background check produces a disqualifying offense. Variances are granted on a case by case basis in order to waive certain criminal offenses.
<b>WV CARES</b>	WV CARES is an agency within the Office of Inspector General that conducts background checks through fingerprinting. This program provides a comprehensive criminal history records search of national and state criminal history.

## 2.2 Community Awareness and Recruitment

Federal regulations require states to provide for the diligent recruitment of potential resource families to care for the children in the custody of the department. The recruitment of families to care for children and youth is a complex process. It is often the first time to make an impression on prospective resource parents. It involves the assessment of a variety of factors to develop an effective recruitment strategy. Recruitment efforts shall be designed to provide to potential resource parents throughout the community with honest information about the characteristics and needs of the available children in foster care, the nature of the foster care and adoption processes, and the supports available to resource families. In addition, efforts must be made to increase general awareness of resource parenting and to create interest in and support for caring for the specific children served by the agency. The department contracts with Mission West Virginia as well as the existing child placing agencies to conduct general and child specific recruitment activities for the certification of resource parents. The department focuses on kinship/relative caregivers only due to the increased focus on placing children removed from their homes with a kinship/relative caregiver.

### ***Multiethnic Placement Act***

The Multiethnic Placement Act of 1994 as amended by the Interethnic Adoption Provisions of 1996 require states to develop recruitment plans that provide for the diligent recruitment of potential resource families that reflect the ethnic and racial diversity of children in the state for whom foster and adoptive homes are needed. Both general and targeted recruitment should be used to meet this requirement. States must ensure that the children are included in both general and target recruitment efforts and activities.



Careful attention must be given to recruiting families that mirror the ethnic and racial makeup of children in the state's custody. Experience demonstrates that marginalized communities respond when they are given information about the need for homes and when they are treated with respect. Recruitment planning must focus on developing a pool of potential resource parents willing and able to foster/adopt the children needing placement. Recruitment must seek to provide all children with the opportunity for placement and to provide all qualified members of the community with an opportunity to foster/adopt a child.

Federal regulations specify that appropriate comprehensive recruitment plans must include the following:

- A description of the characteristics of waiting children;
- Specific strategies to reach all parts of the community;
- Diverse methods of disseminating both general and child specific information;
- Strategies for assuring that all prospective parents have timely access to the home study process, including location and hours of services that facilitate access by all members of the community;
- Strategies for training staff to work with diverse cultural, racial and economic communities;
- Strategies to accommodate individuals with Limited English Proficiency;
- Non-discriminatory fee structures; and
- Procedures for a timely search for prospective resource parents for a waiting child, including the use of exchanges and other interagency efforts, provided that such procedures must ensure that placement of a child in an appropriate household is not delayed by the search for a same race or ethnic placement.

In addition to the above diligent recruitment requirements, the Multiethnic Placement Act also has specific provisions for states and all entities that receive Federal financial assistance and are involved in adoption or foster care placement, including licensed child placing agencies.

No applicant will be delayed or denied the opportunity to become a resource parent because of the race, color, national origin, disability, age, sex, religion, or creed of the prospective parent or the individual child to be placed in the home. No placement of a child will be delayed or denied based on the race, color, national origin, disability, age, sex, religion or creed of the resource parent or of the child involved.

General recruitment techniques may include, but are not limited to, the following:

- Decals, slogans or themes on bookmarks, pencils, balloons, key chains, t- shirts, fans, etc.
- Displays, information booths, flyers, brochures, posters, handouts
- Notices in congregational and community bulletins
- Drop-ins or open houses
- Television and newspaper feature stories, public service announcements, or community interest stories
- Interview programs
- Radio spot announcements

- Direct mailing and ad coupons
- Recruitment films
- Messages on business marquees or billboards
- Adoption day in court
- Resource family's recognition/appreciation celebrations

All general recruitment materials must state that children in the custody of the department have at least one of the following special needs:

- They may be eight years of age or older
- Are members of a sibling group to be placed together
- Are members of a racial or ethnic minority
- Have developmental, physical, emotional, or behavioral problems

Recruitment materials must also have a direct contact number for those interested in calling to get more information about becoming a resource family. In addition, all general recruitment materials must be focused on resource parenting.

Possibly the most effective form of recruitment is word of mouth. Prospective and present resource parents are often the key to successful recruitment plans. Word of mouth is a powerful tool as a prospective resource parent may or may not respond to recruitment efforts depending on what they hear from others that have had contact with the department. Department policies, procedures, and ways of engaging inquiring families and veteran families set the tone for this natural means of recruitment. The internal organization must be consumer friendly and everyone from the Secretary to field staff must be resource parent friendly. Resource families need to be rewarded, respected, and most of all, their opinions need to be heard and valued. A family that has been pleased with the service it received from the department will let others know of their positive experience. Many potential resource families express interest in providing foster care placement because their friend, neighbor, or a relative is a resource parent through a child placing agency or has adopted through the department.

### ***Child Specific Recruitment for Adoption***

Child specific recruitment must be done for every child whose parents' rights have been terminated, and adoption is the child's permanency plan. These children must be included in the following unless the requirements have been met:

- Featured on the Division of Children and Adult Services Adoption Resource Network Internal Database, when both parent's rights have been terminated; and
- Featured on the Division of Children and Adult Services West Virginia Adoption Website and the AdoptUSKids website, when both parent's rights have been terminated.

Child specific recruitment materials must have the following information clearly described:

- Age of the child
- Gender of the child
- Membership in a sibling group, if applicable
- Culture and ethnicity

- Special developmental, behavioral or medical needs of the child
- Child's attitudes, habits, and daily routines
- Positive characteristics such as hobbies, sports, likes, etc. of the child

Recruitment materials must also have a direct contact number for those interested in calling to get more information about becoming a resource family.

In addition, the following child specific recruitment techniques may be utilized:

- Child of the month flyers
- Television news program features such as Child Watch and Wednesday's Child,
- Newspaper feature stories such as Sunday's Child
- Mission West Virginia's child specific recruitment program which is aimed at recruiting resource families for specific children under the department's care.

Methods of disseminating both general and targeted recruitment information should utilize mass media and printed materials. Newspapers, including dailies and neighborhood weeklies, television, and radio should be utilized by home finding staff for feature articles and spots as well as advertisements, press releases, public service announcements, letters to the editors, talk shows, etc. Printed materials such as brochures, posters, flyers, etc. may be developed for distribution through churches, clubs, other community organizations, doctors' offices, hospital and clinic waiting rooms, libraries, college and university information centers, salons, community centers, and many other local bulletin boards.

## 2.3 Certification Process

### ***Initial Inquiry***

The initial contact with a prospective resource parent is important. It is essential that the person who takes the initial inquiry about resource parenting be courteous and able to provide general information about the program. All inquiries must be directed to Mission West Virginia.

### ***Pre-service Orientation and Training for Kinship/Relative and Resource Caregivers***

The department utilizes the *National Training and Development Curriculum* [\(NTDC\)](#) model for developing and supporting resource families. All resource parents must be trained utilizing the NTDC training model or a version of it approved by the department. Waivers for training can only be issued for kinship/relative caregivers. Waivers will be determined on a case-by-case basis. If a kinship/relative caregiver wishes to adopt the child that has been placed in their home, and they have been granted a training or home study waiver, the *Kinship/Relative Safety Screen* may be used along with a placement status update to present to the court to show that the placement has been approved and certified.

The *National Training and Development Curriculum* (NTDC) is a new curriculum that is based on research and input from experts and families who have experience with fostering or adopting children, as well as,

former foster and adoptive youth. The NTDC will provide prospective foster, adoptive, and kinship caregivers the information and tools needed to parent a child who has experienced trauma, separation, or loss. This curriculum is a state-of-the-art classroom and online program that helps prepare potential foster and adoptive parents to be successful parents. Additionally, the NTDC gives parents access to information and resources needed to continue building skills once they have the child in their home. The Pre-Service Orientation and Training will consist of the following seven units, all of which should be completed in sequential order by kinship/relative caregivers and prospective resource parents:

Session 1:

- Introduction and Welcome
- Kinship Parenting

Session 2:

- Child Development
- Attachment

Session 3:

- Separation, Grief, & Loss
- Building Parental Resilience for Kinship Caregivers

Session 4:

- Trauma-Related Behavior
- Mental Health Considerations

Session 5:

- Trauma-Informed Parenting
- Effective Communication

Session 6:

- Impact of Substance Use
- Parenting A Child With A History of Sexual Trauma
- Cultural Humility

Session 7:

- Panel
- Creating A Stable, Nurturing, & Safe Home Environment

***Prospective Resource Parent Eligibility Criteria***

In order to become a resource parent, the applicant must meet the following eligibility criteria.

***General***

- The applicant must be at least 18 years or older at the time of application.
- Applicants must be nurturing, responsible, patient, stable, flexible, mature adults, including those with reasonable accommodations, capable of meeting the individual needs of children referred for placement services.

- The decision to become a resource parent shall be agreed to by all members of the household, including other children in the home over the age of 12.
- The prospective resource parent must be willing and able to accept the level of involvement and supervision provided by the department and specialized foster care agency for children placed in their home.
- The prospective resource parent must be a United States citizen and a resident of West Virginia.
- The prospective resource parent may not function as a daycare provider, adult family care provider, specialized resource parent, or any other social service provider without prior approval of the home finding program manager.

### Capacity

- Resource parents shall accept children for foster care only from the department unless they are dual providers sanctioned by the home finding program manager under specific circumstances.
- The number of children placed in a home shall be determined by the stamina, capacities, skills of the parents, physical accommodations of the home, and the effect of a child's placement on the equilibrium of the family as a unit. No more than six children, including the foster children, and the resource parents' own children, or any other children under the age of 18 living at home shall reside in the foster home at any given time.
- Waivers can be issued for the number of children in the homes under the following circumstances:
  - to allow a parenting youth in foster care to remain with the child of 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.
- No more than two children under the age of two should be placed in a foster home at the same time.
- No more than two children who are medically fragile or non-ambulatory shall reside in a foster home at the same time.

### Health Status for Kinship/Relative and Resource Caregivers

The kinship/relative or prospective resource caregivers must possess the physical health necessary to meet the demands of caring for a child, which includes individuals who may be capable of caring for the child with sustainable reasonable accommodations. All household members must have had a tuberculin (TB) risk assessment or skin test within the first year of the certification process. When TB results are positive, documentation of a physician's recommended follow-up must be on file which indicates the necessary treatment is being or has been sought and there is no risk of TB transmission. Kinship/relative and resource caregivers must have had a doctor statement within one year of the home study process, performed by a physician that assures that the physical health of the caregiver is appropriate to care for a child. All certified/licensed kinship/relative and resource caregivers must have a follow up medical examination and TB risk assessment at least every five years.

The kinship/relative or prospective resource caregiver shall provide the agency with immunization records for their own children and should be in accordance with the recommended immunizations for each child's respective ages by the Advisory Committee on Immunization Practices from the [Center for Disease Control and Prevention](#). Immunizations list for children can be found [here](#).

The kinship/relative or prospective resource caregiver, as well as all other household members, must possess the mental health necessary to meet the demands of caring for a child. An agency shall not approve kinship/relative or resource caregivers whose health, behavior, emotional or psychological make-up is a danger to the safety and well-being of a child. If any of these factors arise to the level of a safety concern or endangerment to the child, at any time during the certification process or placement of the child, then the agency shall take the necessary steps to immediately remove the child.

If there is a reasonable belief that a psychological evaluation or substance abuse assessment is necessary to determine the caregiver's ability to provide services, due to the kinship/relative or prospective resource caregiver's behaviors during the home study process that causes concern for the safety of the child(ren), the agency worker may request approval to obtain the necessary assessments from the home finding supervisor and home finding program manager or child placing agency. These requests must include the specific reasons the assessment is believed to be necessary. The agency worker will request the kinship/relative or prospective resource caregiver sign a release of information permitting the department to obtain necessary assessments. The request for additional assessments must address the specific concerns or issues that the agency worker has identified. If the kinship/relative or prospective resource caregiver has private insurance, it should be utilized to cover the expense of the evaluations or assessments. If the department must cover the expenses of the evaluations or assessments, the payment will be made at the Medicaid rate. The information gathered from these evaluations or assessments will then be used to determine the emotional well-being of the individual and their ability to care for the child safely. An individual's participation in a Medicaid Assisted Treatment (MAT) program for substance use disorder, as defined in [W. Va. Code 16-5Y-1 et seq.](#), is not considered an illegal use of drugs and is covered under the Americans with Disabilities Act (ADA). Individuals enrolled in a MAT program which meet this criterion **shall not** be denied certification based on this alone. The individual may require reasonable accommodation. See, [section 13.4](#) for information regarding reasonable accommodation.

### ***Financial Status, Employment & Child Care for Kinship/Relative and Resource Caregivers***

The applicant should have adequate financial resources to provide for the family's needs. The prospective resource parent will provide financial information to make the determination if the family is capable of financially supporting their current household without the inclusion of the foster care subsidy. A family's receipt of government benefits, such as social security, supplemental nutrition assistance program (SNAP), temporary unemployment benefits, or other benefits, may not alone be considered a determination of inadequate financial resources. Denial or closure of a home based on the receipt of government benefits or assistance can be considered discriminatory practice.

Information which may assist the agency worker in determining financial adequacy includes copies of tax returns, check stubs, copies of monthly bills, or other such documents. To obtain the necessary information the applicant will be required to provide a release of information. The department may not search any records held by another office or bureau without consent.

Couples in which both caregivers are employed outside the home shall not be excluded from consideration as resource parents. Childcare arrangements made by prospective resource or adoptive families will be evaluated as part of the home assessment and approved by the agency worker.

### ***Community/Support Services for Kinship/Relative and Resource Caregivers***

- The prospective resource family should have access to the community support necessary to facilitate positive child development, such as schools, recreational and community activities, religious or ethnic events, etc.
- Recreational opportunities must be suited to the interest and capacity of the individual child placed in the home. Recreational opportunities shall be provided by the family, which includes outdoor place space with adequate, safe recreational equipment, toys, books, etc.
- The prospective resource family should have support services available such as community resources to help the foster/adopted child with their development. In addition, resource families should also have available resources to provide the family with necessary respite, transportation, etc.

### ***Home Safety Environment for Kinship/Relative and Resource Caregivers***

- The use of mobile homes will be limited to those manufactured after 1976. In addition, all mobile homes must be equipped with windows that allow for escape routes in the event of an emergency.
- All homes must have ample exits and escape routes that can be used for emergency exits.
- A battery-operated smoke alarm must be located near each bedroom and in the kitchen area.
- The house must be equipped with a battery-operated carbon monoxide detector unless everything in the home is generated by electricity.
- A usable portable five pounds or larger ABC Certified fire extinguisher must be in or near the kitchen of the home.
- An operable flashlight must be easily accessible for emergency lighting.
- A home diagram must be made identifying rooms and occupants that reflects a fire escape plan, escape route, and an outside meeting place.
- Each child must be taken through the fire escape route within 24 hours of placement.
- If the child's bedroom is located on an upper floor of the house, it must have a fire escape ladder available for emergency exits.
- If a garage is attached to the house, it must be separated from the house by a tight-fitting door which is kept closed, when necessary, to prevent exhaust fumes from entering the home.
- The home must be in good repair and free from any visible dangers to children. (This includes the

walls, ceilings, floors, stairs, wiring fixtures, plumbing fixtures, porches, appliances, or others.)

- Furniture, carpets, and accessories should be sanitary.
- Heat sources such as, fireplaces, furnaces, stoves, radiators, water heaters, and other heaters must have safeguards including thermostatic controls, automatic shut off valves, vents, and screens that are functioning, when required on the heat source.
- Walls, ceilings, and floors must be adequately protected from heating and cooking equipment by sufficient clearance or noncombustible insulation. Areas near the chimney, furnace, water heater, and stove must be free from items that could catch fire.
- Ashes from burning coal or wood must be kept in a metal container clear of wood floors and walls. The exhaust pipes for wood stoves, fireplaces, and coal-burning stoves must be maintained to keep them free of creosote.
- Makeshift heating or cooking devices such as charcoal grills, camping stoves, kerosene heaters, or other devices that could cause carbon monoxide poisoning or other accidents may not be used indoors.
- Extension cords must be used properly.
- Electrical circuits must be protected by a maximum 20 amp fuse or circuit breaker.
- All household items that may be hazardous to a child must be stored in unbreakable, clearly labeled containers out of the reach of children. This includes household cleaning supplies, gasoline, pesticides, weed killers, etc. Medicines will be stored in areas that are inaccessible to children. Alcoholic beverages should be properly placed out of the reach of children who do not have the capacity to understand the difference between alcohol and appropriate beverages, to avoid accidental ingestion.
- All weapons must be kept properly stored in a locked container inaccessible to children, preferably one made out of solid wood or metal. If a glass case is utilized to store firearms, trigger locks must be used on all firearms. Ammunition and all other weapons shall also be stored in a separate locked container out of reach of children. The following are considered weapons: firearms, air guns, BB guns, paintball guns, hunting slingshots, bows, any other projectile weapon, knives, and throwing stars. ***This is not a comprehensive list and other forms of weaponry should be taken into consideration.***
- All ammunition, arrows, or projectiles for these weapons must be stored in a locked space separate from the weapons.
- Kinship/relative and resource caregivers possessing a concealed carry permit, may carry a handgun on their person. This includes any form of holstering on an individual's body. Carrying a handgun in a purse or another carrying bag, even if the purse or bag has been labeled specifically for concealment of a handgun, is not equivalent to carrying on your person. Purses and bags are usually not carried by an individual at all times and are typically set aside in vehicles, shopping carts, within the home, and other various places and circumstances. This means that the handgun is unsecured and is accessible to children. When a concealed handgun is not directly on an individual's person, it must be stored in the manner previously described above.
- The home must have access to an appropriate supply of water for cooking, drinking, and cleaning. When considering access to water, some families in rural areas obtain clean water from freshwater springs or have water cisterns that are filled regularly. If water sources are



clean and accessible and there is no obvious safety threat, such sources should be carefully considered and deemed appropriate, including purchased bottled water.

- Liquid waste shall be disposed of in a sanitary manner into a septic or sewer system. Septic systems must appear to be in good working order with no standing ground water that appears to be leaking from the system or no strong odor of sewage around the home. If there appears to be a sewage or septic problem, the system should be checked.
- Garbage and trash shall be collected and disposed of in compliance with established standards of the Bureau for Public Health or local health department.
- Family dogs and cats kept at the home must have proof of current rabies vaccination which is required by [W. Va. Code §19-20A-2](#). If a family pet is sickly or aggressive, it must be confined in an area not accessible to children. Children will be instructed in the proper care methods before they can handle or care for an animal. All children must be carefully supervised when handling or caring for an animal.
- The home must have a working telephone or have access to one for communication in case of an emergency.
- Decks and porches 18" from the ground or higher must have appropriate enclosures/railing around the parameter of the deck to keep a child from falling from the deck/porch. The area below the deck must be enclosed with wire mesh or wood lattice unless there is usable living space below the deck.
- If the home has an in-ground or stationary above-ground pool, it must be enclosed by a fence that has a locking gate, door or ladder to prevent unsupervised access to the pool by children. If the home has a decorative pond or child's wading pool the family must take measures to prevent unsupervised access to the pond or pool by the children.

### ***Bathrooms/Bedrooms***

- Bathrooms should have windows or fans for ventilation.
- Bathrooms shall be easily accessible and equipped to meet the needs of the child placed in the home.
- Bathrooms shall be clean, and toilet and bathing facilities shall be free from odors and in good working order.
- Bathrooms must have doors for privacy.
- Children shall not be housed in unapproved rooms or detached buildings.
- Each individual bedroom shall have a window or door to the outside of the home providing escape and ventilation in case of a fire.
- Attic or basement bedrooms must meet the same standards as all bedrooms in the home.
- A child's bedroom must not be used for any other purpose by any other member of the household. The home shall have enough bedrooms to allow sufficient living space without disrupting the living arrangements of the family. Rooms not designated as bedrooms shall not be used for sleeping purposes on a continuous basis.
- No more than four children, including the resource parents' children, may share a bedroom. All children sharing a bedroom must be of the same gender.

- All children, except for children under two years of age, must have space for their personal possessions and a reasonable degree of privacy.
- Each child will have a designated sleeping space as appropriate for the child's need and age and shall be similar to the sleeping spaces of other household members.
- The bedroom of an individual with a physical disability shall be within easy access of a responsible person who can provide care when needed.
- Each infant shall have a crib that meets federal standards for sleeping, including portable cribs. At no time will infants share a bed with an adult; they must have their own crib or portable crib. Kinship/relative and resource caregivers will receive instruction on Safe Sleep during in-service training.
- Adults should not share a bedroom with a child. Exceptions may be made for children under the age of two -years or for children who are medically fragile.

### ***Food/Nutrition***

- Adequate food shall be provided to meet the nutritional requirements of the child according to their age and activity. Meals shall be well-balanced and prepared with consideration for any prescribed special dietary requirements or needs.
- Food preference of the child shall be taken into consideration without sacrificing good nutrition.
- Food shall be stored in such a manner as to be free from contamination.
- Sinks and surrounding kitchen area shall be clean and free from odors and all major appliances shall be in good working order.

### ***Transportation/Car Safety***

- The safest place for any child 12 years old and under is in the backseat.
- Infants up to one year old should only ride in a rear-facing child seat. The child seat must be in the back seat and face the rear of the car, van, or truck. Infants riding in a car must never face front or be placed in a seat with a front-deploying airbag.
- Children should only be moved to a front facing car seat when they have outgrown the rear facing seat and cannot fit comfortably. For some children, they may reach age two or three before they are moved to a front facing seat. It is best to keep children in the forward-facing car seat for as long as they fit comfortably in it.
- Older children should ride in a booster seat that meets the Federal Vehicle Safety Standards. Some children may need to ride in a booster up to age 12, depending on their size and weight. A car safety belt must fit low, across the top of the child's thighs. The safety belt must not cross the child's face or neck. Never put the shoulder belt behind the child's back or under their arm.

### ***Discipline/Supervision***

- Punishments of a physical nature, including hitting the body in any manner, or any punishment that subjects a child to verbal abuse, ridicule, humiliation, shaming, disgracing, belittling, intimidation, or destroying a child's sense of self-worth, including any remarks made about the child's biological parents or family, is strictly prohibited.

- Punishments involving denying food, clothing, shelter, or bedding; keeping the child out of school; locking the child in any enclosed space; administering medication not prescribed to the child; or withholding a program service or provision outlined in the service plan, is strictly prohibited.
- Children shall be disciplined by resource parents with kindness and understanding.
- Resource parents shall use disciplinary measures designed to be carried out in such a way as to help a child develop self-control and to assume responsibility for their own actions.
- Simple understandable rules shall be established by the resource parents. These rules shall set forth specific expectations for behavior and the reward for appropriate behavior.
- Discipline shall be related to the developmental stage of the child and in line with the child's abilities to comply.
- Discipline shall be related to the child's action, handled without bias and without prolonged delay on the part of the resource parent. The child shall be aware of the relationship of the act to its consequences.
- The child may be given a time out for a short period of time, if necessary, to help him regain control. When possible, children should help set time limits. It is recommended that time limits be determined by the child's age and applying time out for one minute for each year of age of the child.
- Behavior problems shall be treated individually and privately. If there is an assessment of a child's pattern of unacceptable behavior, the resource parents should be involved and cooperate in carrying out the specific behavior modification plan for the child.
- Denial of mail, phone calls, or visits with family members shall not be used as a disciplinary measure. The threat of removal from the home shall not be used as a disciplinary measure.
- Resource parents are not to use or permit the use of any form of physical restraint of a child in their care. Use of restraints, except for placing a child in a chair for feeding or transportation, is strictly forbidden.
- Each child must always be supervised unless the child is of an age and developmental ability to be left unsupervised. The child's worker will participate in the decision to leave the child unsupervised. No child under the age of 13 shall be left unsupervised.
- Children must be closely supervised by an adult when participating in activities such as hunting, swimming, jumping on a trampoline, skiing, snowmobiling, horseback riding, etc. No child shall be left unsupervised when participating in inherently dangerous activities. Resource parents must ensure that children utilize proper safety equipment, such as helmets, knee pads, wrist and elbow pads, when riding bikes, roller blading, or participating in any other activities that may cause injury.
- Resource parents will not allow children, under the age of 12 years old, to operate an all-terrain vehicle. Resource parents will assure that children, 12 years and older, do not operate an all-terrain vehicle without a certificate of completion of a vehicle rider awareness course as offered or approved by the commissioner of motor vehicles. During the operation of this activity, the child must wear protective gear and be closely supervised by an adult. See a [Summary of West Virginia's ATV Laws.](#)
- Resource parents will assure that children are not passengers on all-terrain vehicles unless more

than one passenger is allowed on the vehicle, specified by the manufacturer's recommendations, and the driver is an adult caretaker.

### ***Medical Care and First Aid***

- The resource parent will keep an ongoing record of the entire child's medical treatment, including routine and emergency, appointments, medications prescribed and any conditions needing follow-up medical attention. This information will be provided to the child's worker to be included in the child's case plan and will be discussed during the quarterly Multidisciplinary Treatment Team meetings. A copy will also be given to the home finding specialist at the quarterly home visit.
- Foster children are required to be screened by an Early and Periodic Screening, Diagnostic and Treatment (EPSDT) Health Check provider within 30 days of entry into foster care and at scheduled intervals during their stay in foster care. Resource parents are required to use this program for physical examinations for the children placed in their homes.
- Resource parents shall be responsible for transporting or arranging transportation to medical appointments for the child. Resource parents may be reimbursed through the use of Non-Emergency Medical Transportation (NEMT) funds through an application with [Modivcare Solutions, LLC](#).
- Accidents causing injury to the child such as a broken bone, a gash that needs stitches, etc. or serious illnesses must be reported to the child's worker as soon as possible after the occurrence. Serious accidents or illnesses must be reported by the resource parent to the Child Abuse and Neglect Hotline if they occur after regular business hours.
- Resource parents shall give a child prescribed medications only with a physician's or dentist's prescription or authorization and shall dispense only the exact dosage of medication prescribed to the child.
- All medications, either prescriptions or over the counter, must be stored in places inaccessible to children by the resource parent. All medicines must have child-proof caps.
- Resource parents must inform the child's worker within one day of any psychotropic medications prescribed for the child. If a child 12 years or older refuses psychotropic medication, the resource parent will abide by the child's wishes and not force the medication upon them. If the child poses a danger to themselves or others, due to refusing the medication, the resource parent must contact a local hospital/treatment center to have the child evaluated immediately. All information pertaining to the child's desires/concerns about the psychotropic medication must be reported to the child's worker immediately and to the child's MDT for review.
- All prescription medicines shall be in original containers which are labeled with the individual's name, prescription number and directions for dosage.
- Resource parents are expected to use universal precautions when dealing with any spill of blood or other bodily fluid. Universal precautions currently recommended by the American Red Cross and the department will be taught by the home finding specialist as part of the Pre-Service Orientation.

- All resource parents must become certified in CPR and First Aid within the first year of approval and must keep their certification up to date.
- First Aid supplies shall be available and stored in a place easily accessible to adults in the home.

## 2.4 Provider Information Exchange

The licensed child placing agencies will exchange information on their potential providers with the department to aid in their decision-making process, which can include past certification with another agency or the department, any closure or denials, corrective action plans, and past IIU investigations. Additionally, if a kinship/relative caregiver has a history of providing foster care with a child placing agency, the agency will also share information with the department home finding specialist.

The following steps must occur:

1. The home finding specialist will have the potential resource parent complete the background check form located on the [BSS website](#).
2. The home finding specialist will have all adult household members of the potential foster home complete the APS/CPS background check regardless of their caretaker status.
3. The home finding specialist will have the potential foster parent complete the Disclaimer/Release of Information for any and all existing records held by any public or private child welfare agency.
4. If prior substantiated or unsubstantiated IIU investigations are revealed when the APS/CPS check is conducted in Comprehensive Child Welfare Information System (CCWIS), the Bureau's central office regulatory management staff will redact and make any copies.
5. The home finding specialist will conduct a comprehensive CCWIS and paper record search on each foster parent applicant while the APS/CPS Check is pending.
6. The home finding specialist will send the signed *Disclaimer/Release of Information* form to each of the licensed specialized foster care agencies to obtain any records that might exist.
7. Upon receipt of a signed *Disclaimer/Release of Information* form from a licensed specialized foster care agency, the home finding supervisor or designee will gather any and all paper and/or CCWIS record information pertaining to the potential specialized foster parent. The records will be redacted to remove identifying child or adult client demographic information that might be contained therein. The home finding supervisor or designee will provide a copy of the redacted records to the requesting specialized foster care agency.

## 2.5 Family Assessment Process for Prospective Resource Families

The resource family assessment is an educational process where the prospective resource family's strengths are evaluated to determine their capacity for parenting and to acquaint them with the regulations of the foster care and adoption programs. The family assessment process must be completed and approved prior to children being placed with the family unless a waiver is issued. A waiver cannot be made for the completion of the Criminal Records Check or the APS/CPS Background Check. Waivers for the family assessment process will be determined on a case-by-case basis. This assessment consists of the following:

- An application to become a resource parent.
- The home assessment which determines the suitability of the family's home, resources, and capacity to parent.
- Interviews with all members of the resource parents' household to ascertain the ability, willingness, and motivation of the family to care for a foster or adopted child.
- Reference checks with at least five individuals who are familiar with the family and can speak to their ability to parent, how they react to conflict, experience in parenting, strengths and weaknesses, and other information.
- Criminal record check, including an NCIC background check and CPS/APS records check, including a child or adult maltreatment search with other reported states of previous residence, prior to placement, regardless of whether the individual will be receiving foster care maintenance payments. These record checks are to assure that the individuals who wish to become resource parents do not have a criminal or abusive background.
- Thorough records check that will include the CCWIS system, any paper documents that exist in the department district offices, and any records that may exist within the child placing agencies including any current or previous experience with other licensed agencies or the department, and if the potential resource parent(s) is currently providing services to more than one licensed agency, the potential resource parent(s) shall detail the current services they are providing to each person and agency in a written statement.

The entire family assessment will take no more than 90 days from the initial interview to approval or rejection. (An exception applies to kinship/relative and Interstate Compact Placement of Children (ICPC) home studies, see [Section 3 Kinship/Relative](#) for more information. Refer to *ICPC policy* for further information. . Any delays must be documented in the family's record in CCWIS. In no case should a family assessment take longer than 120 days.

Potential resource providers, including kinship/relative caregivers, must fully cooperate with the home study process, including signing all necessary forms for release of information for records checks, completing paperwork, scheduling interviews, completing fingerprints for background check and maintaining contact with the home finding specialist. If a potential resource provider fails to cooperate with the home study process, the home finding specialist will attempt to engage the family in the home study process and document their attempts in CCWIS. If the potential resource provider does not cooperate with the process within a 30 day period from the day the home study process began, the process will stop and the home study will be treated as a denial, due to a lack of cooperation. The resource provider record will be closed. \*Refer to [Section 3.8. Home Study Denial](#).

### ***Applications for Prospective Resource Families***

All individuals who wish to provide care to non-kinship/relative children in foster care must contact Mission West Virginia and begin the process with a child placing agency. The selected child placing agency will provide an application to the potential resource parent/family to gather, including but not limited to, the following information:

- Identifying information such as the name, address, date of birth, phone number and

directions for reaching the home.

- A listing of all individuals currently residing in the home.
- A listing of any children not currently residing in the home.
- Any current or previous marital history information including the date and place of the marriage, any previous marriages, divorce, child custody, etc.
- Employment information.
- Residence information including the number of bedrooms, rent or mortgage payments, the source of heat and water, etc.
- Transportation information.
- Insurance carrier details.
- Health status information for all household members.
- A listing of, and detailed information about, extended family members.
- The characteristics of children the family desires to parent including approximate ages, sex, number, disabilities the family is willing to accept, etc.
- A listing of at least five references not more than one of which may be a relative.
- An autobiography of each applicant that discusses the significant experiences of the individual's life, parenting experience, ideas about discipline, etc.

### ***Interviews***

The following will occur:

- The following interviews will be held with each prospective resource family:
  - o At least three face to face interviews with the prospective family that includes an individual contact with each adult applicant and one joint interview with both prospective applicants if the family is a couple
  - o Individual contact with all children and other adults currently residing in the home
  - o At least one interview is to be held in the family's home
- During the interviews the following issues will be explored with the family:
  - o The behaviors and problems that a child may bring to the home
  - o The family's strengths and weaknesses
  - o The department's discipline policy and what discipline methods the family currently utilizes
  - o The family's understanding of the patience, understanding, flexibility and stamina required to become a resource family.
- The interviews will be documented in CCWIS on the contact screen and all appropriate fields throughout the application.

### ***References***

Reference checks are used to evaluate the prospective resource parent's ability to parent, stability, and home life. The applicant must provide the names, addresses and phone numbers of at least five personal references. Only one reference may be a family member. The following will occur:

- The agency worker will gather the personal references provided by the prospective resource

parent.

- Face-to-face contact must be made by the agency worker with at least two of the references provided by the family.
- The remaining three references may be contacted by phone or mail.
- If the references speak positively to the character and abilities of the prospective resource parent, and confirm the agency worker's positive impression of the applicant, they will continue with the family assessment process.
- If the references raise questions about the character or ability of the applicant, the agency worker will discuss these issues with the agency supervisor prior to going forward with the application. The agency worker will present the information to the evaluation team to determine whether the home assessment process should continue or if the home should be denied. Information obtained by the references will be weighed against information gathered through the other aspects of the family assessment.
- The agency worker will document the reference information in CCWIS.

The child placing agency will upload the family assessment and accompanying documents into "Document Uploads" in CCWIS.

#### ***Criminal Records Check***

[W. Va. Code §49-2-114](#) requires a criminal background check be completed on potential resource parents. [The Adam Walsh Child Protection and Safety Act of 2006 \(Public Law 109-248\)](#) requires States to complete a fingerprint based criminal background check on all prospective resource parents through the National Crime Information Center (NCIC), prior to placement, whether a maintenance payment will be made to the family or not. All applicants and other adults in the home will authorize the release of criminal records to the department by completing the WV CARES Self Disclosure form. The form allows the provider to disclose any prior convictions and authorizes the department to complete a criminal records search. If the prospective resource, kinship/relative caregiver, or any adult member of the household refuses to authorize the check, the home will not be approved. If the applicant or other adult in the home indicates a conviction that deems them ineligible according to the WV CARES qualifiers and no variance is permitted, the home will not be approved.

***Biological parents are not to be set up as a potential provider when a home evaluation is being completed. If a background check is court ordered or requested through an ICPC, the CIB/NCIC background checks can be obtained by utilizing this process. However, many of the steps may need to be modified in order to appropriately evaluate a biological parent's home for placement.***

The following will occur for potential kinship/relative caregivers:

- An email containing the kinship/relative caregiver's provider ID will be sent to the WV CARES Liaison.
- The WV CARES Liaison will then contact the kinship/relative caregiver within three business days to discuss the process, scheduling an appointment for all adult household members to be fingerprinted, discuss the self-disclosure form, ask for additional documentation as needed and



provide the caregiver(s) with a coupon code to pay the fee associated with fingerprinting. The caregiver(s) and all household members should be scheduled for fingerprinting within three business days **after** the required five-day, first encounter visit by the home finder.

- The WV CARES Liaison will track the caregiver(s) specific information including names, date coupon code was given, and the date the fingerprinting was completed.
- The WV CARES Liaison will update the eligibility status of the kinship/relative caregiver(s) on the WV CARES website.
- The WV CARE Liaison will enter the results into the CIB screen in CCWIS.
- Eligibility letters can then be downloaded and entered into the CCWIS file cabinet.

### ***Disqualifying Offenses***

West Virginia Clearance for Access: Registry and Employment Screening Legislative Rule, 64 C.S.R. 123, requires that certain crimes (convictions or pending charges) result in an automatic disqualification or a “not eligible” determination. Below are examples of these crimes. Please keep in mind that WV CARES makes the final decision on eligibility, and the information below is not exhaustive and is to be used to provide guidance when determining whether a variance needs to be submitted at the time of the application.

1. State or federal health and social services program related crimes including but not limited to (misdemeanor and felony).
  - a. Welfare fraud
  - b. Unemployment fraud
  - c. Worker’s compensation fraud
  - d. Social security fraud
2. Patient abuse or neglect (misdemeanor and felony).
3. Health care fraud (misdemeanor and felony).
4. Felony drug crimes.
5. Crimes against care-dependent or vulnerable individuals (misdemeanor and felony).
  - a. Child abuse and neglect
  - b. Vulnerable adult abuse, neglect, or financial exploitation
6. Felony crimes against the person.
7. Felony crimes against property.
8. Sexual offenses (misdemeanor and felony).
9. Felony crimes against chastity, morality, and decency.
  - a. Pandering
  - b. Bigamy
10. Felony crimes against public justice.
  - a. Failure to pay child support
  - b. Perjury
11. Felony traffic offenses.
12. Felony crimes against the peace.
13. Human trafficking.

14. Felony money laundering.
15. Falsification of self-disclosure form.
16. Misdemeanor drug crimes.
17. Misdemeanor crimes against a person.
18. Misdemeanor crimes against chastity, morality, and decency.
19. Serious traffic offenses.

Again, it is important to note that the list above is not an exhaustive list, and that the final eligibility determination is decided by WV CARES and all variances are issued through WV CARES and are not determined by the department.

### ***Variances***

Pursuant to [W. Va. Code §16-49-5](#), et seq., and [W. Va. Code R. §69-10-7](#), the applicant may submit, in writing, a request for a variance, to include any mitigating circumstances surrounding the negative finding or disqualifying offense. A variance request must be submitted, via email to [varianceswvcares@wv.gov](mailto:varianceswvcares@wv.gov), no later than 30 days after the date of the notification of INELIGIBLE fitness determination. The written request for a variance may include supporting documentation. Supporting documentation is not required but highly encouraged. Variances issued by WV CARES for criminal findings, are similar to waivers previously issued by the home finding unit. The department has no authority relating to variances issued by WV CARES for criminal findings.

### ***Purging Criminal Background Records***

Any hard copies of criminal background check results that were used for the Bureau for Social Services purpose for the placement of children and certifying foster care providers, shall be shredded using cross-cut shredding machines if the records are for a provider whose home has been closed for three or more years.

### ***Child/Adult Protective Services Records Check***

The following will occur:

- The home finding specialist will complete a child and adult protective services record check on all applicants and other household members over the age of 18, to ensure that they do not have a record of substantiated maltreatment.
- The home finding specialist will complete a child and adult protective services record check on all applicants and other household members over the age of 18, in all states where the applicant or other adult household members have resided as adults in the previous five years, to assure that they do not have a record of substantiated maltreatment. The department reserves the right to request records beyond the five year requirement.
- The home finding specialist will deny the application if the records check discloses previous substantiated child or adult maltreatment for an applicant or another household member. The home finding specialist will notify the applicant in writing and inform the family of the department's grievance process. (See section 14.)
- The home finding specialist will document all records check results in CCWIS.

## SECTION 3 – KINSHIP/RELATIVE HOME STUDIES

### 3.1 Kinship/Relative Home Studies Definitions

The definitions used below are specific to this section and are a supplement to the general definition section.

<b>Term</b>	<b>Definition</b>
<b>Child specific recruitment</b>	Child-specific recruitment focuses on recruiting or identifying foster, adoptive, and kinship families for individual children in foster care based on the individual child's needs, interests, and connections.
<b>Contracted home study</b>	A kinship/relative home study assessment that is assigned to a worker contracted through the department. The assessment must meet all of the department requirements for kinship/relative caregivers as contained in this policy and utilize the same processes and forms as the department's home finding staff.
<b>Foster care boarding rate</b>	Rates that are based on the age of the child and paid to foster caregivers and relatives whose homes are certified for children in the custody of the department.
<b>Pre-service orientation training</b>	Training provided to prospective foster/adoptive families to provide those interested in becoming certified foster/adoptive parents with an understanding of the foster care and adoption system, the children who are in foster care and who are available for adoption, and the responsibilities of foster/adoptive parents.
<b>Waiver</b>	A declaration that a certain legislative rule is inapplicable in a particular circumstance. See <a href="#">W. Va. Code §49-1-203</a>
<b>WV CARES</b>	WV CARES is an agency within the Office of Inspector General that conducts background checks through fingerprinting. This program provides a comprehensive criminal history records search of national and state criminal history.

### 3.2 Kinship/Relative Home Study Process

The home study and certification process for kinship/relative caregivers varies from the certification or licensing process for traditional and therapeutic resource homes. This section outlines the necessary

steps and processes required for kinship/relative caregivers to become certified kinship/relative providers. The kinship/relative specific home study and certification process is standardized to improve and alleviate unnecessary processes for certification.

In cases where a certification is requested for a relative, or a person who the child views as a relative, the certification of the family must take priority. The certification should be completed within 90 days from the date of placement of the child in the relative's home, or from the date that the request for the certification is received by the home finding supervisor from a child welfare worker, when a placement has not been made.

Once it is determined that a kinship/relative certification is needed, due to a child being removed from their parent, guardian or custodian, the child's worker must assess the relative's home for general safety and well-being concerns by using the *Kinship/Relative Home Study Request* form prior to placing a child in the relative's home. In emergency placement situations, it is strongly recommended that the child's worker collaborate and consult with local law enforcement to gather any and all information, including criminal history regarding the potential kinship/relative caregiver and members in the household, to assess and ensure the child's safety. The child's worker will do the following during this initial contact and safety check of the relative's home:

- complete the *Kinship/Relative Home Study Request* form,
- complete the *Kinship/Relative Placement Agreement*,
- complete the *WV CARES Self Disclosure* form with the provider, and
- complete the *W-9* form with the provider.

When a child is placed in a kinship/relative home, the placement must also be documented in CCWIS immediately. The child's worker and the home finding specialist will need to take certain steps to ensure that the child's placement is documented in CCWIS appropriately and timely.

The following will occur:

- The child's worker is required to notify the home finding specialist the same day of a child being placed in a kinship/relative's home and provide the home finding specialist with demographic information on the kinship/relative caregiver as well as a completed and signed *W-9* reporting form, so the kinship/relative provider record can be established in CCWIS.
- The home finding specialist must enter the kinship/relative provider information into CCWIS within one day of receiving the demographic information and *W-9* form. Once the kinship/relative record has been created, the home finding specialist or supervisor will enter the child(ren) into the placement in CCWIS and notify the child's worker, via email, that the placement has been entered.

### ***Gold Standard Process (GSP) Checklist***

The child's worker must make the referral for certification to the home finding unit immediately, but in no case more than 24 hours after the placement of the child(ren) with a kinship/relative caregiver. The

home finding specialist will make contact with the kinship/relative caregiver within 72 hours and visit the caregiver within **five calendar days** of placing a child in the home. The home finding specialist must make contact with the kinship/relative caregiver(s) at least once monthly, two of which must be face to face contact, until certification is achieved. At the initial visit, the home finding specialist will do the following:

- Complete the *First Encounter* form and initiate the review of and expectations within the GSP checklist which includes the following:
  - complete and sign or initial all forms listed in section B of the GSP checklist to be completed during the first home visit including the following;
    - *Safe Bathing Practice*
    - *Safe Sleep Practice*
    - *Firearm Safety*
    - *Secondhand Smoke Risk*
  - review and leave the forms listed in section B.1; and
  - review additional requirements and timeframes associated with certification requirements as outlined in the GSP checklist and such as:
    - APS/CPS check,
    - fingerprint scheduling,
    - schedule for NTDC training or other identified training needs,
    - medical exam scheduling, and
    - obtaining references.

The home finding specialist has 90 days to complete the home study process. It is critical that the home finding specialists follow the GSP checklist and timeframes to stay on track with completing certification within the 90-day timeframe. Additionally, where necessary waivers are identified, obtaining waivers timely is also critical to maintaining the 90-day timeframe.

### ***National Training and Development Curriculum (NTDC) Training for Kinship/Relative Caregivers***

The Schools of Social Work will work with the home finding staff to develop the NTDC pre-service training sessions and provide a list of pre-service training dates that have been scheduled by the Social Work Education Consortium (SWEC) to the home finding staff.

For kinship/relative caregiver in-service and pre-service training, a home finding specialist will facilitate and attend the *Pre-Service Orientation Department of Human Services Policy and Practice* session, which is the first session of the NTDC training. During this orientation session, kinship/relative caregivers will be provided information on the department's program provisions, policies, legal requirements, childcare regulations, and training and certification requirements, including first aid and CPR training. The kinship/relative caregivers will also be trained on prudent parenting and away from supervision using the department-approved curriculums.

The home finding specialist will attend session seven of NTDC training to observe and answer questions pertaining to the department's discipline policy and other questions. The home finding specialist will ensure that all kinship/relative caregivers have completed the fingerprinting for the Criminal Background check through West Virginia CARES.

The home finding specialist will attend the last session of the Pre-Service Orientation and Training. During this session, a panel discussion will be utilized to provide the kinship/relative caregivers with individuals who are involved in the child welfare and foster care system. The home finding specialist will assist the Schools of Social Work in scheduling participants for the panel discussion. The home finding specialist will collect all necessary paperwork from the trainer, including any trainer notes on any kinship/relative caregiver.

Upon successful completion of the Pre-Service Orientation and Training, all kinship/relative caregivers will be provided a Certificate of Achievement by the NTDC trainer. A copy of this certificate will be provided to the home finding specialist by the NTDC trainer to be maintained in the provider record and documented in CCWIS.

After the kinship/relative has completed the NTDC Pre-Service Orientation and Training, they will not be required to retake the training if they remain certified as a kinship/relative provider.

The NTDC training model may be waived for kinship/relative caregivers on a case-by-case basis. In making that decision, the home finding specialist will assess the relative for any services or trainings that may be needed to care for the child that is being placed in their home. If the child has extraordinary needs or behavioral issues, the home finding specialist must request that the relative attend services or trainings to ensure that the child is receiving the appropriate care and supervision while in the relative or kinship caregiver's home. The home finding specialist should consult with the child welfare worker to determine if specific services or training, beyond certification required training, is necessary to meet the needs of the child placed in the home. The home finding specialist will then assist the kinship/relative provider in obtaining those services and/or training(s).

There are two kinship/relative provider types. There will be a "Certified Kinship/Relative" provider type as well as a "Kinship/Relative" provider type. Regular kinship/relative caregivers will continue to receive the TANF rate, according to the number of children placed in the home, until certification is complete. "Certified" kinship/relative caregivers will receive the foster care boarding care rate based on the child's age, per month, per child from the date of certification. Kinship/relative homes are not entitled to back pay from the months prior to their certification. The table below shows the current boarding care rates based on age.

Age Range	Daily Subsidy Amount	Month Subsidy Amount
0-5	\$26.00	\$790.00

6-12	\$28.00	\$851.00
13-21	\$31.00	\$942.00

If a waiver is granted, the kinship/relative caregiver will be approved as a certified placement resource for the child as long as they meet all safety and sanitation standards. The caregiver will still be expected to complete any of the services and/or trainings that were recommended by the home finding specialist. The caregiver will also be expected to complete First Aid/CPR training before they can be recertified as an approved provider. At the time of recertification, this training may be waived on a case-by-case basis. The kinship/relative provider will receive boarding care payments, which will begin on the date that they are approved as a certified placement resource.

If a kinship/relative caregiver is approved as a certified kinship/relative provider, and a waiver was granted for one of the certification eligibility criteria or background checks, the home will not be allowed to provide foster care services for other children. If the provider chooses to provide foster care services to other children, they must be referred to a Mission West Virginia.

The following steps outline the process for issuing a training/home study waiver for a kinship/relative caregiver.

- The home finding specialist will open the kinship/relative provider record in CCWIS, so the placement can be made by the child's worker.
- To make a placement, the child's worker will need to do a search in CCWIS to locate the certified kinship/relative provider record.
- Once the certified kinship/relative provider record has been located, the child's worker will request a waiver to make the placement if all the suggested services and trainings have not been completed, which is located on the *Placement Recommendation* screen.
- After the waiver has been requested, the worker's supervisor must review the placement recommendation screen and waiver request prior to approving the placement request.
- After a waiver has been reviewed, a secondary assignment will also be created on the home finding supervisor's workload.

The kinship/relative certification will not be held up due to the lack of completion of NTDC training, however, background checks for both criminal and CPS/APS history must be completed and a completed safety assessment of the home, in order to become certified and begin receiving the foster care subsidy. If the kinship/relative home wishes to adopt the child that has been placed in their home, the *Kinship/Relative Safety Screen* may be used along with a placement status update to present to the court to show that the placement has been approved and certified.

### 3.3 Grandparent Rights When Considering Placement

For purposes of any placement of a child for adoption by the department, the department shall first consider the suitability and willingness of any known grandparent or grandparents to adopt the child.

Once grandparents who are interested in adopting the child have been identified, the department shall conduct a home study evaluation, including home visits and individual interviews by a licensed social worker. If the department determines, based on the home study evaluation, that the grandparents would be suitable adoptive parents, it shall assure that the grandparents are offered the placement of the child prior to the consideration of any other prospective adoptive parents. A circuit court judge may determine the placement of a child for adoption by a grandparent or grandparents is in the best interest of the child without the grandparent or grandparents completing or passing a home study per [W. Va. Code §49-5-101](#).

### **3.4 Contracted Kinship/Relative Home Study Process**

If the home finding supervisor decides to utilize a contracted worker to perform the family assessment part of the kinship/relative home study, the home finding supervisor will advise the contractor that the family assessment must meet all of the department requirements for kinship/relative caregivers as contained in this policy and utilize the same processes and forms as the department's home finding staff. The home finding supervisor will be responsible for reviewing the family assessment upon completion to assure that it meets all of the standards and requirements and having it entered into CCWIS. The department may not utilize anyone to complete a family assessment that is not a licensed social worker or provide payment for a home study that does not meet all the necessary requirements, or the time frames set forth in this policy.

Once the home finding supervisor determines that the family assessment can be completed by a contracted worker and which contracted worker to utilize, the supervisor will take the following actions:

1. The home finding supervisor or designee will select a contracted worker, who has been credentialed and registered as an ASO provider. They will contact the contracted worker to determine their availability to complete the home study within the time frame. The supervisor will advise the contracted worker that the family assessment must meet all of the department requirements for resource families as contained in this policy and utilize the same processes and forms as the department's home finding staff.
2. The home finding supervisor or designee will request the service for the contracted study through the following screens in CCWIS: *Case; Case Tools; Case Service; Special Medical Card*. They will request the home study under the child or one of the children.
3. If the request is through ICPC, the home finding supervisor will open a case in CCWIS for the child and for the family, for whom the study is to be completed. The home finding supervisor will request the service for the contracted study through the following screens in CCWIS: *Case; Case Tools; Case Services; Special Medical Card*. They will request the home study under the child or one of the children. The case for the child and family will be maintained on the supervisor's or a designated home finding specialist's workload, until the study has been completed. Once the study has been completed, the child's case can either be closed or transferred to the worker, who is assigned to monitor the child's placement. The families will remain on the home finding specialist's workload assigned to them, or it can be closed, if no placement is made. For more information, refer to *ICPC policy*.



4. The home finding supervisor will provide a copy of the referral form to the contracted worker. The reasons for the referral must be very specific and list the client population, program option, and why the referral was made. The contracted worker will then contact the ASO for authorization to provide the service. The following are authorized for the contracted home study services: *Agency Transportation One; In-State Home Study; and Intervention Travel Time*.
5. The contracted worker will follow the same procedures outlined in the *Gold Standard Process (GSP) Checklist* found in the “Gold Standard Process Checklist” section under 2.2.
6. The contracted worker will have a total of 90 days to complete the home study. If they are unable to complete the assessment within these time frames, they will make contact with the home finding supervisor to explain why the family assessment part of the home study has not been completed and a new time frame may be negotiated.
7. After the home study is completed, the contracted worker will submit the assessment to the home finding supervisor for review. If the assessment meets the department’s requirements for kinship/relative caregiver, the supervisor will assure that the assessment information is entered into the appropriate CCWIS screens and the narrative family assessment, part of the home study, is imported into the file cabinet of the provider’s record in CCWIS. If the assessment does not meet all of the department’s requirements, the assessment will be given back to the contracted worker for corrections.
8. Once the home study has been completed and approved, the home finding supervisor will provide the contracted worker with documentation indicating that the home study has been completed. The contracted worker will submit the invoice to the Office of Administration and Finance for payment. The contracted worker will maintain the documentation on the completed home study in their records for the ASO reviews. In some instances, completion of the home study may be delayed due to pending criminal background results. In these situations, the contracted worker may request payment for three units prior to completing the criminal background portion of the assessment and the final recommendation. Once the home study is complete including the criminal background results and final recommendation the contracted worker may request payment for the fourth and final unit of payment.

### **3.5 One-Time Incentive Payment for Kinship/Relative Caregivers**

The one-time \$500.00 incentive payment will be distributed in two separate demand payments, \$300.00 and an additional \$200.00, at different junctures during the home study process. The home finding specialists will issue the initial \$300.00 demand payment to each new kinship/relative caregiver after the preliminary hearing, or no later than 14 days after the placement of the children, whichever occurs first. This delay is to ensure that the child(ren) remains in the care of the designated kinship/relative caregiver before issuing the demand payment. The child welfare worker responsible for the placement of the child(ren) will notify the home finding specialist via phone or email, of the court’s order regarding placement immediately after the preliminary hearing. The home finding specialist will enter the \$300.00 demand payment once they are notified that the placement has been upheld by the court at the preliminary hearing. If the preliminary hearing is delayed and does not occur within 14 days of the date of placement, the home finding specialist will issue the \$300.00 payment, unless the intention is to

return the child to their parent, transfer custody to a non-offending parent, or ask for alternative placement at the preliminary hearing.

The second portion of the incentive payment, \$200.00, is to be issued to the kinship/relative caregiver if they achieve certification within 90 days of the receipt of the home study request. The kinship/relative caregiver must complete all necessary certification requirements and submit all corresponding paperwork and documentation within the 90-day timeframe in order to receive the additional \$200.00 payment. The home finding specialist, however, shall take into consideration delays in certification that are beyond the caregiver's control. Such issues may include delay in fingerprint results, delay in training schedules, delays in home inspections, etc. Any delay in certification requirements outside of the 90-day timeframe, that are beyond the caregiver's ability to control, will not be held against the caregiver. Therefore, the home finding specialist will issue the remaining \$200.00 in the described instances once full certification is achieved.

Below is a list of items/activities that are approved for the one-time incentive payment for kinship/relative caregivers. This list is to be uploaded to the CCWIS system, into the provider's record for proof of approved purchases. If a kinship/relative caregiver uses the initial funds for anything other than what is listed below, a receipt must be obtained from the caregiver for the item or activity, and the home finding specialist must upload it into the provider record. The correct item or activity must be listed in the comments section when entering a demand payment. Please indicate in the comment section if a receipt has been uploaded.

Approved items/activities:

- Trigger locks/gun safety items
- Smoke/carbon monoxide detectors
- Fire extinguishers
- Fire escape ladders
- Car seats/booster seats
- Cribs/bed
- Bedding
- Electrician/housing inspector (specific to kinship/relative caregivers who are living in mobile homes manufactured before 1976 that would require a waiver)
- Medical examination
- Tuberculosis (TB) testing (if recommended by a physician)
- Home improvements-railing, windows, flooring, windows, doors, cosmetic needs, etc.
- Rabies vaccinations
- Well water test
- Transportation costs such as gas, bus passes, etc., for fingerprinting, medical examination, kinship/relative training, certification related activities
- Childcare for kinship/relative training
- First aid kit
- Baby gates

- Electrical outlet covers
- Diapers
- Formula

If there are multiple items or activities that the kinship/relative caregivers needs in their home to comply with the safety standards that exceed the initial \$300.00 incentive payment, the home finding specialist may issue a BA-67 to assist the provider in obtaining things such as fire extinguishers, escape ladders, carbon monoxide or smoke detectors, etc.

**It is critical that the home study request packet be completed and sent to the home finding unit within 24 hours of the placement of children. Once the request is received, the home finding supervisor will send a notification of assignment email to the child welfare worker and their supervisor, and include the assigned home finding specialist, and the contracted home finder, if applicable. Additionally, it is also critical to notify the assigned home finding specialist of the outcome of the preliminary hearing regarding the placement of the children the same business day, but in no case any later than the following business day.**

### 3.6 Waivers

During the home study process, the home finding specialist can request a policy exception in the form of a waiver request through the following steps:

1. The home finding specialist will document the waiver request in the policy waiver screen in CCWIS and submit it for approval. The home finding specialist will notify the home finding supervisor via email that a waiver has been requested and is in the regional email inbox awaiting approval.
2. Background documentation will need to be included in the waiver screen along with the waiver request. Additional information may need to be forwarded to the home finding supervisor before the waiver can be approved or denied
3. The home finding supervisor will review the waiver request to determine if they can decide on the waiver or if the home finding program manager or their designee must make the decision.
4. If policy indicates that the waiver can be approved or denied by the home finding supervisor, then the home finding supervisor will document the waiver approval or denial in CCWIS
5. If policy indicates that the waiver must be approved or denied by the home finding program manager or their designee, then the home finding program manager or their designee will document the waiver approval or denial in CCWIS.
6. For waiver requests that cannot be done through CCWIS, the home finding specialist will submit the waiver request to their home finding supervisor via email. The same steps as indicated above will be followed, except that they will be done through email. A copy of the e-mail request for the waiver and the approval or denial should be placed in the CCWIS file cabinet for the provider.

### 3.7 Kinship/Relative Home Study Approval and Provider Opening

Following the review by the evaluation team and upon their positive recommendation, the home finding specialist who completed the assessment will do the following:

1. Prepare the resource parent certificate (SS-FC-14) for signature by the home finding specialist and the home finding supervisor within ten business days after the evaluation team meeting.
2. Send an approval letter and the certificate to the resource family within ten business days of receiving the signed certificate notifying the family that their home has been approved to provide resource care.
3. The home finding specialist will schedule an interview with the resource family to review and sign the resource parent agreement (SS-FC-F). The home finding specialist will document this in CCWIS.
4. The home finding specialist will provide the family with information and forms concerning the Electronic Funds Transfer (EFT) option and encourage them to enroll in the EFT option. If the family chooses to enroll in the EFT option and they have more than one provider record in CCWIS, they must complete the EFT paperwork for each provider record that is open, to ensure that payments can be made under each record. Detailed information may be found at the State Auditor's website at [www.wvsao.gov](http://www.wvsao.gov).
5. The home finding specialist will discuss the CCWIS provider portal with the family and explain how they can access their provider record to review payments and other information when necessary. Detailed information may be found at <https://providerportal.wvpath.wv.gov/>.
6. If the home is approved for resource care and no specific child has been identified, the home finding specialist will keep in contact with the family at least once every three months until a placement of a child is made.
7. If no child is placed within a year of the original approval, any changes in the family situation which would impact the type of child the family would consider parenting will be documented in CCWIS by the home finding specialist.

### 3.8 Kinship/Relative Home Study Denial

The home finding specialist may discover information that is contrary to the standards and policies set forth by the department during the assessment process. Any and all information that is gathered during the home study process, whether it is through governmental record searches, interviews with references or the media, will be used in the decision-making process. In addition to not meeting the eligibility criteria in Section 1.2, other reasons for denial may include, but are in no way restricted to, the following:

- Behaviors that display a chaotic lifestyle such as chronic tardiness for appointments, missed appointments, threatening behaviors, vulgar and offensive language.
- Inability to provide basic needs for children.
- Life-style choices that demonstrate risk-taking behaviors that can be harmful to one's self or others.
- Life-style choices that display concerning behaviors that would act against maintaining the health, welfare and safety of foster children.

- Conditions of the home not being maintained as safe and stable.
- Failure to cooperate with the home finding specialist completing the home study.

After reviewing the information gathered by the home finding specialist, it may determine that the kinship/relative caregiver does not meet one or more of the eligibility criteria. Under this circumstance the home finding specialist will do the following:

- Inform the kinship/relative caregiver by letter that their home has been denied, the specific criteria under which the family is being denied, and the right of the family to file a grievance if they do not agree with the denial. The kinship/relative caregiver must file a grievance with the Board of Review within 60 days of the written notification from the home finding specialist.
- If the home study was ordered by the court, the home finding specialist will send a copy of the denial letter and the home study to the court.
- The home finding specialist will document the denial in CCWIS including the reasons for the denial.
- The kinship/relative provider record will be closed in CCWIS.

## SECTION 4 – RESPITE PROVIDERS

### 4.1 Respite Providers Definitions

The definitions used below are specific to this section and are a supplement to the general definition section.

<b>Term</b>	<b>Definition</b>
<b>Reasonable and prudent parenting standard</b>	The standard characterized by careful and sensible parental decisions that maintain the health, safety, and best interests of a child while at the same time encouraging the emotional and developmental growth of the child, that a caregiver shall use when determining whether to allow a child in foster care under the responsibility of the State to participate in extracurricular, enrichment, cultural, and social activities. See <a href="#">W. Va. Code §49-2-128</a>
<b>Respite</b>	The temporary ease of the responsibilities of a person who provides for the care of another. Respite may also be used for children to ease stressful situations.

### 4.2 Respite Provider Requirements

Respite provides an opportunity for resource parents and kinship/relative caregivers to have time away from the caretaking responsibilities. Respite is considered to be at least a day or an overnight stay in an

approved setting. In order for a resource family to utilize respite services, the respite provider such as another resource family, a certified day care, a family member, or a certified respite provider must meet the credentials set forth in the [ASO UM Guidelines](#), prior to the arrangement for respite services. Many times, a relative of the resource or kinship/relative family may be approved to provide respite care for a particular foster child, but they must be approved as an ASO respite provider.

Respite is not to be confused with “babysitting”. Babysitting may occur when resource parents or kinship/relative caregivers need to do activities such as, but not limited to running errands, attending social events, or going to doctor appointments. The babysitting will be for supervision and care of the child on a short-term basis only, with **no overnight stays**. When “babysitters” are utilized in these situations, the requirements for a respite provider do not apply and the resource parent or kinship/relative caregiver is responsible for assuring that the person is appropriate to care for the child and for any payments that may be made to the person. “Babysitting” should fall under the Reasonable and Prudent Parenting Standards.

**Note: A foster child spending the night with a friend or a relative of the foster or kinship/relative placement, for the purpose of normalcy activities, is not to be considered respite. This activity also falls under the Reasonable and Prudent Parenting Standard. Respite is a paid service provided by certified respite providers.**

Because respite providers are not full-time caregivers of children in foster care, they do not have to meet all the same requirements as resource parents. The department must assure that a respite provider is a safe caregiver, and the home is an appropriate place for a child. Respite providers do not have to attend pre-service orientation, nor are they required to meet all the eligibility requirements for certification. A respite provider must meet the following safety requirements to become certified to provide substitute care for a resource or kinship/relative family.

- The respite provider must meet the following eligibility criteria set forth in this policy:
  - Medical Care/First Aid
  - Discipline/Supervision
  - Car Safety
  - Food/Nutrition
  - Bathrooms/Bedrooms
  - Home Safety
  - Health Status
  - Capacity
  - General Eligibility Criteria
  - CPR certification
  - Training in:
    - behavioral health conditions and developmental disabilities,

- consumer rights and confidentiality
  - recognition of and reporting abuse and neglect, and
  - documentation.
- The respite provider does not need to meet the following eligibility requirements:
    - Financial/Economic Status, Employment, and Child Care.
    - Community/Support Services.
  - The respite provider must meet the following family assessment criteria to become certified:
    - A home assessment to determine the suitability of the family's home, resources, and capacity, by the home finding specialist.
    - At least one interview with the prospective applicants in their home, by the home finding specialist.
    - Reference checks of at least three individuals, not more than one of which may be a relative, and one of which must be interviewed in person, by the home finding specialist.
    - Criminal records and child/adult protective services checks to assure that the individual does not have a criminal or maltreatment findings. These will be obtained by the home finding specialist for respite providers identified by kinship/relative families and home finding staff, and will be obtained by child placing agencies identified by resource families. All other respite providers must obtain their own criminal background checks and request a child/adult protective services background check through the department.

The following must occur to open a respite provider:

- The prospective respite provider must be entered into CCWIS as an Intake and be submitted to the home finding supervisor or child placing agency for approval and assignment if they have not already been approved as a resource provider. The home finding supervisor will assign the inquiry, to provide respite services, to the home finding specialist within five business days from the date of the inquiry.
- The home finding specialist must document the inquiry as a *Request to Provide Services* in CCWIS, if the inquiry is entered as a new intake.
- The home finding specialist must complete a home assessment, if one has not already been completed and has a current status to determine if the prospective respite provider meets the required eligibility criteria below:
  - The home finding specialist must hold at least one interview with each prospective respite provider in the home.
  - The home finding specialist will contact at least three references, one of which must be in person.
  - The home finding specialist will complete a thorough criminal background check on

all adult members of the prospective respite provider's family for those respite providers identified by resource families, kinship/relative families, and home finding staff.

- The home finding specialist will complete a thorough child/adult protective services records check for those respite providers identified by resource families, kinship/relative families, and home finding staff.
- Once the prospective respite provider meets the criteria and is approved, the home finding specialist will enter the respite provider in CCWIS. If the prospective provider is not a resource provider, the home finding specialist will open a provider case in CCWIS, by selecting the Category: Respite Care, Type: Respite/Foster Family Care and by completing the Service Administrative Screen for ASO Emergency Respite and ASO Daily Respite. If the provider is an already existing resource provider, the home finding specialist will only need to complete the Service Administrative Screen for ASO Emergency Respite and ASO Daily Respite.

*For more guidance on how to complete these individual activities, please refer to the specific section of the provider policy for resource families.*

*If an individual other than a department resource provider wants to provide respite services, they must go through the ASO Enrollment process through The Division of Children and Adult Services.*

*If a department resource provider wants to provide ASO services other than respite, and transportation, they must go through the [ASO Enrollment process](#) through The Division of Children and Adult Services.*

## SECTION 5 – PLACEMENT

### 5.1 Placement Definitions

The definitions used below are specific to this section and are a supplement to the general definition section.

<b>Term</b>	<b>Definition</b>
<b>Placement</b>	Any temporary or permanent placement of a child who is in the custody of the state in any foster home, kinship relative caregiver, group home, or other facility or residence. See <a href="#">W. Va. Code §49-1-206</a>

### 5.2 Referral and Placement Process for a Department Resource Home

#### **Referral Process**

When a child must be placed in foster care and it is determined that there are no appropriate or available kinship/relative caregivers, and a resource home is an appropriate placement for the child, information about the child and their family must be shared with the home finding unit.



The worker will perform the following actions:

1. Consult with the supervisor and the Multidisciplinary Treatment Team including the child's current service providers, child's parents, etc. to discuss the child's placement needs.
2. Complete the family's and child's assessment, if not already done.
3. Compile the necessary information as a referral packet to be forwarded to the home finding unit for their determination on appropriate placement. The child's worker must provide information about the child and their family in a factual and forthright manner that accurately portrays the child's situation. The referral packet to be sent to the home finding unit should include the following information if available on the child:
  - The CPS initial and ongoing assessments, the FAST for youth services clients, and the associate case plans, as well as CANS if one has been completed.
  - Social Summary of the child
  - School information
  - Psychological/psychiatric evaluation
  - Birth certificate
  - Social Security Card
  - Immunization records
  - Medical information
  - Copy of the court order granting the department custody
4. If the above information is not available at the time of the referral, the child's worker will compile the information as soon as possible.
5. The child's worker must document the referral in CCWIS on the contact screen

## **Placement**

The following will occur:

1. If the resource family accepts the child for placement, the child's worker shall arrange a date for the placement. The placement should occur in a timely manner following the intake or pre-placement visit if one occurred. It is possible for the intake interview and pre-placement visit to occur on the same day as the placement. This is not appropriate in most situations and should only be utilized when absolutely necessary.
2. The child's worker will provide the resource parents with the SS-FC-6A agreement to care for the individual child placed in the home. The resource parents must sign this form and be provided a copy as proof that the department has approved the placement of this child. The form should be maintained in the child's *Journey Placement Notebook*.
3. The child's worker will provide the child's *Journey Placement Notebook* to the resource parents, explaining its contents and how the Notebook is to be utilized by the resource parents. The worker will emphasize the requirement that the provider utilize the [Monthly Out-of Home Observation Report, Placement/Departure, and Wardrobe and Personal Item Inventory List](#) on a continual basis. The child's worker will provide the *Resource Parent Guidebook* to the resource parent, explaining how the books are to be utilized.

4. The child's worker will participate in the actual placement and will provide transportation for the child and their family.
5. The child's placement effective date will be entered in CCWIS within three business days of the placement. This will also generate a medical card for the child within a timely manner. In addition, this will also ensure that the child has an EPSDT Health Check screening scheduled within five days as required by the Sanders Consent Decree. The worker will document that the Journey Placement Notebook was provided to the resource parents in CCWIS on the Placement Recommendation Screen, by choosing the Journey Placement Notebook under the pick list.
6. If the child was in foster care prior to this placement, the child's medical card and *SS-FC-40A* are to be given to the resource family in case medical services are required prior to the issuance of a card to the resource family for the child. If the child was not in foster care prior to this placement or the child's medical card cannot be located, the child's worker will provide the *SS-FC-40* and *SS-FC-40A* to the caregiver for the child's emergency medical needs. The forms should be maintained in the child's *Journey Placement Notebook*.

## Section 6- EMERGENCY RESOURCE HOMES

Emergency resource homes are temporary placement for children whose living situation has, for various reasons, been disrupted. A child may be placed in an emergency resource home for up to seven calendar days, including week, while the child welfare worker and supervisor actively search for and secure long-term temporary placement for the child while working toward reunification or another form of permanency. (See, *Emergency Resource Home SOP* for more information.)

## SECTION 7 – NON-COMPLIANCE, CORRECTIVE ACTION, AND INVESTIGATIONS OF ABUSE/NEGLECT

### 7.1 Non-Compliance, Corrective Action, and Investigations of Abuse/Neglect Definitions

The definitions used below are specific to this section and are a supplement to the general definition section.

<b><i>Term</i></b>	<b><i>Definition</i></b>
<b>Corrective Action Plan</b>	A written agreement between the department and certified and non-certified kinship/relative providers when deficiencies are identified during an inspection or investigation of a complaint that includes the plan and time frame for correction.
<b>Institutional Investigative Unit (IIU)</b>	A unit of the department authorized by the Secretary to investigate complaints of child abuse or neglect allegations involving institutional

	settings and foster care providers.
<b>Non-Compliance</b>	Failure by certified and non-certified kinship/relative providers as well as licensed resource caregivers to meet standards outlined in policy.

## 7.2 Non-Compliance and Corrective Action

Failure of certified and non-certified kinship/relative and licensed resource caregivers to meet the standards outlined in this policy shall be considered non-compliance issues and shall be discussed with the family. Depending on the nature and severity of the discrepancy, the resource parents may be offered a corrective action plan, or the home may be closed.

Any abuse or neglect complaints, or when there has been a finding of maltreatment must not be considered a non-compliance issue. These situations are to be handled through the Institutional Investigative Unit (IIU). If there are substantiated abuse or neglect complaints in a certified kinship/relative or resource home, the home must be closed as per [W. Va. Code §49-4-111](#).

Examples of non-compliance issues which may not require a corrective action plan to be offered include but are not limited to the following:

- repeated non-compliance;
- multiple non-compliance issues at one time;
- refusal to cooperate with staff;
- failure to maintain certification requirements; or
- a (kinship/relative) provider who fails to meet the training requirement to become fully certified.

Examples of non-compliance issues, which may result in the offering of a corrective action plan, may include but are not limited to the following:

- the kinship/relative or resource parent did not complete the follow-up medical exam requirement;
- the kinship/relative or resource parent moves and the new home does not meet a specific standard –
- too many children are sharing a room, or children of the opposite gender are sharing a room;
- the kinship/relative or resource parent uses inappropriate punishment;
- the kinship/relative or resource parent did not provide appropriate supervision for a child;
- non-compliance with the Health Check requirement or the inability of the resource parent to successfully complete the First Aid, CPR or In-Service training requirements.

Child placing agencies determine non-compliance issues with their resource families individually. In addition to compliance with the Bureau for Social Services policies, each child placing agency has their own additional policies and procedures for families to follow and can base non-compliance on additional requirements outlined in their policies.

For kinship/relative caregivers and department resource homes, the home finding specialist must determine whether the non-compliance issue requires that the home be closed or deny certification for kinship/relatives, or if a corrective action plan can alleviate the issue.

The following will occur:

1. Each incidence of non-compliance will be fully assessed by the home finding specialist and documented in CCWIS.
2. If the home finding specialist determines that a home must be closed or certification denied for a non-compliance issue and there are children placed in the home, the home finding specialist must notify the child's worker immediately that the home is out of compliance and will be closed or the pending certification stopped.
3. If there are no current placements in the kinship/relative or resource home, the home will be closed immediately.
4. If the home is a certified kinship/relative home that is being closed due to non-compliance and there is a current placement in the home, the home finding specialist must inform the child's worker that the placement must be exited out of the certified kinship/relative provider record immediately and entered back into the non-certified kinship/relative record, in CCWIS. The home must be closed as a certified kinship/relative home in these instances but may remain open under the non-certified kinship/relative provider record.
5. The home finding specialist must have the non-certified kinship/relative provider record re-opened in CCWIS, so the child welfare worker can update the child's placement by exiting the child from the certified kinship/relative record and reentered them into the non-certified kinship/relative provider record in CCWIS.
6. Once the child's placement has been exited out of the certified kinship/relative provider record in CCWIS, the record must be closed immediately by the home finding specialist.
7. If a non-certified kinship/relative caregiver chooses to complete the NTDC training to meet full certification after the home is closed, the home may be reopened as long as it is prior to the annual safety review date. If they complete the NTDC training after the annual safety review date, the home may still be reopened, but the annual safety review will be required on the family. Homes closed for two years or more will require the annual safety review and be assessed for any required, updated training needs before being reopened. Any home closed for three or more years, must follow the three-year recertification process before reopening.
8. If the home finding specialist determines that the non-compliance issue does not rise to the level of requiring that the home be closed, a corrective action plan will be developed by the home finding specialist with the assistance of the resource or kinship/relative caregiver(s) and approved by the home finding supervisor.
9. Part of the corrective action plan will include training and other opportunities for the resource or kinship/relative caregiver(s) to develop acceptable alternatives to the issue.
10. All corrective action plans must be time limited with clear and specific objectives to be accomplished by the resource or kinship/relative caregiver(s).
11. The home finding specialist will document the corrective action plan in CCWIS.
12. No new placements will be made in the home while the corrective action plan is in effect.

13. Failure of the resource or kinship/relative caregiver(s) to cooperate with the terms of the corrective action plan and/or to correct existing situations identified in the corrective action plan will result in the closure of the home or denial of the home study for non-certified kinship/relative caregivers.
14. When a kinship/relative or resource home is closed or a home study is denied as a result of non-compliance with or without a corrective action plan, a letter will be sent to inform the kinship/relative or resource parent of the specific reason for the closure. This letter will notify the family of their right to file a grievance if they do not agree with the closure. A copy of the letter will be saved in the provider's record in CCWIS. The resource or kinship/relative caregiver(s) must file a grievance with the Board of Review. See Section 13.3 for more information on grievances.

### **7.3 Investigations of Allegations of Abuse and/or Neglect in Kinship/Relative and Resource Homes**

The department has the authority to remove children from a kinship/relative or resource home during the investigation of abuse/neglect complaints, if the allegation is of a nature that warrants the removal. The department may remove a child in these circumstances even though the child may have been in the home more than 18 months.

When a protective services allegation is received on a certified kinship/relative or resource home the following shall occur:

1. The Institutional Investigative Unit (IIU) supervisor shall be notified of the complaint as soon as it is received, and the referral is entered in CCWIS. The IIU supervisor will determine if the allegation is protective services in nature.
2. An assessment and investigation of the allegation shall be done in accordance with the West Virginia Code and time frames that govern the investigations of child or adult abuse and neglect.
3. If the determination is made that the allegation is not a protective services referral, the IIU supervisor will forward the referral to the home finding supervisor, for the family, or the department licensing specialist, for the child placing agency, so the referral can be reviewed for non-compliance issues.
4. If the determination is made that the allegation is a protective services referral, and the referral is against a certified kinship/relative caregiver or resource home certified by the department, the IIU supervisor or worker will provide notification via e-mail that a report has been received; an investigation has been initiated; and the name of the IIU worker assigned to the investigation to the social services manager and the appropriate home finding supervisor. If the investigation is against a child placing agency resource home, the IIU supervisor or worker will notify the agency that a report has been received; an investigation has been initiated; and the name of the IIU worker assigned to the investigation. The agency will be by the IIU investigator of any action that must be taken to ensure the safety of the child(ren) pending the completion of the investigation, especially whenever the report involves sexual abuse or serious physical injury to a child or the home is unsafe. For these situations, the children must be removed immediately

pending the outcome of the investigation, and no other children are to be placed in the home during any investigation.

5. If the investigation is on a department certified kinship/relative or resource home, the social services manager or designee and the home finding supervisor or designee must assure that the child(ren)'s immediate needs for safety, medical care and/or removal are addressed, especially whenever the report involves sexual abuse or serious physical injury to a child, or the home is unsafe.
6. If the certified or non-certified kinship/relative or department licensed resource caregiver(s) refuses to cooperate with an investigation, IIU will immediately notify the home finding supervisor for further action. For child placing agency resource homes who refuse to cooperate with the investigation, IIU will immediately notify the residential licensing specialist (when a licensed agency is involved).
7. The IIU worker will send written notification to the certified or non-certified kinship/relative or resource caregiver(s) informing them of the referral and that they have 20 calendar days of receiving written notification, to contest the allegations. If they fail to contest the allegations in this time frame, all foster care arrangements will be permanently terminated.
8. The IIU worker will confer with the home finding supervisor or the residential licensing specialist when the investigation is completed to determine if the findings involve a violation of Licensing Regulations or Home Finding Policy. A copy of the *IIU/CPS Summary Report* will be prepared and filed in the CCWIS File Cabinet.
9. Prior to the completion of the investigation, if the department determines that reasonable cause exists to support the allegation, the department will remove all foster children from the home and preclude contact between the child and the placement provider.
10. The department must terminate the foster care placement if one of the following situations occurs:
  - The allegation is substantiated by the department;
  - A court finds the allegation to be true; or
  - The resource family fails to contest the allegation within 20 calendar days of receiving written notice of such allegations.

*However, the department is permitted to exercise its professional discretion in electing to not terminate the placement arrangement if the resource parents are not found to be culpable in the abuse or neglect and the continued placement is in the best interest of the child. Depending on the circumstances, the department may terminate all placement arrangements and close the home or implement a time-limited corrective action plan which addresses the issues identified as problematic in the investigation. This plan must be regularly reviewed by Child Protective Services and home finding supervisors or the department licensing specialist and the executive director for the child placing agency of the licensed resource home outside the department.*

11. Upon completion of the investigation the IIU supervisor will review and approve the investigation. The IIU supervisor will provide a copy of the *IIU/CPS Summary Report* to the child placing agency or home finding supervisor; notify the home finding program manager, social services manager and residential licensing specialist (when a licensed agency is involved) by

e-mail of the investigation finding; provide direction for the home finding supervisor or child placing agency on the development of a corrective action plan when the finding is of a non-compliance nature and notify the certified kinship/relative or resource caregiver(s) in writing that the foster care arrangements have been terminated when it has been determined that child abuse or neglect occurred.

12. The department will inform the certified or non-certified kinship/relative or licensed resource caregiver(s) of their opportunity for a fair hearing/grievance process, in writing, if they do not agree with the department's decision. The certified kinship/relative or resource caregiver(s) must file the grievance with the Board of Review within 60 days of the written notification from the department.
13. A copy of all forms and recordings pertaining to the investigation shall be maintained in the child's record. No one has a right to review or copy the record except for the child, child's parents, or the foster care ombudsman. Requests for access from any other person are to be denied unless there is a court order granting access or the record is subpoenaed. The home finding specialist must make a notation in the provider's record in CCWIS pertaining to the outcome of the investigation. The IIU supervisor will document the results of the investigation in CCWIS.

## SECTION 8 – POST CERTIFICATION REQUIREMENTS AND ACTIVITIES

### 8.1 Post Certification Requirements and Activities Definitions

The definitions used below are specific to this section and are a supplement to the general definition section.

<b>Term</b>	<b>Definition</b>
<b>Annual Safety Review</b>	An annual safety assessment completed by a home finding specialist with each resource family and kinship/relative provider prior to the yearly anniversary date of their certification or recertification.
<b>In-service Training</b>	Required annual training for all certified and licensed resource and kinship/relative caregivers totaling 12 hours and consisting of various topics.
<b>Recertification</b>	A home study recertification is required every three years for each approved department resource home. <a href="#">See Legislative Rule §78-2-4.</a>

### 8.2 Access to the CCWIS Provider Portal

The Comprehensive Child Welfare Information System (CCWIS) provider portal is a secure web-based application which permits registered providers to access information maintained in our records regarding their provider record and the children served post certification and licensing.

The following will occur:

1. The home finding specialist must provide all resource and kinship/relative providers with information concerning the availability of the CCWIS provider portal and how to access the system.
2. If the resource or kinship/relative provider wants to access the provider portal, they must first complete the online application and Confidentiality Statement, which are available online at <https://providerportal.wvpath.wv.gov/>.
3. The provider will click on the Login/Register hyperlink to open the application.
4. The provider will have the option of printing a blank application form or completing the online *Application Form* and then using your Internet Browser button to print the form.
5. The Application must be signed by the person for whom access to the CCWIS provider portal is being requested and if applicable, by the agency director authorizing the request. Please fax the completed application to the FACTS Help Desk at (304) 558-5868 or email the [DHHRFACTSHD@wv.gov](mailto:DHHRFACTSHD@wv.gov).

### **8.3 Post Approval Contact and Supervision**

It is important for certified kinship/relative and resource parents to be contacted on a regular basis to ensure that the family is functioning well; dealing appropriately with any difficulties the child placed in the home may be experiencing; participating in the Multidisciplinary Treatment Team meetings, court hearings, reviews, IEP's, etc., for the child; completing their required in-service training; providing adequate and appropriate supervision and care; etc. The home finding specialist is responsible for supervising certified kinship/relative and department resource parents and monitoring all changes that may occur with the family.

The following will occur:

1. The child's worker and the home finding specialist will have face to face contact with the certified kinship/relative or resource family on the day of the placement, when it is a planned placement. The child's worker and home finding specialist will work together to schedule these placements to ensure that both are available at the time of placement.
2. The home finding specialist will have face to face contact with the kinship/relative or resource caregiver(s) within five calendar days of a child being placed in a home on an emergency basis.
3. The home finding specialist will have contact with the kinship/relative or resource caregiver at least once every two weeks for the first month of a new placement.
4. The home finding specialist will contact the kinship/relative or resource caregiver at least once a month regardless of if the home has a child placed in the home or not. This contact may be by phone or in person.
5. The home finding specialist must make a face-to-face contact with the kinship/relative or resource caregiver in their home at least once every three months for families who have a child placed in their home. If the kinship/relative or resource caregiver does not currently have a child placed in their home, the home finding specialist may contact the caregiver by phone.
6. The home finding specialist will update the home study when there has been a significant change within the caregiver's home/circumstances such as, a divorce, death in household, loss of employment, new home, loss of home, marriage, catastrophic illness, etc.



7. The home finding specialist will document all contacts within three business days from the date of the contact in CCWIS in the contact screen.

## 8.4 Annual Safety Review

The home finding specialist will complete the annual safety review with each resource family and kinship/relative provider prior to the yearly anniversary date of their certification or recertification. The current CCWIS is designed to reflect annual recertifications in the “status screen”. This will allow the home finding specialist to be aware of when to complete the annual safety review with each family according to the yearly anniversary date of the certification or recertification.

The home finding specialist will complete the annual safety review in the home with the resource or kinship/relative provider and update the “status screen” with the start and end date for the annual review. **\*Example**, if the family’s certification or recertification anniversary date is September 21, 2020, then the home finding specialist will complete the annual safety review by September 21, 2021. The home finding specialist will then document in the “status screen” that the current annual review start date as September 21, 2021, and end date on September 21, 2022. The home finding specialist should also note in the comment section the due date for the three-year recertification, which would be September 21, 2023.

A CCWIS database check for CPS/APS history will be conducted at the time of the annual safety review for each resource and kinship/relative family. All CPR and First Aid certifications are required to remain up to date, and the resource and kinship/relative families are still required to obtain their annual 12 hours of in-service training. Each safety component must be addressed, checked, and/or answered on the *Annual Safety Screen* form, signed by the resource or kinship/relative provider(s), the home finding specialist, and their supervisor, and then uploaded into the database file cabinet.

## 8.5 Recertification

### ***Recertification for Certified Kinship/Relative and Resource Caregivers***

The home finding specialist will complete a new *Kinship/Relative Safety Screen* with certified kinship/relative and resource caregivers for recertification requirements. Each certified kinship/relative and resource caregiver will undergo recertification every three years, as required by [W. Va. Code §49-2-708](#). As well the database CPS/APS record check must be completed as part of the recertification as well. Child placing agencies and the department can request at any time a new background check to be completed. However, WV CARES only updates fingerprinting every five years as the “rap back” capability is utilized on a regular basis to determine new criminal charges or convictions.

The *Annual Safety Review* does not have to be completed in the third year. The *Kinship/Relative Safety Screen* covers all components listed on the *Annual Safety Review*, therefore the completion of both would be duplicative and unnecessary. The home finding specialist will update the “status screen” reflecting when the recertification was completed and note in the comments section that the next Annual Safety Review is due exactly one year from the recertification date. Example: recertification was September 21, 2020, so the note should reflect “the next *Annual Safety Review* is due by September 21, 2021.”

The three-year recertifications will be far less common with certified kinship/relative families as most children will have been reunified with their family of origin or achieved permanency. However, there will be some certified kinship/relative providers who will require at least one three-year recertification due to varying circumstances. Therefore, the home finding specialist must update the entire *Kinship/Relative Safety Screen* form and upload it into the CCWIS document upload.

### ***Recertification for Department Resource Homes***

The home finding specialist will complete a re-evaluation of each approved department resource home (SS-FC-9F) in CCWIS every three years as required by [W. Va. Code §49-2-708](#). This assessment must include the following information:

- General demographic information of all persons living in the home.
- Any changes that may have occurred in the home since the previous year *Annual Safety Review*, such as household composition, finances, health, etc.
- Sleeping accommodations for each household member.
- Training courses attended by the resource parents within the past 12 months.
- Updated fingerprint results (fingerprinting is completed by WV CARES every five years).
- All the foster children served in the past 12 months.
- Activities of the resource family and ability of the family to provide care for the child such as:
  - Provide adequate physical care
  - Maintain the child's personal items and clothing inventory for the child
  - Work with the birth family
  - Routinely transport foster children
  - Supervise family visits
  - Attend group training opportunities
  - Communicate information about the child promptly to the child's worker
  - Seek prior approval for activities and trips
  - Attend and participate in MDTs, reviews, and hearings
  - Observe confidentiality
  - Prepare child for permanency
  - Comply with EPSDT Health Check screenings
  - Prepare children for independence through life skills instruction
  - Advocate for the children with the school system
  - Maintain life book for each child
  - Utilize clothing allotments appropriately
  - Participate in child's therapy as recommended
  - Implement counseling recommendations
  - Maintain the child's medical records
  - Participate in the local Foster Parent Association
  - Maintain the child's *Journey Placement Notebook*
  - Complete the *Out of Home Observation Report* for each child in the home monthly.
- Areas of strengths/needs within the family.
- Problems or concerns during the past 12 months since the previous year *Annual Safety Review*

was completed.

- A review of the family's emergency/disaster plan and updating the plan when necessary.
- The home finding specialist's comments and recommendations in relation to the NTDC Competencies and any needed training in those areas.
- The resource parents' beliefs, comments, and/or recommendations.
- Information about the Electronic Funds Transfer (EFT) Option, to determine if the family has enrolled in the process.

Once the above information is gathered for the re-evaluation of the department resource home, the following steps will be completed:

1. The home finding specialist will notify the resource family of the approval or denial of the re-evaluation, in writing. A certificate signed by the home finding specialist and the home finding supervisor will be sent to the family that has successfully completed the recertification within ten business days.
2. The home finding specialist must document the recertification date in CCWIS within two business days of the completion of the recertification.
3. The home finding specialist will provide the family with information and forms concerning the Electronic Funds Transfer (EFT) option and encourage them to enroll in the EFT option, if they have not already done so. If the family chooses to enroll in the EFT option and they have more than one provider record in CCWIS, they must complete the EFT paperwork for each provider record that is open, to ensure that payments can be made under each record. Detailed information may be found at the state auditor's web site at [www.wvsao.gov](http://www.wvsao.gov).
4. The home finding specialist will discuss the CCWIS provider portal with the family and explain how they can access their provider record to review payments and other information when necessary. Detailed information may be found at <https://providerportal.wvpath.wv.gov/>.

***If the provider's original certification was based on the Kinship/Relative Home Study Request and the CIB and CPS/APS background checks, the home finding specialist will use the Kinship/Relative Home Study Request form to recertify the provider every 12 months.***

## **8.6 In-service Training**

Training serves the dual purpose of providing certified kinship/relative and resource caregivers an opportunity to increase their understanding of problem situations and behaviors and an opportunity for obtaining the support of other kinship/relative and resource caregivers. Training may be provided by department staff, schools of social work staff, community resources, adult education centers, hospitals, libraries, online webinars, virtual trainings, etc. Training done by persons other than department staff or by schools of social work, must have approval from the home finding specialist.

Certified kinship/relative and resource caregivers may also obtain training through webinars, videos, books, DVDs, TV educational programs, and other resources that have been approved by the home finding specialist. In order to earn hours for in-service training through one of these methods, the certified kinship/relative or resource caregiver must provide the home finding specialist with

documentation showing that they gained knowledge from the training. An example of this would be a narrative report on the topic. The following will occur:

1. All certified kinship/relative and resource caregivers must attend at least twelve 12 hours of in-service training annually. The content of the training will be based on needs expressed by the certified kinship/relative or resource caregivers or the department. In **addition** to the annual 12 hour in-service training requirement, all certified kinship/relative and resource caregivers must receive CPR/First aid training each year.
2. The home finding specialist will document all in-service training in CCWIS.

## 8.7 Supports for Providers

It is important for resource families to be supported in their efforts to provide care and nurture the children placed in their homes. One way to do this is through regular contact between department staff and the resource parents. In addition, there are other opportunities home finding staff should pursue to provide support for families.

If there is a local resource parent association in the area, the home finding specialist will provide all new resource parents with contact names and numbers for the association. Local resource parent associations provide members with an opportunity to interact with others that may be encountering similar experiences. These meetings often function as support groups, training opportunities, recreational activities, etc.

For new resource parents who may need more direct assistance and support than what can be provided by the local resource parent association, or there is no resource parent association in the area, the home finding specialist should identify an established resource family to mentor the new family. Mentoring by an established resource family provides guidance, support, and direction to new resource parents through the many obstacles and difficult situations that occur as part of providing resource services.

When staff are working with individuals who are Limited English Proficient or require auxiliary aides or services or other reasonable accommodations to effectively communicate or participate with services, programs or activities, BSS staff will provide such accommodations at no cost to the participant. See Section 2 for more information.

## SECTION 9 – PROVIDERS

### 9.1 Providers Definitions

The definitions used below are specific to this section and are a supplement to the general definition section.

<b><i>Term</i></b>	<b><i>Definition</i></b>
<b>Dual Providers</b>	Resource families who provide services to more than one program within the department at a time.

## 9.2 Dual Providers

In general, resource families are not allowed to provide services to more than one program at a time. Foster/Adoptive Care, Adult Family Care, Day Care, Specialized Family Care, and Specialized Foster/Adoptive Care are all vitally important programs within the department, and each requires a great deal of time and energy on the part of the provider. The following will occur:

- There are specific instances when a family may be delivering services to more than one program simultaneously. Before agreeing to these arrangements, the home finding specialist, the child's worker and the supervisor(s) of all programs involved, must evaluate all aspects of the situation to determine that this is the best possible arrangement.
- If everyone on the local level agrees that this is in the best interest of all those involved, the home finding specialist will request a policy waiver in CCWIS and forward the necessary information to the home finding program manager.

**Note: An example of being a dual provider can include but is not limited to; a certified or licensed resource family, becoming a kinship/relative caregiver for relative children.**

## 9.3 Department Employees as Providers

Department employees have the right to become kinship/relative or resource caregivers. In these situations, certain additional safeguards must be considered when accepting these applications. Department employees may apply to be resource parents through a licensed child placing agency. However, department employee can become a kinship/relative caregiver and the home study will either be contracted out through ASO and maintained in a separate region from where the employee lives and is employed, or the home study can be completed by a department home finding specialist in a separate region from where the employee lives and works.

With the understanding that many department employees are classified as statewide or regional positions, consideration must be given to the placement of relative or kinship children and maintaining of the home study. These situations should be reviewed case by case, and a final decision on the transferring and maintaining of the home study outside of the district or region will be made by the home finding program managers.

## 9.4 Employees with Licensed Child Placing Agencies and the Department as Resource Providers

Employees of child placing agencies will not be resource parents for the agency that employs them, nor shall they have current or future casework responsibilities for any child placed in their home. If an employee of a child placing agency wishes to become a resource parent, they must have their home study completed by the department or another private child placing agency. Department employees may choose to become resource parents for a child placing agency and the child placing agency may complete the home study for the employee.

Employee providers must contract with a private child placing agency for resource care and are expected to comply with all the standards and practices set forth in this policy and child placing agency

regulations.

In order to avoid allegations of favoritism or impropriety in certain situations, certain additional safeguards must be considered after the employee is established as a resource parent. If an employee of a child placing agency or the department becomes a resource parent for a child placing agency, the following will apply:

- The employee, of the agency or the department, will be advised by the child placing agency that they must comply with the same standards and regulations as all other applicants.
- The home study for department employees will be completed by the child placing agency they are working with.
- The child placing agency will maintain the employee's file in a way to assure confidentiality.
- When children are placed in the home of an employee provider, the placement will be supervised by the child's worker and supervisor from a different county than the one the employee normally works in. The child's worker must not be a person that could be considered a friend or co-worker, and whose decisions concerning the child and their placement could be seen as showing favoritism towards the employee provider.
- Workers within a district office, where an employee provider works, will not place children in the home of that employee provider.
- The employee provider or co-worker of the employee provider will not participate in any discussions or decisions concerning the removal and/or placement of any child that may be placed in the employee's home. This is to avoid any allegations of favoritism or impropriety in situations where a department employee may receive placement of a child from the same region where they reside.
- The employee provider will not have current or future caseload responsibility for any child placed in their home.
- Workers within a district office, where regional staff are employee providers with a child placing agency and work in the same district office, will not place children in the home of that employee provider. Regional staff, who are employee providers, must adhere to the restrictions on placement as described in the above worker actions four through seven.
- Employee providers will have all of the rights and responsibilities of any resource parent upon placement of a child into their home, such as knowledge of the child's medical background, behavioral problems, permanency plan, and will participate in the child's MDT, hearings, IEP, case staffings, etc.

## **9.5 Provider Moves**

Resource or kinship/relative caregivers may move either within the state or to a location outside the borders of West Virginia. They may desire to keep the foster children with them when they move.

### ***Moves within the State***

When the kinship/relative or department resource provider moves to a different area of the state, the home finding supervisor will contact the home finding supervisor in the receiving region by memorandum prior to forwarding the record. The family's new address and phone number shall be included in the referral packet as well as directions to the home, if known. The kinship/relative or

resource family will be given the name of the home finding supervisor in the new locality and instructed to contact the home finding supervisor within five working days following the move. The home finding supervisor will require that an update be completed on the family, prior to any new placements being made in the home.

### ***Moves Out of State***

When a kinship/relative or department resource provider plans to move out of state and wishes to take the foster child with them, the home finding specialist, child's worker, and supervisors will discuss the child's circumstances and make a determination if this move is in the best interest of the child. Factors that should be considered include:

- What impact will the move have on the birth parents and sibling visitation and reunification plan?
- Is this a permanent or temporary placement?
- How long has the child resided in the home?
- If parental rights have not been terminated, does the birth family agree to this arrangement?
- Does the court order need to be amended to allow the child to live in a different state?

If it is determined to be in the best interest of the child(ren) to move out of state with the caregivers, a revised placement plan should be presented to the child's MDT and social services manager for approval. The Interstate Compact provision must be adhered to for the placement process.

Refer to *Foster Care Policy* for additional information.

## **SECTION 10 – INSURANCE COVERAGE AND CLAIM MANAGEMENT SERVICES**

### **10.1 Claim Management Services**

The department and the [State Board of Risk and Insurance Management \(BRIM\)](#) have developed an agreement to provide claim management services to department approved foster homes in West Virginia, including certified kinship/relative providers. This agreement does not include foster homes with child placing agencies.

#### ***Property Insurance***

The department will provide up to \$10,000 for property damage caused by the foster child to the department approved foster homes property. Losses will be adjusted on an actual cash value basis (replacement cost less physical depreciation.) The following will occur:

1. The home finding specialist will provide the resource parents with the liability [Insurance Loss Notice form](#). The insurance notice claim form is used to report general liability losses - negligent acts of the foster child that causes injury or damage to the resource parents' own property. The form can be printed from Brim's website.
2. The home finding specialist will provide a cover memo explaining the current foster care situation including the name of the foster child and resource parents and length of time the child has lived in the home.

3. The social services manager or designee must co-sign the insurance loss notice claim form, before it is submitted for review.
4. The home finding specialist will forward the appropriate form and cover memo to the Director, Division of Assets and Project Management, Building 3, Room 552, Capitol Complex, Charleston, WV 25305.
5. The home finding specialist will retain a copy of the *insurance loss notice claim* form in the client's case record and document its location in CCWIS, document tracking and submit a copy of the insurance loss notice claim to the commissioner of the Bureau for Social Services.

## 10.2 Child Placing Agency Claims

Child placing agencies are responsible for, and must, as required by their contract, maintain insurance for their resource families in case of property damages sustained by a foster child placed in their home. Resource families must contact their child placing agency for further details and instruction if they have sustained property damage as a result of a foster children placed in their home.

## SECTION 11 – RIGHTS, RESPONSIBILITIES, AND EXPECTATIONS OF ALL PARTIES

### 11.1 Rights, Responsibilities, and Expectations of All Parties Definitions

The definitions used below are specific to this section and are a supplement to the general definition section.

<b>Term</b>	<b>Definition</b>
<b>Foster Care Ombudsman</b>	An independent, impartial, and confidential resource that advocates for the rights of foster children and foster/kinship parents, investigates and resolves complaints, and makes recommendations for systemic reform. This program is a free resource for all people who are served or affected by the child welfare/foster care system, finding it challenging, and seeking help to address issues or locate resources.
<b>Placement Agreement</b>	An agreement between the department and resource or kinship/relative caregiver outlining specific expectations of the placement provider, and responsibilities to the child, department, and placement provider.



<b>Reasonable and Prudent Parenting Standard</b>	The standard characterized by careful and sensible parental decisions that maintain the health, safety, and best interests of a child while at the same time encouraging the emotional and developmental growth of the child, that a caregiver shall use when determining whether to allow a child in foster care under the responsibility of the State to participate in extracurricular, enrichment, cultural, and social activities.
<b>Residential Mental Health Treatment Facilities (RMHTF)</b>	A residential program that provides room, board, supervision, and behavioral and mental health treatment to children or transitioning adults with behavioral, developmental, and/or psychiatric challenges.

## 11.2 Rights and Responsibilities of Resource and Kinship/Relative Caregivers

In foster care cases, parenting is a shared responsibility between the birth parent(s), kinship/relative or resource parents, the department, and the court. A close working relationship between all members is a necessary part of providing foster care. Resource parents can provide better care when they understand their rights and responsibilities and participate fully in planning for the child's life.

### ***Resource and Kinship/Relative Parent Duties and Agreements***

[W. Va. Code §49-2-127a](#) requires foster care and kinship/relative care providers caring for children in the legal custody of the department have specific duties and contractual rights. Such duties and contractual rights are set forth in an agreement between the department, the child placing agencies, and the foster care and kinship/relative care providers. Such duties include:

1. The duty not to violate the rights of the child, provided in [W. Va. Code §49-2-126](#). See *Foster Care Policy, Goals and Rights of Children*
2. The duty to provide all children in the foster care or kinship/relative providers' care with appropriate food, clothing, shelter, supervision, medical attention, and educational opportunities using the reasonable and prudent parent standard as defined in [W. Va. Code §49-2-128](#) and the *Prudent Parent* Section of this policy below.
3. The duty to complete the training required by the department and/or child placing agency and the foster care or kinship/relative provider.
4. The duty to support reunification with the biological family unless it has been determined not to be appropriate by the court.
5. The duty not to divulge any information concerning the child's case or the child's family to anyone except for the child's caseworker, the guardian ad litem, the child's attorney, the child's court appointed special advocate (CASA) worker, the prosecuting attorney, the probation officer, the MDT, the foster care ombudsman, or the child's school or health care provider.

6. The duty to provide information to the caseworker and the guardian ad litem regarding the child's progress, and to attend MDT meetings, case planning sessions, court hearings, and to advise the court of any issues or concerns, in the court's discretion; and
7. The duty to teach all children placed in their home age-appropriate life skills.

It is vital for child welfare workers to be fully aware and have a thorough understanding of the role of the foster care ombudsman and their authority, and the violation of any of the above rights and responsibilities warrants an investigation by the foster care ombudsman. *See Foster Care policy for duties, authority, and responsibilities of the foster care ombudsman.*

### ***Responsibilities to the Child***

#### **Daily Living**

Resource parents shall provide children with a normal family life, including food, shelter, clothing, affection, training, recreation, education, opportunities for socializing and opportunities for religious, spiritual, or ethical development. Resource parents shall provide structure and daily activities designed to promote the individual physical, social, intellectual, spiritual, and emotional development of the children in their home.

Resource parents shall provide appropriate opportunities for activities which stimulate the growth and development of the children. Resource parents shall assist the children to develop skills and to perform tasks which will promote independence and the ability to care for themselves. This includes, but is not limited to, information about healthy sexual development such as family planning, pregnancy prevention, and sexually transmitted diseases.

Resource parents shall cooperate with the department to help the children maintain an awareness of their past, a record of the present and a plan for the future. Resource parents shall ask children to assume household work responsibilities reasonable for their age and ability and commensurate with those expected of their own children.

#### **Confidentiality**

The resource and kinship/relative family shall treat written or oral personal information and documentation about the child and the child's family in a confidential manner according to the [W. Va. Code §49-5-101](#). Resource parents have the responsibility to safeguard the child's privacy by not engaging in activities or behaviors that will expose the child to negative publicity.

Child placing agencies (CPA), emergency shelters, group care and residential mental health treatment facilities (RMHTF) may share and disclose confidential case information on behalf of a child in foster care with one another for the purpose of providing supportive information when referrals for placement are made. In some instances, referrals may be made between CPA, emergency shelter, and group care facility or an RMHTF. However, the child welfare worker remains responsible for placement approval prior to a child being moved to the accepting placement as well as notifying the MDT members and the court. All shared information between agencies and facilities will be treated as confidential and fall under the confidentiality provision found in [W. Va. Code §49-5-101](#).

Resource and kinship relative caregivers do not have the right to sign consents for the child to be photographed for publication in print or the electronic media. Only the child's worker can give this permission.

It is the policy of the department/BSS to encourage normalcy in the lives of resource children. As such, it is acceptable to post photos of a resource child(ren) in a family or group setting (school, sports, sleepovers, parties, etc.) on social media. However, in any social media posting, (photographic or print) resource parents are prohibited from releasing any information regarding: the fact that the children are in a resource circumstance, the foster adoptive child(ren)'s previous custodians, geographic or demographic information that could jeopardize the foster child(ren)'s safety, or any other information that would breach the confidentiality provisions of [W. Va. Code §49-5-101](#). These prohibitions continue even after any placement has ended. Furthermore, for the safety of the children, it is strongly advised that all such postings be made on private settings, to be seen by the resource parent's friend groups only and not posted publicly.

#### Allowance and Income

Resource and kinship/relative caregivers shall provide an allowance for the child's discretionary spending at a rate set by the department in the *Kinship/Relative or Resource Parent Agreement*. Resource or kinship/relative caregivers shall make no demands that allowance money be spent on family activities initiated by the kinship/relative or resource caregivers. The resource or certified kinship/relative caregiver shall not expect the child to spend personal allowance money for items covered by the boarding care payment.

Kinship/relative or resource caregivers shall not accept any part of a child's earned or unearned income without prior, written agreement of the department and the child.

#### Savings Accounts for Foster Children

Kinship/relative and resource caregivers shall encourage children in their homes to open a savings account and to teach good money management habits. Savings accounts are to be considered the child's personal property. If the child returns home or moves to a different placement, the contents of the account are to go with the child.

#### Clothing/Child's Personal Effects

If the child's worker determines that the child is in need of clothing at the time of placement the worker will issue an initial clothing allowance to the kinship/relative or resource caregivers or directly to a vendor for the purchase of clothing. The caregiver must use these funds to purchase clothing and other personal items for the child. At no time may a caregiver keep a child's clothes or personal items when the child leaves the home for any reason.

Kinship/relative and resource caregivers shall maintain a basic wardrobe for each child placed in their home. The child's clothing and other personal items are considered the child's personal property and must accompany the child when the child is moved from the home. "Personal items" are not to be considered the same as "personal necessities", such as soap, shampoo, deodorant, feminine hygiene products, make-up, etc.

*See Foster Care Policy for more information about the initial clothing assessment and allowance.*

#### Religious and Ethnic Heritage

Kinship/relative and resource caregivers shall recognize, encourage and support the religious beliefs, heritage and language of the child and their family. Kinship/relative and resource caregivers shall, if possible, arrange transportation to religious services or ethnic events for a child whose beliefs and practices are different from their own.

Kinship/relative and resource caregivers shall not force or coerce children into attending religious services or ethnic events that are against their will or beliefs. If the child has a different religious affiliation than the kinship/relative or resource caregivers, it is expected that arrangements will be made to assure the child continues to attend the services in the denomination of their choice, if the child wishes to do so.

Kinship/relative and resource caregivers must be willing to become culturally competent and able to understand the importance of race, ethnicity, religious, and/or cultural issues in family and community life and in planning for children in their care. At least one kinship/relative or resource caregiver must demonstrate effective communication in the primary language of the child placed in the home.

#### Medical Care

Kinship/relative and resource caregivers shall ensure that the foster child(ren) in their care receive all necessary comprehensive health screens as required by the Early and Periodic Screening, Diagnosis and Treatment (EPSDT) program, known as HealthCheck. In addition, it is further agreed that they will maintain records of all such screens and to ensure that the child(ren) is/are scheduled for and receive all necessary follow-up medical, dental, optical or psychological treatment as prescribed by screening the provider.

Kinship/relative and resource caregivers shall notify the department if foster child (ren) in their care requires hospitalization or surgery whether it is an emergency or a non-emergency situation.

Kinship/relative and resource caregivers shall document or maintain documentation of the child(ren)'s medical care in the child's *Journey Placement Notebook*.

#### Education

Kinship/relative and resource caregivers shall enroll each child of school age in school within three school days of the placement of the child. Information needed to enroll a child in school shall be provided by the department. Exceptions may be made by the social services manager.

Kinship/relative and resource caregivers of a child of an appropriate age shall cooperate and shall take part with the Multidisciplinary Treatment Team (MDT) in selection and arrangements for educational programs appropriate for the child's age, abilities and treatment plan.

Kinship/relative and resource caregivers shall be aware of and share with the child's worker the strengths and limitations of the individual child that they have observed from interactions with him, in order that appropriate educational and supportive services can be provided.

Kinship/relative and resource caregivers shall plan with school personnel when there are any problems with the child in school, and report to the child's worker serious situations which require the department's involvement or consent.

#### Consents

Kinship/relative and resource caregivers may have to notify the department at times to request consent prior to certain activities occurring which affect foster children. Requests that must be submitted to the department include the following, but are not limited to when a child in foster care:

- Wishes to marry.
- Applies for a driver's license.
- Intends to enter the armed forces.
- Will be traveling out of state.
- Medical testing, and
- Requires surgery.

The kinship/relative and resource caregiver must understand that in some instances, the parent(s) consent may be required prior to the activity occurring.

In situations when a kinship/relative or resource family wishes to travel out of state with a child in foster care, they are to notify and receive authorization from the department in advance of any trips (other than routine) or vacations. It is understood that the department or the biological parent's written consent may be required for such trips or vacations. Additionally, some courts require a court order to be issued granting non-routine travel, overnight stays that do not fall under prudent parenting, or vacations. The department child welfare worker should be given sufficient notice, no less than 14 days, whenever possible, of trips or vacations in these jurisdictions in order to obtain a necessary court order. Consent must be requested no less than 48 hours before travel occurs.

#### Recreation and Community

Kinship/relative and resource caregivers shall provide opportunities for recreational activities which are appropriate to the age and abilities of the child. Kinship/relative and resource caregivers shall encourage children to take part in community service activities both with the family and on their own.

#### Supporting the child during Reunification/Moves

Kinship/relative and resource caregivers shall assist the child to get ready for or make changes in their life, such as returning home, moving to a more restrictive living situation, moving towards independence or preparing for the permanency of an adoptive home or legal guardianship home, if the child is unable to establish a permanency in their home.

Kinship/relative and resource caregivers shall provide the department with at least ten days notification when requesting the removal of a child from their home, so appropriate planning for the child can occur.

#### Record Keeping

Kinship/relative and resource caregivers shall maintain records in accordance with the department's procedures for children placed with the family including maintaining the *Journey Placement Notebook*,

*Life Book, Out of Home Observation Reports, medical and school information, clothing and personal items inventory and important names, addresses and phone numbers.*

### Transportation

Kinship/relative and resource caregivers shall assist, when possible, in transporting the child as needed for school, visitation, medical or counseling appointments, MDT's, court hearings, etc. Kinship/relative and resource caregivers shall assist when possible, in providing all "routine transportation activities" as needed, such as transportation for school, church, recreational activities, etc. **(Certified kinship/relative and resource caregivers may be reimbursed for some transportation activities as outlined in the ASO UM Guidelines.)**

Kinship/relative and resource caregivers should have access to a reliable vehicle, which can appropriately transport all of the children, at one time, who are placed in the home. The vehicle must be properly registered, inspected, and insured. Kinship/relative and resource caregivers will also ensure that anyone who transports the children has a valid driver's license.

Kinship/relative and resource caregivers shall follow the National Highway Traffic Safety Administration's guidelines for proper car safety. **(See the *Transportation and Car Safety* sections of this policy for further information.)**

### Prudent Parenting

Any child who comes into the custody and care of the department is entitled to participate in age-appropriate activities for the child's emotional well-being and development of valuable life-coping skills. The Bureau for Social Services(BSS) shall make efforts to normalize the lives of children in their custody and to empower a caregiver to approve or disapprove a child's participation in activities based on the caregiver's own assessment using a reasonable and prudent parenting standard, without prior approval of child and family Services. BSS shall allow a caregiver to make important decisions, similar to the decisions that a parent is entitled to make, regarding the child's participation in activities. BSS will verify that private agencies providing out-of-home placement under contract with BSS, promote and protect the ability of a child to participate in age-appropriate activities. A caregiver is not liable for harm caused to a child in an out-of-home placement if the child participates in an activity approved by the caregiver, provided that the caregiver has acted in accordance with a reasonable and prudent parent standard.

A caregiver shall use a reasonable and prudent parent standard in determining whether to permit a child to participate in an activity. "Reasonable and prudent parent" standard means the standard characterized by careful and sensible parental decisions that maintain the child's health, safety, and best interests. When making such decisions, a caregiver shall consider:

- The child's age, maturity, and developmental level to maintain the overall health and safety of the child.
- Potential risk factors and the appropriateness of the activity.
- The best interest of the child based on the caregiver's knowledge of the child.
- The importance of encouraging the child's emotional and developmental growth.
- The importance of providing the child with the most family-like living experience possible.

- The behavioral history of the child and the child's ability to safely participate in the proposed activity.

In applying the reasonable and prudent parent standard, kinship/relative and resource caregivers are required to take reasonable steps to determine the appropriateness of the activity in consideration of the child's age, maturity, and developmental level. It is recognized that there are many different ways to determine whether an activity is appropriate for a foster child. Therefore, the following examples of "reasonable steps" that a kinship/relative or resource caregiver may take in making this determination, are provided as a guide to assist in the decision-making process:

- Have adequate information about the foster child.
- Take into account the type of activity and consider the foster child's mental and physical health, as well as behavioral propensities.
- Consider where the activity will be held, with whom the foster child will be going, and when they will return.

Kinship/relative, resource, and residential providers/caregivers will also need to take into account the reasonable, foreseeable risks of an activity and what safety factors and direct supervision may be involved in the activity in order to prevent potential harm to the foster child. (i.e., hunting, paintball, archery or similar activities that may pose a higher risk). Caregivers shall ensure that the child has the safety equipment and any necessary permissions and training necessary to safely engage in each activity the child participates in.

When children are placed in a group home or residential treatment setting, the provider will incorporate normalcy activities into the program. The activities will be in line with the reasonable and prudent parent standard and will help children enhance skills essential for positive development.

### ***Responsibilities to the Child's Family***

Kinship/relative and resource caregivers shall present a positive image of the child's family to the child. Kinship/relative and resource caregivers shall demonstrate respect for the child's own family and shall agree to work with the child's family members as indicated in the child's treatment permanency plans. Building good working relationships between the temporary caregivers and the child's family are imperative to reunification.

Kinship/relative and resource caregivers shall participate in the development of a visitation plan to allow children and their family members to visit and communicate in accordance with the plan. Interfering with incoming or outgoing communication of a child with their family is prohibited.

### ***Responsibilities to the Department***

1. Kinship/relative and certified kinship/relative caregivers will only accept children with whom they have a relative or kinship connection and will not accept any other foster children for whom they have not been approved or permitted to take into their homes.
2. Department resource parents and child placing agencies shall accept any foster child(ren), mutually agreeable to the parties, that are referred by the department into their home for foster care.

3. Kinship relative and resource caregivers shall cooperate in the ongoing monitoring of their homes and share the information required for the agency to verify compliance.
4. Kinship/relative and resource caregivers shall not allow the child(ren) in their care to be given to their biological parent(s) or anyone other than a representative of the department unless permission to do so has been granted by the department or the court.
5. Kinship/relative and resource caregivers shall not speak negatively of the child(ren) in their care when speaking with child(ren's) biological parent(s). The kinship/relative and resource caregivers shall discuss all concerns regarding the child(ren) with the department worker.
6. Kinship/relative and resource caregivers shall provide advance notice, when possible, to the department regarding changes which affect the life and circumstances of the family.
7. Kinship/relative and resource caregivers must report to the department any child abuse/neglect allegations disclosed to them by the child(ren) placed in their home.
8. Kinship/relative and resource caregivers shall immediately notify the department regarding any hospitalization, surgery, accident, serious illness, death, arrest or detention by a law enforcement agency of a child, or about any other unanticipated incident involving the child placed in their home.
9. Kinship/relative and resource caregivers shall inform the department of a charge, arrest or indictment of any adult household member within 24 hours of the occurrence.

### ***Training***

1. Certified kinship/relative and resource caregivers shall maintain their CPR and First Aid certification.
2. Certified kinship/relative and resource caregivers will attend at least 12 hours of in-service training annually, as required, through certification.

### ***Involvement in Service Planning and Delivery***

1. Kinship/relative and resource caregivers shall be willing to work cooperatively with the department staff as a member of the Multidisciplinary Treatment Team. They shall participate in the development and implementation of the case plan for each child placed in their home.
2. When contacted by the department concerning the placement of a child in their home, kinship/relative and resource caregivers have the right to certain information concerning the child, and their biological family:
3. Kinship/relative and resource caregivers shall be involved in the development of the child's case plan and to receive a copy of that plan and their role in the implementation of the child's case plan shall be clearly defined.
4. Kinship/relative and resource caregivers shall work with the biological parents during the case planning process. They will be informed of any problems they might encounter with the birth parents, prior to this process beginning.
5. Kinship/relative and resource caregivers shall be fully aware of the type of discipline they can use with foster children. **Use of any corporal punishment is strictly prohibited.**
6. Kinship/relative and resource caregivers shall be informed of visitation arrangements between the child and their birth parents and/or siblings, and the expected role of the kinship/relative or



resource caregivers in those visits, if any.

7. Kinship/relative and resource caregivers shall attend administrative review hearings.
8. The home finding specialist will save a copy of the emergency/disaster plan in the document upload in CCWIS, in the kinship/relative or resource caregiver's record.
9. All updates/changes made to the emergency/disaster plan must be saved to the provider's record in CCWIS. The home finding specialist must be notified when updates/changes have been made to the emergency disaster plan.

*Emergency/Disaster planning will be discussed by the home finding specialist during NTDC Training with all kinship/relative caregivers at the Pre-Service Orientation NTDC and Session seven, panel discussion.*

*See Foster Care policy for a complete list of foster/resource and kinship/relative caregiver bill of rights as required by [W. Va. Code §49-2-127](#).*

### **11.3 Runaway, Missing, or Abducted Children Reporting Requirements**

When a child is missing, abducted, or is on runaway status, it is vital that information is reported quickly to law enforcement agencies and the National Center for Missing and Exploited Children (NCMEC), to ensure the child's safe return. The department **requires** all foster care providers (kinship/relative, resource, group residential staff, etc.) to provide notification to the department, law enforcement, and NCMEC **immediately**, but in no case more than 24 hours after a child runs away, is missing, or is abducted.

*See Foster Care policy for a full list of requirements.*

### **11.4 Resource and Kinship/Relative Providers Expectations of the Department and/or Child Placing Agencies**

The [W. Va. Code §49-2-127a](#) outlines duties and expectations that resource and kinship/relative caregivers have the right to expect from the department and/or their child placing agency.

1. Keep all information maintained by the agency about them confidential.
2. Provisions addressing required and available trainings for resources and kinship/relative caregivers. (This provision is outlined in the *Department Resource Parent Placement Agreement* or *Kinship/Relative Placement Agreement*.)
3. Provisions addressing what childcare will be provided while the resource or kinship/relative caregiver(s) attends required training. (This provision is outlined in the *Department Resource Parent Placement Agreement* or *Kinship/Relative Placement Agreement*.)
4. Provisions informing the resource or kinship/relative caregiver of applicable laws and guidelines regarding the responsibilities of the foster care or kinship/relative caregiver and provisions requiring that the resource or kinship/relative caregivers receive regular updates on changes to such laws and guidelines in a timely manner. (This provision is outlined in the *Department Resource Parent Placement Agreement* or *Kinship/Relative Placement Agreement*.)
5. Provisions naming and addressing the emergency 24-hour contact provided by the child placing agencies and the department. (This provision is outlined in the *Department Resource Parent*

*Placement Agreement or Kinship/Relative Placement Agreement.)*

6. Provision addressing how a resource or kinship/relative caregiver can obtain consent for a medical procedure. (This provision is outlined in the *Department Resource Parent Placement Agreement or Kinship/Relative Placement Agreement.*)
7. Provisions addressing childcare for the child.
8. Provisions addressing travel, including out-of-state and overnight travel. (This provision is outlined in the *Department Resource Parent Placement Agreement or Kinship/Relative Placement Agreement.*)
9. Inform them of the child's background and their physical and mental functioning in order that appropriate care and protection can be provided.
10. Inform them of any problems they might encounter as a result of this placement, such as acting out, stealing, lying, and hostility.
11. Inform them of specific behaviors in which the child has previously engaged prior to this placement, to the degree that the worker has knowledge of such behaviors.
12. Provide a department child welfare worker to visit, monitor and supervise the care of the child(ren) and the home.
13. Provide resource and kinship/relative caregivers with access to all information maintained in the provider record within the framework of agency guidelines and to request correction of errors in those records.
14. Provide foster child(ren) with medical care and comprehensive health screens using the EPSDT Program, known as HealthCheck.
15. Protect them from liability and personal loss arising out of the performance of their role as resource or kinship/relative caregivers. Resource and kinship/relative caregivers shall not be liable for personal injury that a child may incur unless negligence on their part can be established. Resource and kinship/relative caregivers have a duty, however, to take all reasonable measures to protect the child from injury.
16. Fully inform resource parents of their rights and responsibilities and of all agency policies and court procedures which affect their relationship with the child.
17. Notify resource and kinship/relative caregivers of all court hearings that involve a child in their home. Resource and kinship/relative caregivers may be subpoenaed by the court.
18. Provide ongoing training, guidance and support to deal appropriately with each child placed with them according to their case plan and to assist them in helping the child overcome physical, emotional, and educational problems.
19. Work with the child in accordance with the child's case plan.
20. Provide financial compensation. (This is outlined in the *Department Resource Parent Placement Agreement or Kinship/Relative Placement Agreement.*)
21. Provide written agreement to the child's removal from their home in accordance with the provisions of [W. Va. Code §49-2-127](#).
22. Fully inform resource and kinship/relative caregivers regarding the department's service provider grievance procedures if they disagree with an agency decision.
23. Permit resource and kinship/relative caregivers to appeal a decision to remove a child from their home, in accordance with the provisions of [W. Va. Code §49-4-111](#).

24. Provisions addressing how complaints against the resource or kinship/relative caregivers will be handled and adjudicated, including provisions for appeal and review of the adjudication.
25. Inform resource and kinship/relative caregivers that they have the right to grieve a decision to close their home. They have the right to request a corrective action plan be considered to resolve the matter.

Additionally, it is vital for child welfare workers to be fully aware and have a thorough understanding of the role of the foster care ombudsman and their authority, and that the violation of any of the above rights and responsibilities may be investigated by the foster care ombudsman.

*See Foster Care policy for duties, authority, and responsibilities of the foster care ombudsman.*

### **11.5 Right to be Closed as a Provider and Involuntary Closures**

A resource home may be closed at any time at the resource home's request. The resource parent shall agree, in writing, to give the agency at least 30 days' notice when requesting the voluntary closure of their home. Reasons for the request should be discussed with the home finding specialist who will document in the CCWIS provider record the reasons for closure. The home finding specialist will close the provider record in CCWIS.

#### ***Closure of Approved Homes***

Fostering is a privilege and not an entitlement. Therefore, the Bureau for Social Services (BSS) reserves the right to place its foster children with adults who will provide a safe, secure living environment where children can grow and flourish. Resource parents must display that they can provide parenting that is strengths-based and free from fear-based disciplinary tactics of any kind. Any and all information of which BSS becomes aware regarding an open resource home, whether it is through governmental record searches, interviews, investigations, interviews with concerned citizens or the media will be used in determining if children should continue in the resource home.

A resource or certified kinship/relative home may be closed on an involuntarily basis when situations arise that place a child at risk of maltreatment or when the placement may cause a detriment to the child's well-being. Although, the department shall close an approved home when any of the following occur, the department is not limited to these reasons for closing an approved home:

1. Substantiated neglect or abuse of a foster child, including sexual abuse or exploitation by the resource or certified kinship/relative caregiver, as per [W. Va. Code §49-4-111](#).
2. Presence of a serious physical or mental illness which may impair or preclude adequate care of the child by the resource or kinship/relative caregiver.
3. Failure to cooperate with the terms of the corrective action plan and/or to correct existing situations identified in the corrective action plan.
4. Presence of a non-compliance issue or multiple issues, which cannot be alleviated by a corrective action plan; or, a non-compliance issue or multiple issues which are serious enough to not warrant a corrective action plan.
5. Failure of a kinship/relative caregiver to comply with meeting the certification standards to become fully certified by completing the training requirements within the time period set out in policy.

6. Repeated child abuse referrals that display a pattern of concerning parental behaviors and attitudes that while may not rise to the level of abuse and neglect, call to question the intentions and motivations of the caregiver
7. Child abuse and neglect investigations that result in no maltreatment findings but demonstrate that the resource or kinship/relative caregiver is overwhelmed, dissatisfied, or frustrated by the parenting requirements outlined in foster care policy.
8. Evidence that the foster children in said home are fearful and voice the desire to be moved from the home.
9. Any other acts or situations that place a child at risk of maltreatment or are a detriment to the child's well-being.

The home finding specialist will document the reasons for closure in CCWIS and close the provider record in CCWIS.

### ***Home Closure: Failure to Meet Annual Training Requirements***

The homes of department resource parents who do not meet the annual training requirements shall be closed. The only exception shall be for families who have a child in their care longer than 18 months, when the child has developed a significant emotional attachment to the caregivers and whose best interests will be served by preserving the placement, as per [W. Va. Code §49-4-111](#). No additional children shall be placed in the home until the training requirement has been satisfactorily met.

## **SECTION 12 - RATE, PAYMENTS, AND SERVICE TYPES**

### **12.1 Rate, Payments, and Service Types Definitions**

The definitions used below are specific to this section and are a supplement to the general definition section.

<b><i>Term</i></b>	<b><i>Definition</i></b>
<b>Clothing Allowance</b>	A payment issued to children who enter foster care that ensures each child has an adequate wardrobe.
<b>Foster Care Maintenance Payments</b>	Payments to cover the cost of (and the cost of providing) food, clothing, shelter, daily supervision, school supplies, a child's personal incidentals, liability insurance with respect to a child, reasonable travel to the child's home for visitation, and reasonable travel for the child to remain in the school in which the child is enrolled at the time of placement.

## 12.2 Rates and Payments

Boarding care payments on behalf of the child are intended to pay for the ordinary basic maintenance and childcare needs of the child placed in resource family care. Foster care maintenance payments may be made only on behalf of a child who is 1) in the foster family home of an individual, whether the payments are made to the individual or to a private child placing agency or 2) in a residential child care and treatment facility whether the payments are made to such facility or to a private child placing agency, which payments shall be limited to include only those items which are included in the term “foster care maintenance payments”.

The term “foster care maintenance payments” means payments to cover the cost of (and the cost of providing) food, clothing, shelter, daily supervision, school supplies, a child’s personal incidentals, liability insurance with respect to a child, reasonable travel to the child’s home for visitation, and reasonable travel for the child to remain in the school in which the child is enrolled at the time of placement. In the case of group residential facility care, such term shall include the reasonable costs of administration and operation of such institution as are necessarily required to provide the items described in the preceding sentence. In cases where a child placed in a foster family home or group residential facility is the parent of a son or daughter who is in the same home or group residential facility, and payments are being made with respect to such child, the foster care maintenance payments made with respect to such child shall also include such amounts as may be necessary to cover the cost of the items—defined as foster care maintenance.

### ***Boarding Care Payment Specific to Specialized Family Care Medley***

Rates for specialized family care are set at the state level. These rates are considered all-inclusive except for medical and placement clothing. All other expenses including transportation, clothing, food, shelter, personal needs, supervision, etc. are included. No other payments are to be paid to any specialized family care agency or specialized family care family.

The current boarding care rate for a specialized family care per month per child is as follows:

Age Range	Daily Subsidy Amount	Month Subsidy Amount
0-5	\$26.00	\$790.00
6-12	\$28.00	\$851.00
13-21	\$31.00	\$942.00

However, children who meet the eligibility criteria for Specialized Family Care are usually eligible for Title XIX waiver or personal care. Specialized Family Care providers are eligible to bill for Medicaid providing those services directly.

The Bureau for Social Services currently has an agreement with West Virginia University, Centers for Excellence in Disability (WVU-CED) to provide home finding services for Specialized Family Care homes.

### ***Boarding Care Corrections***

Payment to be issued to a resource family for placement services only. This is used primarily for corrective payments to resource families. Field staff should only be doing these payments for department resource homes and department emergency shelter foster families. Therapeutic foster care, specialized foster care, group residential care, emergency shelter, etc. are to be handled at the state office only.

### ***Non Certified Kinship/Relative Caregivers***

Kinship/relative caregiver's homes that have not been certified may be eligible for the TANF Child Only grant through the Bureau for Family Support. The family can fill out an application for these benefits with a family support specialist within their local county/district department office. The family may be denied by the Bureau for Family Support, if there is no blood relation between the child(ren) and the family in whose home they have been placed. In these situations, the department may provide a state paid kinship care placement payment until the kinship provider is approved as a certified kinship/relative caregiver. The state paid kinship care placement payment will be made by the assigned home finding specialist. The home finding specialist will enter the payment as a demand payment in CCWIS until the caregiver becomes a certified kinship/relative provider. The home finding specialist or supervisor will enter the child(ren) into the certified kinship/relative placement and notify the child's worker that the placement has been entered and remind the worker to inform the family support specialist that the TANF payment needs to be ended to avoid overpayment and the certified kinship/relative from having to pay back overpayments. The following chart shows the TANF rate for kinship/relative placement:

		<b>TANF Child Only Rates</b>	<b>Per Child Rate</b>	<b>Daily Rate</b>
<b>1</b>	<b>Child</b>	<b>\$417</b>	<b>\$417.00</b>	<b>\$13.71</b>
<b>2</b>	<b>Children</b>	<b>\$480</b>	<b>\$240.00</b>	<b>\$15.78</b>
<b>3</b>	<b>Children</b>	<b>\$542</b>	<b>\$180.67</b>	<b>\$17.82</b>
<b>4</b>	<b>Children</b>	<b>\$612</b>	<b>\$153.00</b>	<b>\$20.12</b>
<b>5</b>	<b>Children</b>	<b>\$670</b>	<b>\$134.00</b>	<b>\$22.03</b>
<b>6</b>	<b>Children</b>	<b>\$734</b>	<b>\$122.33</b>	<b>\$24.13</b>

<b>7</b>	<b>Children</b>	<b>\$793</b>	<b>\$113.28</b>	<b>\$26.07</b>
<b>8</b>	<b>Children</b>	<b>\$811</b>	<b>\$101.37</b>	<b>\$26.66</b>

### ***Burial Expenses***

In the event that a child in foster care dies and there are no resources available to meet the need for funeral home services, a cemetery plot, and burial or cremation services, the child's worker may issue a demand payment in CCWIS for up to \$1800.00 to cover these expenses. Receipts or invoices are required before this payment can be issued. The receipts or invoices must be kept in the child's paper record and documented in CCWIS in document tracking.

### ***Child Care***

Child care services are available for children in the state's custody when the resource or kinship/relative parents are employed or participating in an educational program. Childcare will only be provided to the family's foster children, not the biological or adopted children unless the family meets the income eligibility requirements of the childcare program. All child care arrangements must be coordinated through the Child care Resource and Referral (R & R) agency that covers the county in which the resource or Relative/Kinship parent resides. The R & R staff will request the child's worker forward a copy of the child's birth certificate to them within 90 days of their request. In addition, kinship/relative caregiver(s) must supply the R & R worker with a copy of the signed (by both the placement worker and relative/kinship provider) *Kinship/Relative Safety Screen* and the *Kinship/Relative Placement Agreement*.

### ***Initial Clothing Payment***

All children who first enter foster care are entitled to an adequate wardrobe and are eligible to receive an initial clothing allowance at the time of placement.

*See Foster Care Policy for more information about the initial clothing assessment and allowance.*

### ***Supplemental and Replacement Clothing***

It is the kinship/relative, resource family, or facility's responsibility to maintain appropriate clothing for the child during the time of placement and to ensure that the child has an adequate wardrobe available at the time of discharge. The kinship/relative, resource family, or the facility in which the child is placed must supplement the child's wardrobe with appropriate clothing or replace necessary clothing items. The kinship/relative, resource family, or facility's boarding care payment includes the cost of clothing for the child placed in their care. It is intended that through the use of the monthly clothing allowance provided each month as part of the child's boarding care payment, the kinship/relative, resource family, or the facility will be able to adequately clothe the child.

The child's worker will update the [Placement Wardrobe and Personal Inventory](#) form of the child's personal belongings and evaluate the care and adequacy of the child's clothing provided by the resource parent or the facility. The child's worker will observe the fit, quality, condition, cleanliness, attractiveness, and appropriateness of the clothing as well as the number of clothes available to the child. If the child

does not have an adequate wardrobe, the child's worker must inform the resource parent or the facility about the need for the resource parent or facility to purchase clothing for the child.

All clothing and other personal items purchased for the child must follow the child when he is removed from a placement. It is the child's worker's responsibility to maintain an updated inventory of all the child's clothing and other personal items to ensure that the child's personal belongings remain with him. If for some reason the child does not take all of his clothing and/or personal belongings at the time of discharge, it shall be the joint responsibility of the child's worker and the resource family or facility to make arrangements for returning the clothing and/or personal belongings to the child within ten (10) working days. During that period of time the provider is responsible for safeguarding the child's personal belongings ensuring its availability to the child. Under no circumstances is it permissible for a resource family or facility to keep a child's clothing or personal items when the child is discharged. Not returning a child's belongings to the child when he is discharged is grounds for a corrective action plan.

### ***Continuing Education***

A child in the care of the department who has graduated from high school and has the interest and ability to pursue further education either in college or vocational school should be strongly encouraged to pursue their educational goals. The department may support youth who are continuing their education up to age 21 through the foster care program. Youth over the age of 18 must voluntarily elect to remain in foster care by signing the SS- FC-18 in order to be eligible for continued foster care services.

Generally, out of state schools and private institutions will not be approved. Only in those cases where it can be demonstrated that an out-of-state or private program is less costly than a comparable in-state program may the situation be approved. This approval must be given by the foster care program specialist. All avenues of financial aid shall be pursued prior to determining the amount the department will pay for a youth attending a post-secondary education or training program. The child, resource or kinship/relative caregiver, and the child's parents, if appropriate, should take the responsibility for the exploration of financial assistance.

School tuition and fees are to be paid directly to the school by the child's worker. The school must be set up as a provider and must forward an invoice for the complete amount of all required tuition, fees, room, board, books, etc. The child's worker will issue a demand payment in CCWIS using the Post-Secondary Education payment type directly to the educational facility.

With the assistance of the financial aid officer of the school, the child's worker and the youth should determine what their expenses are likely to be including transportation, books, personal expenses, clothing, and any other required needs. This amount will be paid directly to the youth on a monthly basis as a personal allowance. This payment should not be over \$200.00 per month unless the child's worker has prior written approval of the home finding program manager. The child's worker will need to set up a provider in CCWIS in the child's name. The provider category will be Transitional Living Client and the provider type will be Transitional Living Client. Once the provider has been set up, the child's worker will enter the child into placement with this TL provider. This process will ensure that the child continues to receive their medical card and that the personal allowances can be made monthly. The child's worker will



issue a demand payment directly to the child for their personal expenses using the Post-Secondary Education payment type in CCWIS.

### ***Court Costs/Legal Advertising***

Payment for class II legal advertisements must include an invoice with the dates of publication. Other miscellaneous court costs that may occur such as service fees, costs of reproducing legal documents, out-of-state birth certificates, etc. may also be paid through a demand payment in CCWIS. Receipts or invoices are required before this payment can be issued. The receipts or invoices must be kept in the parent's paper record and documented in CCWIS in document tracking.

### ***Foster Care Supplement/Special Rate***

This payment type is used to reimburse resource or kinship/relative caregivers for actual extraordinary or unusual expenses for an individual child. Examples of expenses that would qualify are those incurred from a medically prescribed diet that is not covered through another program or an extra pair of glasses (that Medicaid would not cover) for a child. Payments using this type are always to be considered policy exceptions and prior approval is required before proceeding to payment. This payment type may be amended to include payment to department providers for a child's care when their behavior necessitates special service in terms of amount of time, vigilance and/or effort on the part of the resource or kinship/relative caregivers. *The child's special needs must be documented and prior approval from the home finding program manager must be received.*

### ***Health Examination - Department Resource and Kinship/Relative Caregivers***

Payment can be made to reimburse department resource and kinship/relative caregivers for the cost of their physical exams at the Medicaid rate. This payment is for physical exams only. If a psychological assessment becomes necessary to determine the mental health of prospective resource or kinship/relative caregiver, this payment type may be utilized if a waiver was granted by the home finding program manager authorizing the psychological assessment.

### ***In-Service Training***

To assist department resource and kinship/relative caregivers in complying with the ongoing training requirements, mileage, tuition and/or fees can be reimbursed.

### ***Respite Care Payment***

The purpose of respite care is to make available to resource and certified kinship/relative caregivers an opportunity to have time away from caretaking responsibilities. This is an ASO service under "Daily Respite" and all department resource and certified kinship/relative caregivers have 14 days of respite care available each year. This time may be taken all at once or scattered over the year. The provider must be enrolled as an ASO provider in order to provide these services or receive payment for these services. The home finding specialist may enroll the department resource or certified kinship/relative caregiver for this service.

### ***School Clothing Allowance***

School age foster children placed in family settings, Children's Home and independent living are provided a clothing allowance at the beginning of each school year to help cover the costs of clothing needed. This payment is automatic and is provided directly to the provider.

This payment type can also be used to issue clothing allowance to a child in care who is eligible but did not receive the automatic school clothing allowance payment. These payments are not to exceed the yearly authorized amount and should only be for children who were in the placement after July 31<sup>st</sup> in any given year.

### ***Transportation of Foster Children***

Department resource and kinship/relative caregivers may be reimbursed for the costs of transporting foster children to visits with the biological parents/family, pre-adoptive visits with the potential adoptive family, case or permanency planning meetings, MDT's, court hearings, IEP's, adoption promotion activities, pre-placement visits, and resource or kinship/relative caregivers visitation with youth in treatment/detention facility. This is an ASO service, and the rate of reimbursement shall be based on the prevailing rate established by the WV Travel Management Office. The provider must be enrolled as an ASO provider in order to provide these services or receive payment for these services. The home finding specialist may enroll the department resource or kinship/relative caregiver for this service.

Department resource and kinship/relative caregivers may also be reimbursed for the costs of transporting foster children to medical appointments through [Modivcare](#).

In order to facilitate visitation between children in foster care and their families, including parents, siblings and other relatives, child protective services and youth services families may be reimbursed for the costs of the visitation. Payment can also be made to a vendor to provide transportation for the parent to participate in services/treatment, office visits, Multidisciplinary Treatment Team meetings, reviews and court hearings. **This is an ASO Service. The provider must be enrolled as an ASO Provider in order to provide these services or receive payment for these services.**

Resource and kinship/relative caregivers may not be reimbursed for "routine transportation activities", such as transporting to school, church, recreational activities, etc.

### ***Tutoring***

Payment for supplemental education required by a child placed with a department resource and kinship/relative caregiver. This is an ASO Service and requires a documented need from the school.

### ***Water Testing***

Payment to reimburse kinship/relative caregivers when water testing is requested due to suspicion of safety threat, to complete a home study for a family that may draw their water from any source other than a municipal water supply. Payment may not exceed \$50.00.

### ***Review of Payments and Licensing Standards***

The department shall review the following at least once every five years, making revisions when necessary or convenient and causing a report to be made to the secretary of the department:

1. The licensing rules and policies for foster and adoptive family and residential providers, and
2. The amount of the payment made for foster care maintenance and adoption assistance to assure their continued appropriateness.

## **SECTION 13 – NONDISCRIMINATION, GRIEVANCE PROCEDURE & DUE PROCESS STANDARDS, REASONABLE MODIFICATION POLICIES, AND CONFIDENTIALITY**

### **13.1 Nondiscrimination**

As a recipient of Federal financial assistance, the Bureau for Social Services (BSS) does not exclude, deny benefits to, or otherwise discriminate against any person on the ground of race, color, national origin, disability, age, sex, religion or creed in admission to, participation in, or receipt of the services and benefits under any of its programs and activities, whether carried out by BSS directly or through a contractor or any other entity with which BSS arranges to carry out its programs and activities.

This statement is in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (nondiscrimination on the basis of race, color, national origin) (“Title VI”), Section 504 of the Rehabilitation Act of 1973 (nondiscrimination on the basis of disability) (“Section 504”), the Age Discrimination Act of 1975 (nondiscrimination on the basis of age) (“Age Act”), regulations of the U.S. Department of Health and Human Services issued pursuant to these three statutes at Title 45 Code of Federal Regulations Parts 80, 84, and 91.

The Bureau for Social Services shall not retaliate against, intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title VI, Section 504 or the Age Act, or because she or he has made a complaint, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing.

In addition, BSS will make all reasonable modifications to policies and programs to ensure that people with disabilities have an equal opportunity to enjoy all BSS programs, services, and activities. For example, individuals with service animals are welcomed in the Department of Human Services, BSS, offices even where pets are generally prohibited.

In case of questions, or to request an auxiliary aid or service for effective communication, or a modification of policies or procedures to participate in a BSS program, service, or activity, please contact:

Children and Adult Services  
Section 504/ADA Coordinator  
350 Capitol St. Rm 691  
Charleston, WV 25301  
(304) 352-4429

## 13.2 Non-Discriminatory Placement Protocol

The department ensures that all parties involved in child welfare programs have equal opportunities. All potential placement providers for children and youth, are afforded equal opportunities, free from discrimination and protected under the [Americans with Disabilities Act](#) (ADA). The department will not deny a potential placement provider the benefit of its services, programs, or activities due to a disability. Under the Americans with Disabilities Act it defines a person with a disability as:

“An individual with a disability is defined by the ADA as a person who has a physical or mental impairment that substantially limits one or more major life activities, a person who has a history or record of such an impairment, or a person who is perceived by others as having such an impairment.”

The ADA does not specifically name all the impairments that are covered. The ADA does not allow a person to be discriminated against due to a disability in employment, state and local government activities, public transportation accommodations, telecommunication relay services, fair housing, air carrier access, voting accessibility or education. Examples of disabilities include physical disabilities which require auxiliary aids and mental health issues. Those persons with substance use disorders, including opioid use disorder, currently participating in a treatment option such as Medication Assisted Treatment (MAT), are also covered by the ADA. Participation in a MAT program is not considered the illegal use of drugs. Qualifying MAT programs are defined in [W. Va. Code §16-5Y-1](#), *et seq.* The ADA also addresses the civil rights of institutionalized people and architectural barriers that impact people with disabilities.

When making diligent efforts to locate and secure appropriate placement for foster children and youths, a worker cannot discriminate against a potential placement based upon a person with a disability according to the Americans with Disabilities Act (ADA) Title II. The department shall determine if the potential placement for the child represents a direct threat to the safety of the child. Safety threat decisions will be based on assessment of the individual and the needs of the child, as the safety of the child always remains at the forefront of the determination of the best interest of a child, when placing a child in anyone's home. This determination cannot be based on generalizations or stereotypes of individuals.

If a provider protected under the ADA is identified as an appropriate and best interest placement for a foster child they may, at some point, require services specific to their disability in order to preserve the placement. In such situations, consideration for services must be given if it is in the best interest of the child to preserve the placement. Any specific auxiliary aids or services should be determined by the child welfare worker at no cost to the provider and should be considered on a case by case basis.

## 13.3 Complaint Procedure and Due Process Standards

### ***A: Complaints Based on Disability or other Forms of Discrimination***

It is the policy of the department , not to discriminate on the basis of race, color, national origin, disability, age, sex, religion, or creed. The department has adopted an internal complaint procedure

providing for prompt, equitable resolution of complaints alleging discrimination. Laws and Regulations, 28 C.F.R. Part 35 and 45 C.F.R. Part 84, may be examined by visiting <https://www.ada.gov/reg3a.html>. Additional laws and regulations protecting individuals from discrimination in child welfare programs and activities may be examined by visiting the U.S. Department of Health and Human Services website at <http://www.hhs.gov/civil-rights/for-individuals/special-topics/adoption/index.html>.

Any person who believes someone has been subjected to discrimination on the basis of race, color, national origin, disability, age, sex, religion, or creed may file a complaint under this procedure. It is against the law for the Bureau for Social Services, including employees, contracted providers, or other BSS representatives, to retaliate in any way against anyone who files a complaint or cooperates in the investigation of a complaint.

### ***Procedure***

Complaints due to alleged discriminatory actions must be submitted to the Department of Human Services, Equal Employment Opportunity (EEO)/Civil Rights Officer within sixty (60) calendar days of the date the person filing the complaint becomes aware of the alleged discriminatory action.

The complainant may make a complaint in person, by telephone, by mail, or by email. To file the complaint by mail or email, a *Civil Rights Discrimination Complaint Form, IG-CR-3* (See Appendix A) must be completed and mailed or emailed to the West Virginia Office of Shared Administration, Office of Human Resources Management, EEO/Civil Rights Officer, One Davis Square, Suite 400, Charleston, WV 25301 or email at [OSACivilRights@WV.Gov](mailto:OSACivilRights@WV.Gov). If the complainant requires assistance completing the *IG-CR-3* form, they may request assistance from the department. The complaint must state the problem or action alleged to be discriminatory and the remedy or relief sought. The complainant may also contact the department, EEO/Civil Rights Officer, for more information.

West Virginia Office of Shared Administration  
Office of Human Resource Management  
EEO/Civil Rights Officer  
(304) 558-3313 (voice)  
(304) 558-6051 (fax)  
[OSACivilRights@WV.Gov](mailto:OSACivilRights@WV.Gov) (email)

The EEO/Civil Rights Officer shall conduct an investigation of the complaint. This investigation may be informal, but it must be thorough, affording all interested persons an opportunity to submit evidence relevant to the complaint. The EEO/Civil Rights Officer will maintain the files and records of Bureau for Social Services relating to such complaints. To the extent possible, and in accordance with applicable law, the EEO/Civil Rights Officer will take appropriate steps to preserve the confidentiality of files and records relating to complaints and will share them only with those who have a need to know.

The EEO/Civil Rights Officer shall issue a written decision on the complaint, based on the preponderance of the evidence, no later than thirty (30) calendar days after its filing, including a notice to the complainant of his or her right to pursue further administrative or legal remedies. If the EEO/Civil Rights Officer documents exigent circumstances requiring additional time to issue a decision, the EEO/Civil

Rights Officer will notify the complainant and advise them of his or her right to pursue further administrative or legal remedies at that time while the decision is pending. The person filing the complaint may appeal the decision of the EEO/Civil Rights Officer by writing to the Director of Human Resources within fifteen (15) calendar days of receiving the EEO/Civil Rights Officer's decision. The Director of Human Resources shall issue a written decision in response to the appeal no later thirty (30) calendar days after its filing.

The person filing the complaint retains the right to file a grievance with the U.S. Department of Health and Human Services, Office for Civil Rights, regardless of the decision made by the State of West Virginia Department of Human Services.

The availability and use of this procedure does not prevent a person from pursuing other legal or administrative remedies, including filing a complaint of discrimination on the basis of race, color, national origin, disability, age, sex, religion or creed in court or with the US Department of Health and Human Services, Office for Civil Rights. A person can file a complaint of discrimination electronically through the Office for Civil Rights Complaint portal at: <https://ocrportal.hhs.gov/ocr/smartscreen/main.jsf> or by mail or by phone at:

U.S. Department of Health & Human Services  
Office for Civil Rights  
200 Independence Ave., S.W.  
Room 509F HHH Bldg.  
Washington, D.C. 20201  
800-368-1019 (voice) 800-537-7697 (TDD)  
[OCRComplaint@hhs.gov](mailto:OCRComplaint@hhs.gov)

For complaints to the Office for Civil Rights, complaint forms are available at: <https://www.hhs.gov/ocr/complaints/index.html>. Complaints shall be filed within one hundred and eighty (180) calendar days of the date of the alleged discrimination.

The Bureau for Social Services will make appropriate arrangements to ensure that individuals with disabilities and individuals with Limited English Proficiency are provided auxiliary aids and services or language assistance services, respectively, if needed, to participate in this process. Such arrangements may include, but are not limited to, providing qualified interpreters, providing recorded material for individuals with low vision, or assuring a barrier-free location for the proceedings. The EEO/Civil Rights Officer will be responsible for such arrangements.

### ***B: Grievances Regarding the Home Finding Worker or Casework Process***

At any time that the Bureau for Social Services is involved with a client, the client (adult or child), or the counsel for the child has a right to express a concern about the manner in which they are treated, including the services they are or are not permitted to receive.

Whenever a parent, child or counsel for the parent or child has a complaint about home finding or expresses dissatisfaction with home finding the worker will:

- Explain to the client the reasons for the action taken or the position of the BSS which may have resulted in the dissatisfaction of the client.
- If the situation cannot be resolved, explain to the client his/her right to a meeting with the supervisor.
- Assist in arranging for a meeting with the supervisor.

The supervisor will:

- Review all reports, records and documentation relevant to the situation.
- Determine whether all actions taken were within the boundaries of the law, policies and guidelines for practice.
- Meet with the client.
- If the problem cannot be resolved, provide the client with the form “*Client and Provider Hearing Request*”, SS-28.
- Assist the client with completing the SS-28, if requested.
- Submit the form immediately to the Chairman, state board of Review, DoHS, Building 6, Capitol Complex, Charleston, WV 25305.

For more information on Grievance Procedures for Social Services please see Common Chapters Manual, Chapter 700, and Subpart B or see [W. Va. Code §29A-5-1](#).

Note: Some issues such as the decisions of the Circuit Court cannot be addressed through the Grievance Process. Concerns about or dissatisfactions with the decisions of the Court including any approved Case plan must be addressed through the appropriate legal channels.

### **13.4 Reasonable Modification Policy**

#### ***A: Purpose***

In accordance with the requirements of Section 504 of the Rehabilitation Act of 1973 (Section 504) and Title II of the Americans with Disabilities Act of 1990 (ADA), the Bureau for Social Services shall not discriminate against qualified individuals with disabilities on the basis of disability in its services, programs, or activities. The BSS shall make reasonable modifications in home finding program policies, practices, or procedures when the modifications are necessary to avoid discrimination on the basis of disability, unless BSS can demonstrate that making the modifications would fundamentally alter the nature of the service, program, or activity.

#### ***B: Policy***

The department is prohibited from establishing policies and practices that categorically limit or exclude qualified individuals with disabilities from participating in the BSS home finding program.

The Bureau for Social Services will not exclude any individual with a disability from the full and equal enjoyment of its services, programs, or activities, unless the individual poses a direct threat to the health or safety of themselves or others, that cannot be mitigated by reasonable modifications of policies, practices or procedures, or by the provision of auxiliary aids or services.

The Bureau for Social Services is prohibited from making home finding program application and retention decisions based on unfounded stereotypes about what individuals with disabilities can do, or how much assistance they may require. The BSS will conduct individualized assessments of qualified individuals with disabilities before making home finding application and retention decisions.

The Bureau for Social Services may ask for information necessary to determine whether an applicant or participant who has requested a reasonable modification has a disability-related need for the modification, when the individual's disability and need for the modification are not readily apparent or known. BSS will confidentially maintain the medical records or other health information of home finding program applicants and participants.

The Bureau for Social Services upon request, will make reasonable modifications for qualified home finding, program applicants or participants with disabilities unless BSS can demonstrate that making the modifications would fundamentally alter the nature of the service, program, or activity. Individuals do not need to reference Section 504 or Title II or use terms of art such as “reasonable modification” in order to make a request. Further, BSS staff are obligated to offer such reasonable accommodations upon the identification of a qualifying disability or to an individual with Limited English Proficiency.

BSS must consider, on a case-by-case basis, individual requests for reasonable modifications in its home finding program, including, but not limited to, requests for substitute caregivers, respite caregivers, more frequent support from a case worker, additional classroom and/or online training, mentorship with an experienced resource parent, note takers, and other auxiliary aids and services. When auxiliary aids or language interpretation services to ensure effective communication for individuals with hearing, vision, speech impairments, or Limited English Proficiency (LEP) are needed, they shall be provided to the participant at no additional costs. The department evaluates individuals on a case by case basis to provide auxiliary aids and services as necessary to obtain effective communication. This would include but not be limited to:

- Services and devices such as qualified interpreters, assistive listening devices, note takers, and written materials for individuals with hearing impairments.
- And qualified readers, taped texts, and Brailled or large print materials for individuals with vision impairments.
- Access to language and interpretation services.

For more information on obtaining auxiliary aids, contact:

Center for Excellence in Disabilities (CED)

959 Hartman Run Road

Morgantown, WV 26505

Phone: 304-293-4692.

Toll Free: (888) 829-9426

TTY: (800) 518- 1448



For language translation and interpretation services home finding staff may Contact 911 Interpreters or the Section 504/ADA Coordinator (see also section 11.5 Limited English Proficiency). To contact 911 Interpreters, utilize the information below:

911 Interpreters Inc.

1-855-670-2500

BSS Code: 16233

When requesting language translation services directly through 911 Interpreters, staff must report the accommodation to the Section 504/ADA Coordinator by completing the *Reasonable Accommodation Reporting Form*.

The Bureau for Social Services will not place a surcharge on a particular qualified individual with a disability or any group of qualified individuals with disabilities to cover the cost of measures, such as the provision of auxiliary aids and services or program accessibility, that are necessary to provide nondiscriminatory treatment required by Title II of the ADA and Section 504.

To address any violations of this Reasonable Modification Policy, consult the Bureau for Social Services Grievance Procedure. To request reasonable modifications, or if you have questions, please contact:

Children and Adult Services

Section 504/ADA Coordinator

350 Capitol St. Rm 691

Charleston, WV 25301

(304) 352-4429

[OSACivilRights@WV.Gov](mailto:OSACivilRights@WV.Gov) (email)

Staff who make reasonable accommodations for an individual must be reported to the Section 504/ADA Coordinator utilizing the *Reasonable Accommodation Reporting Form*.

### **13.5 Limited English Proficiency**

The Bureau for Social Services (BSS) will take reasonable steps to ensure that persons with Limited English Proficiency (LEP) have meaningful access and an equal opportunity to participate in our services, activities, programs and other benefits. The policy of BSS is to ensure meaningful communication with LEP clients and their authorized representatives involving their case. The policy also provides for communication of information contained in vital documents, including but not limited to, information release consents, service plans, etc. All interpreters, translators and other aids needed to comply with this policy shall be provided without cost to the person being served, and clients and their families will be informed of the availability of such assistance free of charge. Language assistance will be provided through use of contracted vendors, technology, or telephonic interpretation services. All staff will be provided notice of this policy and procedure, and staff that may have direct contact with LEP individuals will be trained in the effective use of an interpreter and the effective use of technology including telephonic interpretation services. The Bureau for Social Services will conduct a regular review of the language access needs of our population, as well as update and monitor the implementation of this policy and these procedures, as necessary.

## **PROCEDURES:**

### **1. IDENTIFYING LEP PERSONS AND THEIR LANGUAGE**

The Bureau for Social Services will promptly identify the language and communication needs of the LEP person. If necessary, staff will use a language identification card (or “I speak cards,” available online at [www.lep.gov](http://www.lep.gov)) or posters to determine the language. In addition, when records are kept of past interactions with clients or family members, the language used to communicate with the LEP person will be included as part of the record.

### **2. OBTAINING A QUALIFIED INTERPRETER**

911 Interpreters Inc. has agreed to provide qualified interpreter services. The agency’s telephone number is 1-855-670-2500 (BSS Code: 16233). Interpretation services are available 24 hours a day. Some LEP persons may prefer or request to use a family member or friend as an interpreter. However, family members or friends of the LEP person will not be used as interpreters unless specifically requested by that individual and **after** the LEP person has understood that an offer of an interpreter at no charge to the person has been made by the facility. Such an offer and the response will be documented in the person’s file. If the LEP person chooses to use a family member or friend as an interpreter, issues of competency of interpretation, confidentiality, privacy, and conflict of interest will be considered. If the family member or friend is not competent or appropriate for any of these reasons, BSS will provide qualified interpreter services to the LEP person free of charge. Children and other clients will **not** be used to interpret, in order to ensure confidentiality of information and accurate communication.

### **3. PROVIDING WRITTEN TRANSLATIONS**

When translation of vital documents is needed, BSS will submit documents for translation to 911 Translators Inc. or the Section 504/ADA Coordinator. BSS will generally provide language services in accordance with the following guidelines:

- (a) BSS will provide written translations of vital documents for each eligible LEP language group that constitutes five percent or 1,000, whichever is less, of the population of persons eligible to be served or likely to be affected or encountered. Translation of other documents, if needed, can be provided orally; or
- (b) If there are fewer than 50 persons in a language group that reaches the five percent threshold in (a), BSS will not translate vital written materials but will provide written notice in the primary language of the LEP language group of the right to receive competent oral interpretation of those written materials, free of cost.

Additionally, when making a determination as to what languages services will be provided, BSS may consider the following factors: (1) the number and or proportion of LEP persons eligible to be served or likely to be encountered by the program or grantee; (2) the frequency with which LEP individuals come in contact with the program; (3) the nature and importance of the program, activity, or service provided by the program to people’s lives; and (4) the resources available to the grantee/recipient and costs.

Documents being submitted for translation will be in final, approved form with updated and accurate information. Staff who utilize 911 Translators must report the utilization using the *Reasonable Modification Reporting Form* to the Section 504/ADA Coordinator.

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#### **4. PROVIDING NOTICE TO LEP PERSONS**

The Bureau for Social Services will inform LEP persons of the availability of language assistance, free of charge, by providing written notice in languages LEP persons will understand. At a minimum, notices and signs will be posted and provided in department office lobbies and waiting areas. Notification will also be provided through one or more of the following: outreach documents and program brochures.

#### **5. MONITORING LANGUAGE NEEDS AND IMPLEMENTATION**

On an ongoing basis, BSS will assess changes in demographics, types of services or other needs that may require reevaluation of this policy and its procedures. In addition, BSS will regularly assess the efficacy of these procedures, including but not limited to mechanisms for securing interpreter services, equipment used for the delivery of language assistance, complaints filed by LEP persons, feedback from clients and community organizations, etc.

## **Appendix**

### **DoHS Civil Rights Complaint Form**

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## Civil Rights Discrimination Complaint Form

<b>Complainant First Name</b>		<b>Complainant Last Name</b>
<b>Home Phone</b> <i>(include area code)</i>		<b>Work Phone</b> <i>(include area code)</i>
<b>Street Address</b>		<b>City</b>
<b>State</b>	<b>Zip Code</b>	<b>Email</b> <i>(if available)</i>

Is this complaint being completed by someone other than the complainant? ☐ Yes ☐ No

If yes, please provide your information below:

<b>First Name</b>	<b>Last Name</b>	<b>Telephone Number</b> <i>(include area code)</i>
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The complainant feels they have been discriminated against on the basis of:

☐ Race/Color/National Origin ☐ Religion/Creed ☐ Disability ☐ Age ☐ Sex

☐ Other *(please specify):*

Who or what bureau within the State of West Virginia Department of Human Services is believed to have been discriminatory?

<b>Name/Bureau/Office</b>		
<b>Street Address</b>	<b>City</b>	<b>County</b>
<b>Zip Code</b>	<b>Telephone</b>	

Date(s) discriminatory action is believed to have occurred:

Which program(s) is the complainant alleging the discriminatory action took place in?

- ☐ Child Welfare (includes CPS, Youth Services, Foster Care, Adoption, Homefinding, and Legal Guardianship)
- ☐ Adult Welfare (includes APS, Guardianship, Health Care Surrogate, Residential Services Request to Receive and Request to Provide)
- ☐ Low Income Energy Assistance Program (LIEAP)
- ☐ Temporary Assistance for Needy Families (TANF)
- ☐ School Clothing Voucher
- ☐ Indigent Burial

*Complaints involving the Supplemental Nutrition Assistance Program (SNAP) must be sent directly to the U.S. Department of Agriculture. See below for more information*

Describe briefly what happened. How and why does the complainant believe they have been discriminated against? What is the relief or remedy sought by the complainant?

*(Attach additional pages as needed.)*

Please sign and date this form. If submitting by email, you may type your name and date. Your email will represent your signature.

Signature	Date (mm/dd/yyyy)
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The State of West Virginia Department of Human Services shall not retaliate against, intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title VI, Section 504 or the Age Act, or because she or he has made a complaint, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing.

EEO/Civil Rights Officer shall conduct an investigation of the complaint. This investigation may be informal, but it must be thorough, affording all interested persons an opportunity to submit evidence relevant to the complaint. EEO/Civil Rights Officer will maintain the files and records of the department relating to such grievances. The EEO/Civil Rights Officer shall issue a written decision on the complaint no later than thirty (30) calendar days after its filing, unless the Coordinator documents exigent circumstances requiring additional time to issue a decision. To submit this complaint or request additional information, please contact:

West Virginia Office Of Shared Administration  
Office of Human Resources Management  
EEO/Civil Rights Officer  
One Davis Square, Suite 400, Charleston, WV 25301  
[OSACivilRights@WV.Gov](mailto:OSACivilRights@WV.Gov) (email)

The person filing the grievance retains the right to file a grievance with the U.S. Department of Health and Human Services, Office for Civil Rights, regardless of the decision made by the State of West Virginia Department of Human Services. The availability and use of this grievance procedure does not prevent a person from filing a private lawsuit in Federal court or a complaint of discrimination on the basis of being a member of a protected class, with the:

U.S. Department of Health & Human Services  
200 Independence Ave., S.W.  
Room 509F HHS Bldg.  
Washington, D.C. 20201  
800-368-1019 (voice)  
202-619-3818 (fax)  
800-537-7697 (TDD)  
[OCRComplaint@hhs.gov](mailto:OCRComplaint@hhs.gov) (email)  
The complaint form may be found at <https://www.hhs.gov/ocr/complaints/index.html>

*For SNAP complaints, please contact the U.S. Department of Agriculture.  
The USDA Program Discrimination Complaint Form, can be found online at: <https://www.ocio.usda.gov/document/ad-3027>, or at any USDA office. To request a copy of the complaint form, call (866) 632-9992. Submit your completed form by mail, email, or fax to:*

*U.S. Department of Agriculture  
Office of the Assistant Secretary for Civil Rights*

1400 Independence Avenue, SW Washington, D.C. 20250-9410  
(866) 632-9992 (telephone)  
(202) 690-7442 (fax)  
[program.intake@usda.gov](mailto:program.intake@usda.gov) (email)

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