



**Administrative Policies and Procedures: 16.59**

<b>Subject:</b>	<b>Disclosure of Legal Options and Available Services for Relative Caregivers</b>
<b>Authority:</b>	TCA 37-5-106, 37-1-801, 37-1-802, Adam Walsh Child Protection and Safety Act of 2006, Fostering Connections to Success and Increasing Adoptions Act of 2008.
<b>Standards:</b>	DCS 6-503 A, 6-504 B, 6-505 B, 6-506 B, 12-500, 12-501, COA CPS 2.02-2.03
<b>Application:</b>	To all CPS, Foster Care and Relative Caregiver staff
<b>Policy Statement:</b>	
In accordance with DCS <a href="#">Policy 16.46, Assessment and Placement of Children in Foster Care</a> , placement with a relative who can provide safety, permanence and ensure well being for a child/youth shall be preferred over that of a non-relative. DCS staff must inform relative/kinship caregivers of their options and associated support services, prior to entering a safety plan or placement agreement.	
<b>Purpose:</b>	
DCS has an obligation to minimize the impact of trauma on children who are removed from their homes. Often trauma of separation is reduced when children are placed with relatives. DCS also must maximize placement stability for children in its care. The likelihood of placement stability may be increased when relatives know the legal options and support services that are available to support them to help children regain their sense of permanence, safety, and well being.	
<b>Procedures:</b>	
<b>A. Pre-Placement</b>	<ol style="list-style-type: none"> <li>1. When a child comes to the attention of the Department and is at-risk of or the victim of abuse or neglect and in need of out-of-home care, it is the responsibility of Departmental staff to engage the family in identifying relatives who may be willing to serve as a placement resource. Staff shall make reasonable attempts to contact the relatives and assess their appropriateness to serve as a resource.</li> <li>2. Prior to the initial placement of a child in the home of a relative, the Department of Children's Services staff shall inform relatives of their options as relative caregivers and the available services based on the option selected.</li> <li>3. The Relative Caregiver and their home must be assessed, in order to ensure that the placement is safe and in the best interest of the child, and to accurately help the family decide which option is best for them.</li> <li>4. It may be determined, during the assessment process, that the child does not need to come into the custody of the Department, and that a less-restrictive</li> </ol>

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	option is appropriate.
<p><b>B. Considerations in Assessing Legal Options for Relative Caregivers</b></p>	<ol style="list-style-type: none"> <li>1. The likelihood of reunification with birth parent(s) and what role DCS staff and the caregiver need to play in achieving that goal.</li> <li>2. The relationship the Relative Caregivers have with the birth parents, their ability to manage parental visitation and ability to ensure the child’s safety.</li> <li>3. The relative caregiver’s current financial situation and whether additional resources would be needed in order to ensure the safety, permanency and well-being of the child.</li> <li>4. The level of involvement and types of services that will need to be provided by DCS to the relative caregiver and child in care in order to maintain safety, permanency and well-being.</li> <li>5. The level of support and types of services that will be needed should the relative agree to assume legal responsibility.</li> </ol>
<p><b>C. Disclosures of Available Options and Services</b></p>	<p>The Department shall provide written information to relative caregivers prior to the time children are placed in their home and to relatives who are being assessed as a placement resource. The information shall explain the differences between available options and services. The options detailed below are listed from least to most restrictive. Decisions will be made with the family based upon individual needs of the child and family – considering the factors of safety, permanence and well-being.</p> <ol style="list-style-type: none"> <li>1. <b>Family-Arranged Care</b> – The Relative Caregiver provides primary care of child without any change in legal custody, legal rights, or legal responsibilities of the birth parents (i.e. Safety Placement). This arrangement is an agreement between families members, is not legally binding and can be withdrawn at anytime:             <ol style="list-style-type: none"> <li>a) The child may be eligible to receive a monthly TANF/Child Only Grant and TennCare from the Department of Human Services (DHS) based on approval of the application in the local DHS office. Approval of this support is dependent on the child’s income:                 <ul style="list-style-type: none"> <li>▪ \$140 + TennCare - 1 child</li> <li>▪ \$192 + TennCare - 2 children</li> <li>▪ \$232 + TennCare - 3 children</li> <li>▪ \$242 + TennCare - 4 children</li> <li>▪ \$291 + TennCare - 5 children</li> <li>▪ \$305 + TennCare - 6 children</li> <li>▪ \$345 + TennCare - 7 children</li> <li>▪ \$386 + TennCare - 8 children</li> </ul> </li> </ol> </li> </ol>

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	<ul style="list-style-type: none"><li>▪ \$425 + TennCare - 9 children</li><li>▪ \$467 + TennCare - 10 children</li></ul> <p>b) In order to receive a TANF/Child Only Grant, the relative caregiver must also be related to the child within at least the fifth degree (i.e. Fifth Cousin).</p> <p>c) The Department of Children’s Services will not remain involved with the family once the family becomes the child’s legal guardian through court, unless otherwise stated in the court order. The family does not qualify for foster care board payments.</p> <p>d) The Relative Caregiver and child may receive community-based services, including services through the Relative Caregiver Program.</p> <p>2. <b><u>Power of Attorney</u></b> – Legal agreement between parent(s) and relative caregiver to transfer “temporary care giving authority” for medical and educational decision making in hardship situations:</p> <p>a) The child may be eligible to receive TANF/Child Only Grant (depending on child’s income and having at least a fifth degree of relationship to the caregiver) and TennCare;</p> <p>b) The Department of Children’s Services will not remain involved with the family once the family becomes the child’s legal guardian through court, unless otherwise stated in the court order. The family does not qualify for foster care board payments.</p> <p>c) No transfer of legal custody &amp; no ongoing involvement with courts;</p> <p>d) The Relative Caregiver and child may receive community- based services, including services through the Relative Caregiver Program.</p> <p>3. <b><u>Legal Custody</u></b> – Relative Caregiver is granted legal custody/guardianship by court order (juvenile, circuit, or chancery):</p> <p>a) The Child may be eligible to receive TANF/Child Only Grant and TennCare (depending on income of child and having at least a fifth degree of relationship to the caregiver);</p> <p>b) Parental Rights are not terminated;</p> <p>c) The Department of Children’s Services will not remain involved with the family once the family becomes the child’s legal guardian through court, unless otherwise stated in the court order. The family does not qualify for foster care board payments.</p> <p>d) The Relative Caregiver and child may receive community- based services, including services through the Relative Caregiver Program.</p> <p>4. <b><u>Kinship Foster Care</u></b> – The child is in the custody of the Department of Children’s Services and placed in the home of a Relative Caregiver or other adult with a significant relationship (see DCS Policy <a href="#">16.46, Child/Youth Referral &amp; Placement</a>, Section D).</p> <p>a) The Relative Caregiver shall be informed of their options as caregivers prior to placement and that the Department will be working to secure a permanent home for the child. It shall be explained to the relative caregiver that if</p>
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	<p>reunification is not a viable option then they will be assessed to determine whether they can assume legal responsibility and provide a permanent home for the child.</p> <ul style="list-style-type: none"><li>b) The Relative Caregiver shall undergo a background check, home study, and complete resource parent training classes (P.A.T.H.) in order to become an approved resource parent. There is an expedited process which gives the relative caregiver 120-days to complete the training while the child is placed in the home, but the background check and home study must be completed before placement (see <a href="#">DCS Policy 16.20, Expedited Custodial Placements</a>).</li><li>c) The Relative Caregiver is eligible to receive foster care board payment and other services available through the Department of Children’s Services, after becoming an approved resource parent. The relative caregiver may be eligible to receive the TANF/Child-Only Grant through the Department of Human Services (DHS) until board payments are approved.</li><li>d) The Relative Caregiver must participate in the permanency planning process in order to ensure that the child achieves permanency in a timely manner.</li><li>e) The Department of Children’s Services and juvenile court will monitor placement.</li></ul> <p>5. <b>Adoption</b> – Relative Caregiver becomes the permanent legal parent of the child.</p> <ul style="list-style-type: none"><li>a) Parental rights are terminated or surrendered by the birth parents through the courts;</li><li>b) If the child is in DCS custody prior to adoption finalizing, the Relative Caregiver is usually eligible to receive an adoption subsidy (see <a href="#">DCS Policy 15.11, Adoption Assistance</a>);</li><li>c) If the child is not in DCS custody prior to adoption finalizing, the Relative Caregiver is not eligible to receive an adoption subsidy.</li></ul> <p>6. <b>Permanent Guardianship</b> – Relative Caregiver or other adult with a significant relationship is granted Permanent Guardianship by court order (juvenile court).</p> <ul style="list-style-type: none"><li>a) The child must have resided with the caregiver for at least six months.</li><li>b) Reunification and adoption must be shown to not be in the child’s best interests at the time permanent guardianship is being sought;</li><li>c) Parental rights are not terminated, but are limited;</li><li>d) The Department of Children’s Services does not remain involved with the family and family does not qualify for foster care board payment;</li><li>e) The child may be eligible to receive TANF/Child Only Grant (depending on child’s income and having at least a fifth degree of relationship to the caregiver) and TennCare;</li><li>f) The Relative caregiver and child may receive community-based services, including services through the Relative Caregiver Program.</li></ul>
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	<p>7. <b>Subsidized Permanent Guardianship</b>- The criteria for the Federal Subsidized Permanent Guardianship Program is as follows:</p> <ul style="list-style-type: none"><li>a) The child must be in DCS custody.</li><li>b) The child/youth will qualify for a subsidy if they are placed in the fully approved relative/kin home for six (6) months.</li><li>c) The definition of “relative” that has been approved by the Federal government is: <b>All children and youth in Tennessee who have been living for a consecutive six months in an approved home of a person with whom he or she is related by blood, marriage or adoption or with whom the child had a significant relationship that pre-existed DCS placement such as godparent, friend, neighbor, church member, minister or teacher.</b></li><li>d) This definition does not include Resource Parents unless the Resource Parent had a pre-existing significant relationship with the child/youth (<a href="#">DCS Policy 16.20, Expedited Custodial Placements</a>).</li><li>e) The state must determine that reunification and adoption are not appropriate options for the children. These efforts must be documented within CFTM notes and case recordings.</li><li>f) The subsidy will be available up until the age of 18.</li><li>g) Youth over the age of 14 must be consulted about guardianship arrangements.</li><li>h) The state must make reasonable efforts to place siblings in the same resource/adoptive/kinship home or maintain connections among siblings.</li><li>i) Youth who leave custody after age 16 for relative/kin guardianship will be eligible for education and training vouchers for higher education or other vocational training. These children are also able to access Interdependent Living Services.</li></ul> <p><b>Note:</b> For further information regarding a custodial child’s qualification for Subsidized Permanent Guardianship and current SPG rates see <a href="#">DCS Policy 16.39, Subsidized Permanent Guardianship</a>.</p>
<p><b>D. Documentation</b></p>	<ul style="list-style-type: none"><li>1. All Department of Children’s Services CPS staff and Case Managers must provide the <a href="#">Becoming a Relative Caregiver for a Child In Your Family</a> at the time children are placed into relatives’ homes and to relative caregivers being considered as prospective placement resources.</li><li>2. The relative caregiver and staff must sign and date <b>form CS-0660, Disclosure Statement – Options and Available Services for Relative Caregivers</b> indicating that options were explained. DCS staff must, also, include their contact telephone number on the form and document in the case notes that options were explained and the placement agreement was signed. Both the family and DCS staff must have a copy of <b>form CS-0660</b>.</li></ul>

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<b>Forms:</b>	<p><a href="#"><u>CS-0660, Disclosure Statement - Options and Available Services for Relative Caregivers</u></a></p> <p><a href="#"><u>Power of Attorney for Minor Child</u></a></p> <p><a href="#"><u>Revocation of Power of Attorney</u></a></p> <p><b>(Note:</b> The Power of Attorney (POA) forms are not DCS forms but are standard POA forms for DCS use as mandated by the Legislature. They can be accessed through the above links or on the DCS Intranet.)</p>
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<b>Collateral documents:</b>	<p><a href="#"><u>Becoming a Family Caregiver for a Child in Your Family</u></a></p> <p><a href="#"><u>Protocol for Subsidized Guardianship Case Planning</u></a></p> <p><a href="#"><u>Relative Caregiver Program Operations Manual</u></a></p>
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