

## Child and Family Services Licensing Policy Manual: Kinship Foster Care Licensing Procedure

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### Definitions

A **kinship care home** is an unlicensed home in which substitute care may be provided to children placed by the Department when such care is provided by:

- a member of the child's extended family;
- a member of the child's or family's tribe;
- the child's godparents;
- the child's stepparents; or
- by a person to whom the child, child's parents and family ascribe a family relationship and with whom the child has had a significant emotional tie that existed prior to the agency's involvement with the child or family.

A **kinship foster home** is a licensed youth foster home, in which substitute care is provided to one to six children or youth other than the kinship parent's own children, stepchildren or wards.

The care may be provided by:

- a member of the child's extended family;
- a member of the child's or family's tribe;
- the child's godparents;
- the child's stepparents **if the child is placed with the stepparent by the Department**; or
- a person to whom the child, child's parents and family ascribe a family relationship and with whom the child has had a significant emotional tie that existed prior to the agency's involvement with the child or family.

**NOTE:** The number of children is based in part on the number of children already residing in the home. Montana Admin. R. 37.51.203(2) determines that there shall be a maximum of seven children residing in a foster home at any one time unless an exception is made by the Regional Administrator.

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### **Philosophy of Kinship Care**

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

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

The licensing assessment process is intended to reflect what is in the child's best interests regarding his or her emotional security and physical safety.

### **Non-Licensed Kinship Care**

A kinship family is not required to become licensed. If the kinship family chooses not to become licensed, the family may be approved for placement following the process outlined in the CFSD manual, Section 402-4, Placement in Unlicensed Kinship Care Home.

### **Kinship Care Agreement**

The Child Protection Specialist and the kinship care provider must complete a kinship care agreement whether or not the family wishes to become licensed. The signed agreement must be provided to the FRS at the time the referral for licensure is made. A sample kinship care agreement is in section 402-4, Placement in a Unlicensed Kinship Care Home.

### **Requests for Licensure or Approval of a Kinship Home**

A referral to assess a home for a kinship license, approval to adopt or approval as a prospective guardian should be made by the Child Protection Specialist to the FRS within three days of the family's expression of interest.

### **Family Group Conference Selection**

An FGDM may establish several kin who express interest in being considered as a placement option for the child (ren) of concern. A Family Pre-assessment for Child Placement (CFS-106 ) may be completed by the Family Resource Specialist at

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the team's request to determine if one or more of the families could be a permanent resource for the child(ren) and the family's ability to meet licensing requirements. ( Refer to Policy Section 402-4. Placement in Unlicensed Kinship Care)

### ***Family Pre-assessment for Child Placement***

The Family Pre-assessment (CFS-106) for Child Placements is reviewed by the FGDM or Permanency Team to select which family(s) should be considered for further licensing assessment. (Refer to Policy Section 402-4 Placement in Unlicensed Kinship Care)

A prospective kinship family must follow the same application process as any other applicant who applies to become licensed or approved.

Kinship families who wish to become licensed for foster care or approved for adoption or guardianship must meet the same requirements as any other applicant. However, exceptions to specific requirements may be made when the exception does not pose a threat to the health or safety of the child to be placed in the kinship home and the exception is allowed by rule and has been approved by the Regional Administrator or designee.

### **Assessment**

In addition to the issues identified in Policy Section, 802-1 Initial Inquiry and Application/Assessment, issues that should be addressed by the FRS during the home consultation with the family include

- the nature and quality of the relationship between the child and the prospective kinship provider;
- the ability and desire of the prospective kinship provider to protect the child from further abuse or neglect and any family dynamics in the home related to the abuse or neglect of the child;
- the safety of the home and the ability of the prospective kinship provider to provide a nurturing environment for the child;
- the nature and quality of the relationship between the child and the prospective kinship provider;

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- the willingness of the kinship family to accept the child into their home;
- the ability of the prospective kinship provider to meet the developmental needs of the child;
- the nature and quality of the relationship between the birth parents and the prospective kinship provider, including the birth parent's preferences about placement of the child with kin;
- the prospective kinship provider's ability and willingness to cooperate with CFSD; and
- the existing support system of the prospective kinship family.

If available, kinship providers should be given contact information regarding kinship care support groups.

### **CAPS**

A kinship care license is restricted to a specific child or children. The license type code used for a kinship provider is **KIN**.

If the kinship family wishes to provide care to children who are not kin, a regular foster home license should be issued (**YFH**).

### **References**

Mont. Code Ann. § 41-3-101  
Mont. Code Ann. § 52-2-602

Rev. 11/03  
Rev. 10/07  
Rev. 01/12