

When a Child is Removed from Their Home



Guide for Relative and Fictive Kin Caregivers

Kentucky Cabinet for Health and Family Services

Department for Community Based Services

Division of Protection and Permanency



chfs.ky.gov

Important Contact Information

My social service worker's (SSW) name and phone number:	
My social service worker's supervisor's (FSOS) name and phone number:	
Regional office contact name and phone number:	
My attorney's name and phone number:	
The child(ren)'s attorney's (guardian ad litem - GAL) name and phone number:	

Concerns or Complaints?

Please contact:
Office of the Ombudsman
(800) 372-2973 or (502) 564-5497
<http://chfs.ky.gov/os/omb>

This booklet is for relative and fictive kin caregivers who have had children placed in their home by the Cabinet for Health and Family Services (CHFS), Department for Community Based Services (DCBS). The booklet provides information on your rights and responsibilities as a caregiver, and explains what you can expect from DCBS while you provide care to a child placed in your home.

There is a glossary in the back that lists the definitions of some words that your social service worker, judge and other individuals will use when they are talking to you about your case.

As an agency, we are committed to partnering with birth parents to strengthen their family through the support and coordination of resources that will help the birth parents provide a safe and stable home for themselves and their children. In some situations, it is necessary for children to live with someone else other than their parents or guardians on a temporary basis while the family receives services that will enable the family to live together safely. Our goal is to see children safely reunited with their parents.

Additionally, we would like to take this opportunity to thank you for your willingness to be a caregiver. It is a selfless act to open one's home to a child who is in need of a safe place to live. We understand that this can be a challenging and new experience. As an agency, we are also committed to supporting you as caregivers as you will have an important role in the child's life.

When a child is initially placed in your home, there will be no monetary compensation. Should you choose to apply to become a foster or adoptive parent for the child in your care, and should you are approved, you will begin to receive a per diem beginning at the time of approval. However, no back payments will be issued. While a child is placed in your care, you may apply for additional benefits (see back of the booklet). As long as the child is in the custody of DCBS, the child will receive medical insurance.

Relative/Fictive Kin Caregiver Rights & Responsibilities

You have the right to...

- ✓ Be treated with respect;
- ✓ Be heard and to help make decisions for the child;
- ✓ Be informed about the child's physical and mental health;
- ✓ Know about the child's school progress and participate in decisions concerning their educational needs; and
- ✓ File a service appeal if you are not satisfied with your case plan or visitation agreement.

It is your responsibility to...

- ✓ Be supportive of the child placed in your care;
- ✓ Actively participate in the child's treatment;
- ✓ Communicate with your social service worker and the child's family of origin;
- ✓ Share information regarding the child with the family of origin in order for them to maintain a sense of involvement; and
- ✓ Assist with visitation arrangements.



Caregivers may not...

- ✓ Use inappropriate discipline;
- ✓ Deny the child of food, shelter, or clothing;
- ✓ Interfere with implementation of the child's case plan;
- ✓ Deny visits or contact with family members without consultation from DCBS;
- ✓ Have the child engage in extremely strenuous work or exercise; or
- ✓ Act in bizarre, severe, cruel or humiliating ways (e.g. verbal abuse, derogatory remarks to the child or about the child's family, or make threats of removal from the caregiver's home).

Discipline while in foster care placement:

As a caregiver, if you choose to pursue foster parent approval, you will be trained to use appropriate discipline techniques based on the age and developmental needs

of the child. Foster parents are not permitted to use corporal punishment as a means of discipline for children placed in foster care.

Next Steps

Due to concerns in the parent's home, DCBS will file a petition and the child will be placed with another caregiver. In order for DCBS to determine the caregiver's home is appropriate for placement, the following will take place:

1. Criminal background checks will be completed on all adult household members;
2. A home evaluation will be completed soon after placement;
3. Caregivers will need to review and sign the Relative and Fictive Kin Caregiver Agreement between DCBS and the caregiver;
4. The caregiver will agree to complete 1.5 hours of training regarding pediatric abusive head trauma if accepting placement of a child five years of age or under;
5. The caregiver must understand that DCBS will make monthly home visits to the caregiver's home and that visitation will be facilitated between the birth parents and the child(ren) placed in the caregiver's home.
6. After discussing with the social service worker, the caregiver will need to decide whether they are willing to accept custody of the child or if they would like to apply to become a foster parent. Once the decision is made, the caregiver will not be permitted to change their mind.

Once the case is before the court, the child will be appointed an attorney known as a guardian ad litem (GAL). There will be a court date to determine if the child will return to their parents or remain with the caregiver. It will also be decided if the child will remain out of the home and be placed in DCBS custody, or if the caregiver will receive custody.

How do children return home?

An initial case planning conference will be held regarding the case. The parents, social service worker, caregivers, child (if age and developmentally appropriate), and other supportive people will attend this conference. The group will work together to develop a plan on how to reduce the risk that resulted in the child being removed from their parent's care.

As caregiver for the child, you will be present during the child's part of the case plan. The focus of the child's plan will be to ensure that all of their needs are met while they are placed with the caregiver. This includes their physical and mental health, social and emotional well-being, attachment, permanency, and educational needs. A visitation agreement will also be developed at this time.

A child may return to the parents if:

- The goals of the case plan are completed;
- The reason for the removal no longer exists;

- It is in the child’s best interest to return to the parent’s care; or
- The judge releases the child back to the parent’s custody.

The Adoption and Safe Families Act is a federal law that requires Kentucky to keep the child safe and to find the child a safe and permanent home as quickly as possible. If the child cannot be safely returned to the parent’s care within 12 months, the caregiver will likely be asked to assume caregiving responsibilities for the child on a permanent basis. This may be through custody on a permanent basis or through adoption if the child is placed in the caregiver’s home as a foster care placement.

It is important to remember that unless otherwise decided by the court, the goal of DCBS is to safely return the child to their parents or from the individual from whom they were removed.

What can I expect from my social service worker?

- ✓ You will be treated with respect and courtesy.
- ✓ Your questions and phone calls will be answered as quickly as possible.
- ✓ Your social service worker will visit your home at least monthly to discuss the child’s progress and stability. During this visit, the social service worker will need to meet with the child separately. This is to ensure that the child’s needs are being met.
- ✓ Your social service worker will conduct a family team meeting/case planning conference to discuss and negotiate tasks for the family and child, and define the expectations for you as the relative/fictive kin caregiver. A visitation agreement will be discussed at this time.
- ✓ Your social service worker will assist you in making arrangements for services from community partners to help meet the needs of the child.
- ✓ Your social service worker will attend court proceedings and provide the judge with updates regarding the case and the child’s and parent’s progress and stability.

How can I get more information or talk about a concern I have?

Work with the following people in the following order:

1. Your social service worker (SSW)* or his/her supervisor (FSOS)* – contact these individuals first
2. Regional office* – contact the regional office if the issue is not resolved by social service worker or supervisor
3. Office of the Ombudsman* – contact if the issue is not resolved by the regional office

**The names and phone numbers of these contacts are listed on page 2 of this booklet. If the names and phone numbers are not there, ask your social service worker.*

If the concern remains unresolved at this point, you may want to consider filing a service appeal. This can be accomplished by completing a "Protection and Permanency Service Appeal" (DPP-154) that can be provided to you by your social service worker or the Office of the Ombudsman. If you are dissatisfied with the services that you are provided by your social service worker, or if you feel that you have been treated unfairly, complete the form and mail it within 30 days to the address listed on the form.

By submitting the service appeal form you are requesting a hearing. You will receive a letter from the Office of the Ombudsman telling you if your concern/complaint can be heard before an administrative hearing officer. If it is not, you will receive a letter acknowledging that the complaint will not be heard, and the letter will provide information about other options available to you.

Definitions

Abused/Neglected Child – A child whose health or welfare is harmed or threatened with harm, by other than accidental means, when his/her parent, guardian, or other person exercising custodial control or supervision of the child commits/inflicts/creates the situations defined by Kentucky Revised Statute 600.020, by other than accidental means.

Adoption and Safe Families Act (AFSA) – Establishes goals of safety, permanency, child well-being and outcomes in the areas of safety and stability while in placement. Permanency is to be achieved in a limited amount of time while engaging appropriate physical, mental and educational services for children served.

Cabinet for Health and Family Services (CHFS) – The mission of CHFS is to deliver quality services that enhance the health, safety, and well-being of all people in the Commonwealth of Kentucky.

Case Plan – A comprehensive plan with tasks developed by the social service worker, family and other individuals who assist the family to resolve the issues that precipitated the child being removed from the home. The initial case plan will be put together within five working days of the temporary removal court hearing. The case plan will be reviewed in 90 days and every six months thereafter.

Community Partners – People from other agencies in the community who might be asked to provide services or other assistance to the family or the child. These individuals may include community mental health providers, school staff, medical staff, attorneys, etc.

Concurrent Planning – Involves a permanency goal of return to parent and at the same time, evaluating and exploring other permanency options.

Department for Community Based Services (DCBS) – The mission of DCBS is to provide leadership in building high quality, community based human service systems that enhance safety, permanency, well-being and self-sufficiency for Kentucky's families, children and vulnerable adults.

Dependent Child – Any child, other than an abused or neglected child, who is under improper care, custody, control or guardianship that is not due to an intentional act of the parent, guardian, or person exercising custodial control or supervision of the child.

Emergency Custody Order (ECO) – The court may issue an ECO when it appears that removal is in the child's best interest and there is reason to believe that the parents or others exercising custodial control or supervision are unable or unwilling to protect the child, and the child is in imminent danger of death or serious physical injury or is being sexually abused, the parent has repeatedly inflicted or allowed to be inflicted by other than accidental means, physical or emotional injury, or the parent has failed or refused to provide for the safety or needs of the child.

Family Services Office Supervisor (FSOS) – Title of the social service worker’s supervisor. The FSOS supervises a team of social service workers in the county or counties they cover.

Five Day Conference/Initial Case Planning Conference – Meeting held five days after the temporary removal hearing. The case plan goals, objectives and tasks are discussed at this meeting and all parties are assigned tasks to help reduce the risk to the child.

Guardian Ad Litem (GAL) – Attorney appointed by the court to represent the child’s best interest.

Home Visits – Social service workers are required by DCBS policy to make face to face visits with the adults and children in the child protection case at least one time per month in the family’s home. If the child is placed outside of the home, the social service worker is required to visit the child’s placement according to the policy based on the type of placement. During home visits, the social service worker will assess the family’s progress or lack thereof and provide or refer to appropriate services as necessary.

Office of the Ombudsman – Answers questions about CHFS programs, investigates customer complaints and works with CHFS management to resolve them, advises CHFS management about patterns of complaints and recommends corrective action when appropriate.

Protection and Permanency (P&P) – The Division of Protection and Permanency is part of DCBS that develops policies and procedures in accordance with state and federal mandates. P&P also provides assistance to county offices related to child and adult protective services.

Service Appeal/DPP-154 – Form you can submit to the Office of the Ombudsman to request an administrative hearing for appeal of a DCBS action that you dispute. A request for an administrative hearing must be mailed 30 days from the date of the cabinet action to be appealed.

Social Services Worker (SSW) – An employee of the cabinet who has been trained and approved to provide social services and assistance to families and children to improve their situation.

Temporary Removal Hearing/72 Hour Hearing – Held within 72 hours of the ECO being granted, not including weekends and holidays. The court determines whether to keep the child in the custody of DCBS, someone else, or to release the child to the parents.

Visitation Agreement – A signed form developed between the family and the social service worker which details the visitation set between the child and parents. A visitation agreement is usually developed at each case planning conference and can be modified at other times as needed.

Resource Options for Relatives to Explore

RELATIVE PLACEMENT SUPPORT BENEFIT

Relatives may be eligible to receive a one-time monetary benefit that is based on each child's immediate needs such as furniture, a deposit for a larger apartment, clothing, school supplies, etc. The social worker who placed the child(ren) in your home will be discussing this option with you.

A relative placement support benefit (RPSB) may not exceed \$350 for one (1) child; \$700 for two (2) children; \$1050 for three (3) children; \$1400 for four (4) children; \$1750 for five (5) children; and \$2100 for six (6) or more children. The RPSB is issued by check or electronic fund transfer directly to the relative or vendor providing for the needed service or item when the relative or cabinet is granted temporary custody.

CHILD CARE ASSISTANCE

Relatives caring for kin children are not required to pay a co-pay for childcare, regardless of their income. Child care assistance can be renewed every 12 months as long as the family needs child care within the age limits that apply to all children and families.

For more information regarding the above programs and/or to apply for the above benefits, please contact your social worker or the kinship support hotline at **(855) 565-5608** or via e-mail **DCBSChildProtection@ky.gov**.

In addition to relative placement support benefits, there may be other options for your family through the Family Support Office. These include:

KTAP

Kentucky Transitional Assistance Program (KTAP) is the monetary assistance program established by Kentucky using Federal funds from the Temporary Assistance for Needy Families (TANF) block grant. KTAP provides financial assistance to needy dependent children in Kentucky and the parents, or relatives, with whom the children are living if eligibility criteria are met. The relative/applicant will be required to comply with Child Support Enforcement activities if the parents are not in the home. Relatives cannot receive KTAP benefits for children if the parents reside in the same household.

Number of Children	Maximum KTAP Payment
1	\$186
2	\$225
3	\$262
4	\$328
5	\$383
6	\$432
7 or more	\$482

**Supplemental Nutrition Assistance Program (SNAP)
(formerly food stamps)**

The purpose of SNAP benefits is to supplement a household's food purchasing income. If a household meets SNAP's eligibility rules, the amount of SNAP benefits that a household may receive depends upon the number of people in the home and how much money is left after certain expenses are subtracted.

For more information on SNAP, contact your local Department for Community Based Services (DCBS) office. Applications for assistance may be made in all 120 counties.

KCHIP

The Kentucky Children's Health Insurance Program (KCHIP) is free or low-cost health insurance for children. KCHIP is for children younger than 19 who do not have health insurance and whose countable income is less than 213% of the federal poverty level.

More information on the above programs, including how to apply for benefits and program guidelines, can be found at www.chfs.ky.gov.

For more information regarding these programs and/or to apply for the above benefits, please contact Family Support at **(855) 306-8959**.

Applications for medical assistance, including KCHIP, can also be completed online at www.kynect.ky.gov.

Resource Options for Fictive Kin to Explore

Supplemental Nutrition Assistance Program (SNAP) (formerly food stamps)

The purpose of SNAP benefits is to supplement a household's food purchasing income. If a household meets SNAP's eligibility rules, the amount of SNAP benefits that a household may receive depends upon the number of people in the home and how much money is left after certain expenses are subtracted.

For more information on SNAP, contact your local Department for Community Based Services (DCBS) office. Applications for assistance may be made in all 120 counties.

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Applications for medical assistance, including KCHIP, can also be completed online at www.kynect.ky.gov.

CHILD CARE ASSISTANCE

Fictive kin individuals caring for children are not required to pay a co-pay for child care, regardless of their income. Child care assistance can be renewed every 12 months as long as the family needs child care within the age limits that apply to all children and families.

PEDIATRIC ABUSIVE HEAD TRAUMA TRAINING

Per your signed agreement as a fictive kin placement, you will need to complete training related to pediatric abusive head trauma within five (5) days of placement if caring for a child age five (5) or younger.

For more information about the above, please contact your social worker or the kinship support hotline at **(855) 565-5608** or via e-mail **DCBSChildProtection@ky.gov**.