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Approved:	Christine Johnson, Deputy Commissioner	Effective: 2/5/2021
Supersedes:	Family Services Policy 94	Dated: 9/22/2017

## Purpose

To ensure that foster and kinship parents:


- Are provided with and have information to meet children and youth’s needs;
- Understand the working agreement for teamwork between themselves and the division; and
- Understand their role and expectations within the child and family’s support team.

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## Related Policies

- Family Services [Policy 75](#): Normalcy and the Reasonable and Prudent Parent Standard  
Family Services [Policy 77](#): Medical Care for Children and Youth in DCF Custody  
Family Services [Policy 82](#): Juvenile Court Proceedings – CHINS  
Family Services [Policy 91](#): Kinship Care & Collaboration with Relatives  
Family Services [Policy 124](#): Family Time (Parent/Child Contact)  
Family Services [Policy 125](#): Permanency Planning for Children and Youth  
Family Services [Policy 221](#): Foster Care Licensing  
Family Services [Policy 222](#): Foster Care Interventions

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## Introduction

The decision to place a child or youth in out-of-home care is a critical safety decision which has life-changing effects on a young person. The process of a child or youth joining a new family’s home can be emotional and challenging. Despite this reality, the division strives to identify placement resources which will:

- Stabilize a child/youth and their family;
- Strengthen parental protective capacity through shared parenting; and
- Provide a safe and nurturing environment until permanency can be achieved.

## Policy


### Making Placement Decisions

Identifying a safe and appropriate placement for a child or youth is the joint responsibility of the assigned family services worker, the resource coordinator, and sometimes other members of the district office team and central office consultants. The matching of a child and caregiver when making the placement decision has a critical impact on the child’s safety, permanency, and well-being.

See Family Services [Policy 91](#) for information on kinship care and the division’s requirements to identify, locate, inform, evaluate, and engage with a child’s relatives. The identification of a child’s relatives and important connections begins immediately and continues throughout the division’s involvement with the child and family. The search for relatives who could serve as temporary or permanent placements is an intentional and ongoing process to ensure the child knows and can remain connected to their family. Additionally, federal law requires the division to consider giving preference to a relative over a non-related caregiver when determining a placement for a child, provided that the relative caregiver meets all relevant child protection standards identified in [Policy 221](#) and the foster care licensing process.

In order to facilitate a foster or kinship family’s informed decision about caring for a child or youth, division staff must communicate known relevant information about the child and family, including:

- The reason for the child or youth's need for placement;
- The family’s and child’s understanding of the reason for placement;
- The goal of the placement and the anticipated length of stay;
- The child’s and family’s history known to the division and a summary of the current situation;
- Any identified past or current trauma-related behaviors or responses;

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- The child's specific needs (medical, mental health, educational, or any other specialized needs or care instructions);
- Any safety concerns related to the child's behaviors and a plan to minimize those risks;
- Any safety concerns related to the child's parents or family and a plan to minimize those risks;

Per Family Services [Policy 250](#), the staff safety manager shall be consulted when there is a staff safety or caregiver safety concern.

Per Family Services [Policy 61](#) and [Policy 135](#), the domestic violence unit shall be consulted to assist with safety planning when intimate partner violence/domestic violence is a factor in a case.


- The district office's expectations of the foster or kinship parents in this situation;
- The current case plan goal and anticipated time frames of the case plan, and when the goal is reunification, the division's expectation of caregivers supporting reunification efforts and collaboration with parents;
- The plan for the child's contact with family members and other persons (including a list of those whom the child may not have contact);
- The foster or kinship family's role on child and family support team; and
- Supports that will be available to the foster or kinship parents.

Division staff shall provide updated information to the caregiver(s) as it becomes available to the division and as the case progresses. Reciprocally, caregivers may share updates about the child/youth with the division using the [Case Planning & Supplemental Placement Information Form](#).

### **The Family Services Worker's Role When Making A Placement**

Every child and youth experiences an emotional response to placement in foster care. For a young person, joining a new family's home is unsettling and often frightening. The assigned family services worker is in the best position to provide information, support, and ensure continuity of services to a child and the identified caregiver(s). Therefore, whenever possible, the family services worker will:

- Bring the child to the caregiver's home;
- Discuss the specifics of the child or youth's situation with the caregiver;
- Provide a completed copy of the [Child Information & Placement Checklist](#) and discuss the known and documented information;
- Provide the [Caregiver Authorization Letter](#); and

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- Unless contraindicated by safety concerns, promptly convene an Initial Caregiver Meeting with the caregivers and the child’s parents.

The initial caregiver meeting and ongoing shared parenting meetings provide a helpful structure and context for sharing and updating information among the family services worker, the parent(s), and the caregiver(s). See Family Services [Policy 124](#) for additional information on family time and parent/child contact.

### **Placement Checklist & Caregiver Authorization Letter**


As indicated above, division staff shall provide the following documents to foster/kinship parents at the time of placement or soon after placement:

- The [Child Information & Placement Checklist](#), which provides caregivers with known information about the child or youth, including:
  - The presence of any safety concerns and an emergency/crisis plan for the child;
  - Medical concerns, conditions, medications/dosage, allergies, food restrictions, upcoming appointments, etc.;
  - School or childcare information, pick up and drop off times, and extracurricular activities before or after school;
  - Identified past or current trauma-related behaviors and responses;
  - Descriptors of the child’s transitional objects and important routines;
  - The immediate plan for contact with parents, siblings and family members, and any supervision requirements;
  - Any needs that require immediate attention from the caregiver; and
  - Contact information for district staff and Centralized Intake & Emergency Services.
- *The [Caregiver Authorization Letter](#)*, which addresses permission for travel within the United States and Canada, routine and emergency medical services, and participation in childcare, daycare, field trips, school events, sports, clubs, or other extracurricular activities.

### **Safety Planning for Children Who Pose Risk**

If the child or youth exhibits sexually harmful behaviors or poses other risks to safety, special attention must be paid to the safety needs of others in the home. The family services worker or resource coordinator must discuss these risks and develop a plan to reduce them with the caregivers.

Under no circumstances will children with sexually harmful behaviors (i.e., youth with substantiations or youth who have been adjudicated for a sexual offense) ever share a

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bedroom with other children or be placed with a family who also provides childcare.

If caregivers are utilizing respite care, the division must facilitate full disclosure about the youth’s behaviors and/or safety risks with the people providing temporary care and supervision of the youth. This includes sharing an up-to-date copy of the [Child Information & Placement Checklist](#) with respite providers.

### Caregiver Access to Case Records

Caregivers may review the division’s case record for a child in their care. The following information is either (1) not subject to re-disclosure without permission from the individual or (2) protected from re-disclosure by state or federal laws, and will be removed from the case record before the review:


- Names of individuals who have reported child abuse;
- Protected health information per the Health Insurance Portability and Accountability Act (HIPAA) and substance abuse treatment records per 42 CFR Part 2 for the child’s parents, siblings not placed in the same home, or other family members;
- Court records protected under 33 V.S.A. § [5117](#) (i.e., all court orders, Merits findings, TPR findings, parent/child contact hearing findings, or any other document produced by a judge or a judiciary staff person);
- Written reports of investigations completed by the Residential Licensing and Special Investigations (RLSI) Unit; and
- Licensing or home study materials on applicants for foster care or adoption.

Foster parents **must** sign the FS-250: Statement of Confidentiality before reviewing a record. Photocopies will not be made or shared. Taking photographs of the contents of the record with cell phones or cameras is not permitted.

### Special Considerations Regarding Court Records

As indicated above, all court records must be removed prior to a caregiver viewing the division’s child and family file. There are a few instances where the court’s records cannot be viewed or redistributed; however, a summary or portion of pertinent information should be verbally communicated to the caregiver(s). Examples include:

- Instances where the caregiver is specifically referenced (either by their name or as the foster parent/caregiver) in the court order with a responsibility or task. This is most common in orders related to family time and parent/child contact hearings (i.e., they are listed as the individual who will supervise family time, meet the parents at a specific location, or as being responsible for any aspect of family time in the order).

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- Situations involving protective orders where the caregiver requires awareness of the situation or threat for the child’s safety or their own family’s safety.
- Instances where a court order is issued involving a change in circumstance that alters the day-to-day care for the child or case planning tasks supported by the caregiver.

In the examples above, family services workers should summarize and verbally communicate the relevant information to caregivers. It is expected that caregivers may ask for exact language if it pertains to a task they are court-ordered to do.

Consultation with the assigned assistant attorney general (AAG) is recommended if there is any uncertainty about information sharing.

### **Special Considerations Related to Medical Care**

See Family Services [Policy 77](#) for full information about the requirements for meeting the health needs of children and youth in DCF custody.

#### **Placement Considerations for Medically Complex/Fragile Children**

Medically fragile children and youth, particularly those with compromised immune systems, will only be placed within homes where everyone in the home (foster parents, adult household members, and other children) have received medically recommended vaccinations. Medical staff may further advise on the matter based on the child’s individualized needs and vulnerabilities.


Use of the Caregiver Responsibility Form (CRF) should be considered for children and youth with complex medical needs as the responsibilities and caretaking requirements of the caregivers are often significant.

#### **Caregiver Access to Children’s Health Records**

The Social Security Act § 475(5)(D) requires the division to supply a copy of the child’s health record maintained by the division (outlined in the above section) to the foster parent at the time of each placement. The division’s method of providing this information to caregivers includes:

- Sharing health and medical information documented on the [Child Information & Placement Checklist](#) at the time a placement is made; and
- Providing caregivers with copies of case plans (which includes the child’s health information).

In instances where children or youth have complex medical needs or significant medical

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history, it may be appropriate for caregivers to have access to the child’s full medical record. Family services workers may sign a release to the Vermont Department of Health or the child’s medical provider to provide caregivers with the full medical records.

### **The Caregiver’s Role on Child and Family Support Team**

Foster and kinship parents are valued members of the child and family support team. Their input should be sought and considered at all points, including during the development of the case plan. Caregiver input for the case plan may be gathered using the [Case Planning & Supplemental Placement Information Form](#).

It is important to note that the case plan for the child, including the case plan goal, is approved by the court. Also, court orders often govern the plan for family time and parent/child contact. Depending upon the stage of the juvenile court proceeding, the caregivers may or may not have the opportunity to be heard in court on these matters. District office staff will support and facilitate informal avenues for communication and conflict resolution when caregivers disagree with the division’s plans and strategies.


### **Caregiver Rights at Post-Disposition Court Hearings**

The division must notify the child’s foster parent, pre-adoptive parent, relative caregiver, or any custodian of the post-disposition hearing using the [Foster Parent Court Notification Card](#). Per 33 V.S.A. § 5320, caregivers have the right to be heard at post-disposition hearings. Judges may ask caregivers to share their perspective verbally in court or in writing. Any individual without party status seeking inclusion in the hearing may petition the court for admittance by filing a request with the clerk of the court. Division staff should inform caregivers about the court process and how best to express their point of view.

### **Decisions to Change a Child or Youth’s Placement**

The change of a child or youth’s placement is a major decision made on behalf of the young person, with significant impact on their well-being. The division’s intention is to make the best-informed decision that is in the child or youth’s best interest.

When a child is not placed with a relative, it is important to continue family finding efforts required by Family Services [Policy 91](#). If or when a relative is identified by the division or comes forward when a child has been in a placement that is permanent, the district director will notify their assigned policy and operations manager to determine next steps before taking action to assess that relative. If it is decided to move forward with consideration of the newly identified relative placement, the director of operations

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will notify the DCF Commissioner of the situation and that a district decision to change a child’s placement may result in a Commissioner’s appeal.

When division staff have concerns about the care the child is receiving in the foster home, those concerns should be addressed with the caregivers, except in rare instances where such a discussion would jeopardize the child’s safety.

### Notice of Placement Change

Once a plan is made to move a child to a new placement, the division will notify the caregivers in writing 14 days in advance of the date of the move. Written notice may be electronic. This is necessary unless it is determined by the district office, in consultation with operations, that the child needs to move immediately due to concerns about their safety and well-being. The written notice will include the foster family’s right to appeal and indicate the child, absent safety concerns, will not be moved during the appeal process.

#### Emergency Placement Changes


An immediate placement change may occur when:

- The caregiver has requested the child’s immediate removal;
- The foster family’s license has been suspended or revoked;
- The child meets criteria for admission to a secure juvenile facility or residential treatment program; or
- There is reason to believe that the child’s health or safety is in jeopardy because:
  - There is a child safety intervention (CSI) or regulatory intervention underway because of alleged abuse, neglect, or serious misconduct by the caregiver; or
  - An emergency situation exists that cannot be mitigated in another way and the district director reviews and approves of this decision.

#### Opportunity for Review of Placement Change

If they request it, the foster family will be given the opportunity for a review of a planned or emergency placement change for a child who has lived with them for at least three months. The child will not be moved until the review is completed and a decision is made unless concerns arise about the child’s safety and well-being. Consultation with operations is required if concerns arise and an immediate move is under consideration. This includes circumstances in which the child has been recently removed from the caregiver’s home.



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Caregivers are not entitled to a review of placement change decisions under the following circumstances:


- The child is free for adoption, the caregivers do not intend to adopt the child, and the planned move is for the purposes of adoption;
- The removal was due to a substantiation for child abuse or neglect, license suspension, revocation or denial, or a related criminal charge or investigation;
- The removal was due to the child’s placement at a secure juvenile facility or residential treatment program; or
- The removal from the caregiver’s home is the result of achieving the case plan goal of reunification or the court’s transfer of legal custody to the custodial or non-custodial parent.

The district director will notify their assigned operations manager immediately when a foster family has requested a review of a decision to move a child from their home. The director of operations will notify the DCF Commissioner. A Commissioner’s designee will be assigned to conduct the review. If there is a current child safety intervention or regulatory intervention underway, the review will not occur until the investigation is complete. Otherwise, the review process will begin within 5 business days of the request and will be completed as soon as possible.

Directors will continue to hear appeals of case plan goal decisions, family time, and a child’s living arrangement that fall outside of the situation above. See [Family Services Policy 123](#).

In any review process, a face-to-face meeting with the current caregivers will be offered to review the decision and to hear the foster family’s point of view. The foster family may bring a support person, and at the discretion of the reviewer, other persons who may be able to provide information relevant to the review. The reviewer will also speak with others involved in the decision, which may include: the person the child is recommended to be placed with, child’s attorney, guardian ad litem (GAL), family services worker, supervisor, biological parents, etc. The reviewer shall review relevant documentation (i.e., ICPC home study and recent case plan). The reviewer will document their process, findings, and recommended decision in a consistent format and template.

The decision to move or not move a child will be based on the child’s best interest over the span of their lifetime. The DCF Commissioner’s decision is final and will be conveyed to the foster family in a letter explaining the process, decision, and rationale.

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**Special Considerations for Parents and Children in DCF Custody Living in the Same Licensed Foster Home**

At times, it is beneficial for a parent of a child in DCF custody to reside in the same licensed foster or kinship home with their child. Such living situations support parent/child attachment and provide the parent with care, support, and protection by the child’s foster or kinship caregiver.

This arrangement cannot be implemented by district office staff through a district-approved unlicensed placement and must be approved by the Residential Licensing and Special Investigations (RLSI) Unit. In such circumstances, the parent is considered a household member in the licensed home and the licensee is the child’s primary caregiver. Therefore, RLSI must approve the arrangement before the parent joins the household. In most cases, during the time the parent lives in the home, the foster care license will be limited to the child or children in question.

The family services worker must plan carefully to ensure the risks that necessitated the child or youth’s entry into custody will not cause risk in the home. Ultimate responsibility for the care of the child while in this placement is with the foster or kinship caretaker. The worker will ensure explicit communication about the role of the parent and the licensed caregiver in providing care and supervision of the child. This should be documented in the case plan.