



Arizona Department of Child Safety: Policy and Procedure Manual

Chapter 4: Section 5 Selecting Out-of-Home Care Provider

Policy

The Department shall seek to provide every child who requires out-of-home care with a placement that addresses his or her unique needs. No single factor shall be the sole determining factor in the selection of a placement.

The Department shall not deny or delay a foster or adoptive placement of a child on the basis of race, color, or national origin of the foster or adoptive parent or the child involved.

Within the constraints of available resources and when consistent with the needs of the child, the Department shall seek to place a child who requires out-of-home care:

- in close proximity to the parents' home;
- with members of the child's extended family and adult siblings or with adults with whom the child has a significant relationship;
- with minor siblings who are in out-of-home care, unless contrary to the child's or a sibling's safety or well-being;
- in the least restrictive placement that will meet his/her needs;
- within the child's own school district; and
- with caregivers who can communicate in the child's language.

If the placement of siblings together is not possible for all or any of the siblings, the Department shall make efforts to maintain frequent visitation or other ongoing contact between all siblings, unless there is documented evidence that visitation or ongoing contact would be contrary to the child's or a sibling's safety or well-being.

For children who are not Native American, the order of placement preference, unless otherwise dictated by child need is:

- parent;
- grandparent;
- a member of the child's extended family, including a person who has a significant relationship with the child;
- licensed family foster home;
- therapeutic foster care;
- group home;
- therapeutic group home;
- residential treatment facility.

For Native American children, the order of placement preference shall be determined in accordance with the requirements of the Indian Child Welfare Act, as follows:

- a member of the child's extended family;
- a foster home licensed, approved or specified by the child's tribe;
- an Indian foster home licensed or approved by an authorized non-Indian licensing authority;
- an institution approved by the Indian tribe, or operated by an Indian organization which has a program suitable to meet the Indian child's needs. (25 U.S.C.§1901 et seq.)

This order of placement preference for Native American children must be followed except under the following circumstances:

- the child's parents have relinquished their parental rights and requested anonymity (in this case, preference shall be for placement with other Native American families);
- the child's tribe sets a different order of preference; or
- the tribe chooses not to intervene in the case and the state court finds that there is good cause to change the order of placement preference. (25 U.S.C.§1901 et seq.)

For children who re-enter out-of-home care after being returned home, the Department shall notify all foster homes in which the child had previously been placed that the child has returned to out-of-home care, unless the foster home has substantiated or outstanding allegations, reports, or investigations known by the department.

For children who re-enter out-of-home care after being returned home, the Department shall place the child in a foster home in which the child previously resided, giving preference to the most recent foster home caregiver, unless:

- a preferred placement is available and able to meet the child's needs (such as kinship placement, placement with siblings, or placement in accordance with the Indian Child Welfare Act);
- placement in a previous foster home is not in the best interests of the child; or
- none of the prior foster homes agree to placement.

The Department may place a child in excess of the number of children allowed and identified in the foster parent's license; if the Department reasonably believes the foster home has the ability to safely handle additional children and if there are no outstanding concerns, deficiencies, reports, or investigations regarding the foster home; and if the child meets one of the following criteria:

- the child is part of a sibling group that currently resides in the foster home;
- the child is part of a sibling group that is being considered for placement in the foster home but because of the maximum child limit, would otherwise have to be separated;
- the child previously resided in the foster home; or
- the child is a kinship placement for the foster home.

A DCS employee may be licensed as a foster parent or certified to adopt or be considered for kinship placement.

Procedures

Make reasonable efforts to place the child in the least restrictive placement setting that will meet his/her needs; according to the order of placement preference; in close proximity to the parents' home; and with all or any of the child's siblings, unless there is documented evidence that placement together is contrary to the child's or a sibling's safety or well-being. Make reasonable efforts to place the child within the child's own school district and with caregivers who can communicate in the child's language.

If the placement of siblings together is not possible for all or any of the siblings, make efforts to maintain frequent visitation or other ongoing contact between all siblings unless there is documented evidence that

visitation or ongoing contact would be contrary to the child's or a sibling's safety or well-being.

When a child returns to care after reunification, notify former foster homes of the child's re-entry into out-of-home care unless the former foster home has substantiated or outstanding allegations, reports, or investigations known to DCS.

When selecting a child's placement, follow the order of placement preference. If the child will be placed in a family foster home, give placement preference to the most recent foster home in which the child was previously placed, unless placement in that home is not in the child's best interest.

Contact the AAG when there are concerns that notifying or placing the child in a previous foster home will be contrary to the child's safety or well-being.

To select a placement for a Native American child, follow the procedures found in [Placement Preferences of an Indian Child](#).

To select a placement with a kinship foster caregiver, follow the procedures found in [Kinship Care](#).

Selecting a Non-Relative Licensed Foster Home

Consider placing the child in a non-relative licensed foster home when no parent, grandparent, great-grandparent, adult sibling of whole or half-blood, aunt, uncle, first cousin or person who has a significant relationship with the child and can meet the placement needs of the child has been identified. If the child's needs do not require a more restrictive placement setting, the DCS Specialist or designated region staff completes the following:

- Identify available foster homes according to region procedures by contacting the appropriate region designee and completing regional placement request forms.
- Review information on available foster homes to match the child's placement needs with foster family characteristics and capabilities, using information from the Licensing Worker and other resources, such as home studies. Consider:
 - the expressed wishes of the birth parent and child, if applicable (the parent's preference regarding race, color or national origin shall not be considered);
 - the home's proximity to the parents' home and the child's current school or school district;
 - the strengths and parenting style of the caregiver in relation to the child's behavior and needs;
 - the caregiver's willingness to communicate and interact with the birth family to support visitation and the reunification process;
 - the caregiver's ability and willingness to accept placement of the child and all or any of the child's siblings;
 - if any siblings will be placed separately, the caregiver's ability and willingness to provide or assist in maintaining frequent visitation or other ongoing contact between the child and the child's sibling;
 - the child's fit with the family with regard to age, gender, and sibling relationships;
 - if the child has chronic behavioral health needs, whether the child's behavior will place other children in the home at risk;
 - if the child has chronic behavioral health needs, the caregiver's ability to provide the necessary level of supervision to prevent harm to self or others by the child;
 - whether placement in the home would comply with the Interethnic Adoption Provisions of the Small Business Job Protection Act of 1996; and
 - whether placement in the home would be in accordance with the placement preferences of the Indian Child Welfare Act, if applicable.
- After identifying prospective foster homes, contact prospective foster parents and discuss the child's needs, permanency goal, and contact and visitation plan; the foster parents' ability to meet the child's needs; the foster parents' ability and willingness to support maintenance of the child's connections with his/her parents, siblings, extended family and other important connections; the Department's

expectations of the foster parents; and their willingness to consider placement of the child and the child's siblings, if applicable.

- Select the foster home that is best able to meet the placement needs of the child and the child's siblings, if applicable.
- If necessary, convene a case conference to discuss placement selection.
- Determine the reimbursement rate to be recommended by reviewing the documented placement needs of the child:
 - medical and any special care requirements;
 - transportation;
 - level of supervision;
 - educational; and
 - mental and behavioral health.

Placing a Child in a Foster Home in Excess of the Number of Children Allowed By the Homes License

When considering placement of a child in a foster home in excess of the number of children allowed (overcapacity) by the home's license, the DCS Specialist and the Licensing Worker must both be informed of, and agree to request the proposed placement.

The Department may place a child in excess of the number of children allowed and identified in the foster parent's license; if the Department reasonably believes the foster home has the ability to safely handle additional children and if there are no outstanding concerns, deficiencies, reports, or investigations regarding the foster home; and if the child meets one of the following criteria:

- the child is part of a sibling group that currently resides in the foster home;
- the child is part of a sibling group that is being considered for placement in the foster home but because of the maximum child limit, would otherwise have to be separated;
- the child previously resided in the foster home; or
- the child is a kinship placement for the foster home.
- The DCS Specialist and the Licensing Worker must determine and agree that:
 - the foster home has the ability to safely supervise and care for additional children;
 - there are no outstanding concerns, deficiencies, reports, or investigations regarding the foster home and;
 - the child meets one of the following criteria:
 - the child is part of a sibling group that currently resides in the foster home;
 - the child is part of a sibling group that is being considered for placement in the foster home but because of the maximum child limit, would otherwise have to be separated;
 - the child previously resided in the foster home; or
 - the child is a kinship placement for the foster home.

The DCS Specialist/Placement Coordinator or Agency Licensing Worker may request approval for a foster home that is not licensed for the number of children required to accept an additional child in their home by completing the [Overcapacity Placement Request \(CSO-1264\)](#) and emailing it to the Office of Licensing and Regulation (OLR) at FHLDocs@azdcs.gov

OLR reviews the request and can approve or deny the request. OLR's decision is then emailed to the:

- DCS Specialist and Supervisor,
- Agency Licensing Worker and Supervisor, and
- Contract Management Analyst (except when the request is denied).

Requests to place a child in a foster home that would cause the foster home to exceed the number of children allowed by the home's license is will only be reviewed and authorized during normal work hours only.

Selecting a Group Home

Consider placing the child in a group home if no parent, grandparent, member of the child's extended family, person who has a significant relationship with the child, or licensed foster home that can meet the child's need has been identified. Placement in a group home may be the least restrictive setting that can meet the child's needs if:

- the child has a recent history of unsuccessful placements in family settings, despite provision of services to support placement stability; or
- the child has supervision or behavior management requirements that cannot be met in a family environment.

If it is determined that the child will be placed in a group home, the DCS Specialist or designated region staff completes the following:

- Identify available group homes according to region procedures by contacting the appropriate region designee and completing regional placement request forms.
- Review information on available group homes to match the child's placement needs with the group home characteristics and capabilities. Consider:
 - the expressed wishes of the birth parent and child, if applicable (the parent's preference regarding race, color or national origin shall not be considered);
 - the home's proximity to the parents' home and the child's current school or school district;
 - the strengths and structure of the group home in relation to the child's behavior and needs;
 - the caregiver's ability to provide and facilitate visitation with the birth family
 - if any siblings will be placed separately, the group home's ability and willingness to provide or assist in maintaining frequent visitation or other ongoing contact between child and the child's sibling;
 - the child's fit with the group home with regard to age, gender, and special needs of other children placed in the home;
 - if the child has chronic behavioral health needs, whether the child's behavior will place other children in the home at risk; and
 - if the child has chronic behavioral health needs, the caregiver's ability to provide the necessary level of supervision to prevent harm to self or others by the child.
- After identifying prospective group homes, contact the group home and discuss the child's needs, permanency goal, and contact and visitation plan; the group home's ability to meet the child's needs; the group home's ability and willingness to support maintenance of the child's connections with his/her parents, siblings, extended family and other important connections; expectations of the group home; and their willingness to consider placement of the child and the child's siblings, if applicable.
- Select the group home that is best able to meet the placement needs of the child and the child's siblings, if applicable.
- If necessary, convene a case conference to discuss placement selection.
- Forward pertinent background information on the child, including previous mental and behavioral health records, to the approved and selected provider.
- Inform the group home caregivers about the plan for visitation and contact with parents, siblings, and others; and expectations of the group related to visitation, contact, and support of the child's important connections.

Selecting a therapeutic group home or residential treatment center

Consult with the CMDP Behavioral Health Coordinator regarding placement of the child if the child has chronic behavioral health needs. Refer to Title XIX Behavioral Health & Substance Abuse Services for more information.

For placement in a residential treatment center, contact the CMDP Behavioral Health Coordinator. See [Arranging Placement in a Behavioral Health Inpatient Facility](#).

If a behavioral health group care placement is court ordered:

- Contact the CMDP Behavioral Health Coordinator to co-ordinate placement services and funding.

- After making contact with the potential placement, prepare an Addendum Report to the Court, CT00200, advising the court of the status of the order, the provider's name, the funding source, and date the service will begin.
- Forward the report to the court according to region procedures.
- If the RBHA refuses to provide court-ordered services, contact the CMDP Behavioral Health Appeals Coordinator to initiate an appeal.

DCS Employees as Out-of-Home Care Providers

An employee who decides to apply for foster parent licensure or adoption certification, or wants to be considered as a kinship care placement, shall provide advanced written notification of this decision to his/her immediate Supervisor and Region Program Administrator.

The assessment of a child's placement needs and the placement of the child shall be made in accordance with the placement procedures found in [Providing Out-of-Home Services Under a Dependency](#) and [Adoption: Assessing child's Needs and Preparing for Placement](#).

The Region Program Administrator of the region in which the child will be placed shall approve the placement of the child, and approve arrangements for supervision of any placement prior to the child's placement with the employee. Supervision of the child's placement shall be provided by a unit outside the employee's Program Manager area.

The employee is entitled to the same benefits and supports as any other licensed foster parent or certified adoptive parent or approved kinship caregiver.

The employee must use approved leave to attend to the needs of the child placed in his/her care.

An employee who has a child placed in his/her care as a licensed foster parent or an adoptive parent or as a kinship caregiver shall not:

- conduct or be responsible in any manner for the investigation of a report concerning the child while in the employee's care;
- be responsible for the case management of the child's case or the case involving the child's family;
- conduct or be responsible for the evaluation of his/her home as a placement option for the child; or
- access the child's or the child's family case information in CHILDS or request information regarding the child's case from anyone other than the assigned DCS Specialist , Supervisor or Program Manager.

Any report of child abuse or neglect of the child, management of the child's case or complaints filed concerning the care of a child while in the employee's home shall be investigated and/or handled by a Program Manager area that does not have direct supervision of the employee.

Documentation

Use the Case Notes window to document notification to the child previous foster parents of the child's re-entry, and whether or not the former foster home is willing to provide placement.

Use the Case Notes window to document the reason a child's placement in a foster home in which the child previously resided is not in the child's best interests, if applicable..

Use the Case Notes window to document the reasons for not placing siblings together.

Use the Case Notes window to document the process of selection and placement of a child in a non-relative foster home.

Use the Case Notes window to document the reasons for exceeding a foster home's license (overcapacity) when placing a child in a licensed foster home.

Use the Case Notes window to document the process of selection and placement of a child in a Group Home.

Use the Case Notes window to document efforts made to secure a behavioral health placement for a child.

Forms

[Overcapacity Placement Request, CSO-1264](#)

Related Information

Legal

[The Adoption Assistance and Child Welfare Act of 1980 \(P.L. 96-272\)](#)

[The Indian Child Welfare Act \(ICWA\), 25 U.S.C. §1901 et seq.,](#)

[The Interethnic Adoption Provisions of the Small Business Job Protection Act of 1996 \(P.L. 104-188\)](#)

[The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 \(P.L. 104-193\)](#)

[The Fostering Connections to Success and Increasing Adoptions Act of 2008 \(P.L. 110-351\)](#)

[ARS §8-513](#) Participation in activities; contact with relatives; placement with siblings

[ARS §8-514](#) Placement in foster homes

[ARS §8-514.03](#) Kinship foster care; requirements; investigation; report

[ARS § 8-530.01](#) Placement of a child returning to foster care; notification

[ARS §8-813](#) Preplacement investigation; medical examination; disposition

[ARS § 8-824](#) Preliminary protective hearing; probable cause; appointment of counsel

[ARS § 36-2801](#) et seq (also known as Arizona Medical Marijuana Act)

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