
| | | | |
|----|--------------|--|-----------|
| 1 | 700 | GENERAL MAJOR OBJECTIVES | |
| 2 | 700.1 | Table Of Contents | |
| 3 | | | |
| 4 | 701 | Administrative Hearings | 2 |
| 5 | 701.1 | Right To Hearing For Alleged Perpetrators Of Non-Severe Abuse And Neglect | 2 |
| 6 | | | |
| 7 | 702 | Child And Family Services Employees As Out-Of-Home Caregivers..... | 6 |
| 8 | | | |
| 9 | 703 | Interstate Compact On Placement Of Children | 7 |
| 10 | 703.1 | Placement Of Foster Child Outside Of Utah – Interstate Placement | 7 |
| 11 | 703.2 | Child In Custody Of Another State To Be Placed In Utah – Interstate Placement | 20 |
| 12 | | | |
| 13 | 704 | Placement Of A Child In Protective Custody | 25 |
| 14 | 704.1 | Crisis Placements..... | 29 |
| 15 | 704.2 | Voluntary Placements..... | 30 |
| 16 | 704.3 | Domestic Violence Shelters..... | 32 |
| 17 | 704.4 | Emergency Foster Care Placements..... | 32 |
| 18 | | | |
| 19 | 705 | (NOT USED DUE TO NUMBERING CONFLICT) | 34 |
| 20 | | | |
| 21 | 706 | Drug Testing Protocol | 35 |
| 22 | | | |

23 **701 Administrative Hearings**

24

25 Philosophy

26 The goal and purpose of the Administrative Hearing process is to provide an avenue for an
27 alleged perpetrator to challenge the conclusion of the Child and Family Services caseworker
28 who has made a supported finding of one of the non-severe types of child abuse or neglect.
29 This opportunity is provided through an informal hearing before an administrative law judge.
30 This process is distinct from that used when a finding of severe abuse or neglect is challenged.

31

32 **701.1 Right To Hearing For Alleged Perpetrators Of Non-Severe Abuse**
33 **And Neglect**

34

35 Major objectives:

36 Child and Family Services will advise individuals of their hearing rights and assist them with the
37 administrative hearing process.

38

39 **Applicable Law**

40 Utah Code Ann. [§62A-4a-1009](#). Notice and opportunity to challenge supported finding in
41 Management Information System – Right of judicial review.

42

43 Practice Guidelines

44 A. Hearing opportunity: When a Child and Family Services caseworker makes a supported
45 finding of non-severe abuse or neglect, the alleged perpetrator will be informed of their
46 right to challenge that finding before an administrative law judge. The alleged
47 perpetrator has responsibility to request the hearing from the Department of Human
48 Services, Office of Administrative Hearings.

49

50 B. Request for and Review of Documents: An alleged perpetrator has the right to review
51 documents related to the finding made by Child and Family Services prior to a hearing.
52 The documents will be provided only when a proper request is made using processes
53 established under the Government Records Access and Management Act (GRAMA). All
54 documents relevant to the caseworker's finding, which can be released to the alleged
55 perpetrator under GRAMA, will be prepared and released sufficiently in advance of the
56 hearing to allow the alleged perpetrator to prepare for the hearing. The Child and
57 Family Services caseworker making the supported finding and his or her supervisor will
58 assist in the process of compiling and preparing the documents for release.

59

60 C. Internal Review of Findings: Upon receiving notice that a hearing has been requested,
61 the caseworker making the supported finding will review the case with his or her

- 62 supervisor or other person within their region designated to review such findings. If the
63 Child and Family Services caseworker believes upon reviewing the case that the
64 supported finding was reached in error, the caseworker will ask that the record be
65 changed prior to the hearing.
66
- 67 D. Caseworker participation and Administrative support: The Child and Family Services
68 caseworker who made the original finding will appear at a hearing to provide testimony
69 and information to the administrative law judge and the alleged perpetrator as
70 appropriate. A supervisor or administrator will appear with each caseworker at every
71 hearing.
72
- 73 E. Appeal of the administrative law judge decision: If after a hearing the Child and Family
74 Services caseworker believes the administrative law judge reached an incorrect
75 conclusion, the caseworker, through their supervisor will request an appeal to the
76 juvenile court. This request must be communicated to the Office of the Attorney
77 General, Child Protection Division within 10 days of the date the administrative law
78 judge signs the final order overturning the Child and Family Services caseworker's
79 finding.
80
- 81 F. Effect of court proceedings: If the same allegations that underlie the Child and Family
82 Services caseworker's conclusions have already been adjudicated in a juvenile, district,
83 or justice court, and the alleged perpetrator has been found to be responsible for acts
84 that constitute abuse, neglect, or dependency, Child and Family Services will not provide
85 a hearing to the alleged perpetrator. When these circumstances exist the Child and
86 Family Services caseworker and his or her supervisor, through an Assistant Attorney
87 General will request that the Office of Administrative Hearings dismiss the hearing
88 request. The Child and Family Services caseworker will nevertheless appear at a hearing
89 scheduled by the administrative law judge unless the case is dismissed by the Office of
90 Administrative Hearings.
91
- 92 G. Stay of Office of Administrative Hearings proceedings: When a district, juvenile, or
93 justice court is considering allegations relating to abuse, neglect, or dependency against
94 a person who is the subject of a supported finding, and that person has requested a
95 hearing before an administrative law judge, Child and Family Services may request a
96 "stay" in the Office of Administrative Hearings proceedings. This does not limit the
97 alleged perpetrator's rights and allows for the Office of Administrative Hearings to
98 consider the Child and Family Services caseworker's finding at a later time. Child and
99 Family Services will not ask for a stay in the Office of Administrative Hearings
100 proceeding unless there is a court case underway at the time the request for hearing is
101 made. Once a decision is made by a court, the Child and Family Services caseworker will
102 ask to have the stay lifted and to have the case move forward. Where appropriate,

- 103 Child and Family Services will use the findings made by the court to prove the accuracy
104 of the Child and Family Services caseworker's finding.
105
- 106 H. Standard for proving supported finding was appropriate: By statute, the standard to be
107 applied by the administrative law judge in reviewing the Child and Family Services
108 caseworker's conclusion is the same as that which is applied by the caseworker when
109 reaching a conclusion. That is, whether there is a reasonable basis to conclude that
110 abuse, neglect, or dependency occurred based on the evidence known to or available to
111 the Child and Family Services caseworker at the time of the original finding.
112
- 113 I. The administrative law judge is required to make a separate finding regarding every
114 allegation of non-severe abuse, neglect, or dependency that the alleged perpetrator
115 challenges. Allegations of severe abuse will not be heard before an administrative law
116 judge. Allegations of non-severe abuse or neglect may be heard together with
117 allegations of severe abuse in the juvenile court.
118
- 119 J. If the case is appealed to juvenile court, the court will apply the same standard as
120 applied by the administrative law judge.
121
- 122 K. Whenever a caseworker receives a decision from the Office of Administrative Hearings
123 they should determine whether it has also been sent to the Child and Family Services
124 Administrative Hearing Tracker. If it has not they must forward a copy to the tracker.
125 The tracker will ensure that the changes to the information system are made if the
126 decision has been overturned.
127
- 128 L. Once a decision is made the caseworker should enter the information into the SAFE
129 system under the Hearings tab. If the decision changes the finding originally entered in
130 SAFE the Administrative Hearing Tracker will be responsible for ensuring the change is
131 made.
132
- 133 M. Child and Family Services caseworkers should be aware that the Office of Administrative
134 Hearings might dismiss a hearing request on certain allegations but not on all
135 allegations. This might happen when some of the claims but not others have been
136 decided by a court.
137
- 138 N. A stay in administrative proceedings should only be asked for or agreed to when there is
139 a court proceeding underway at the time the request for a hearing or a stay of hearing is
140 made. Child and Family Services caseworkers should ask for a stay only when the court
141 proceeding that is underway involves Child and Family Services as a party. There is no
142 requirement for Child and Family Services to stay its proceedings while a criminal or
143 delinquency proceeding moves forward.

145 **702 Child And Family Services Employees As Out-Of-Home Caregivers**

146 Major objectives:

147 Child and Family Services employees may be licensed to provide out-of-home care for Child and
148 Family Services. Placement of a child with a Child and Family Services employee must be in the
149 best interest of the child. Child and Family Services staff will not receive preferential
150 consideration for placements.
151

152
153 **Applicable Law**

154 Administrative Rule [R501-12-6](#). Foster and Proctor Parent Requirements.
155

156 Practice Guidelines

- 157 A. A Child and Family Services employee wanting to apply to be an out-of-home caregiver
158 must:
- 159 1. Receive approval from the region director of the region in which the caseworker
160 is employed.
 - 161 2. Any conflict of interest matters must be addressed prior to approval of the
162 waiver.
 - 163 3. Submit a completed waiver request form to the Office of Licensing.
 - 164 4. The case will be staffed in another Child and Family Services region for approval
165 or denial of placement.
 - 166 5. If the Office of Licensing denies the waiver, an appeal process is available
167 through the Department of Human Services Deputy Director and/or the Office of
168 Administrative Hearings.
169

170 **703 Interstate Compact On Placement Of Children**

171 Major objectives:

172 Child and Family Services will adhere to the Interstate Compact on Placement of Children (ICPC).
173 Children/youth in state custody who are placed out of state will receive comparable quality of
174 services from Child and Family Services as a child/youth who is placed in state.
175

177
178 **Applicable Law**

- 179 Utah Code Ann. [§62-4a-701](#). Interstate Compact on Placement of Children -- Text.
180 Utah Code Ann. [§62-4a-702](#). Financial responsibility.
181 Utah Code Ann. [§62-4a-703](#). Division as public authority.
182 Utah Code Ann. [§62-4a-704](#). Director as authority.
183 Utah Code Ann. [§62-4a-705](#). Fulfillment of requirements.
184 Utah Code Ann. [§62-4a-706](#). Jurisdiction over delinquent children.
185 Utah Code Ann. [§62-4a-707](#). Executive -- Authority.
186 Utah Code Ann. [§62-4a-708](#). Existing authority for child placement continues.
187 Utah Code Ann. [§62-4a-709](#). Medical assistance identification.
188

189 **703.1 Placement Of Foster Child Outside Of Utah – Interstate Placement**

- 190 A. Practice Model applicability. Practice Model principles and case requirements for a
191 foster or prospective adoptive child placed out of state are the same as for a child
192 placed in Utah. Additional effort will be required to ensure that care and services
193 received out of state are satisfactory for the child and to help the child achieve timely
194 permanency. The Utah caseworker is responsible to maintain close contact with the
195 child and family throughout the ICPC placement to ensure well-being (court jurisdiction
196 maintained).
197
- 198 B. ICPC request for out-of-state placement. State law requires that the ICPC process must
199 be completed before a child may be placed out of state. These steps are located in SAFE
200 and are also listed in the ICPC state website at <http://www.hsddfs.utah.gov/icpc.htm>.
201 1. ICPC Forms – Available in SAFE or on the website at
202 <http://dcfs.utah.gov/services/icpc/>, or see the ICPC Guidebook for help in
203 completing forms.
204 a. 100A Interstate Compact Placement Request.
205 b. 100B Interstate Compact Report on Child's Placement Status.
206 c. Medical and Financial Plan.
207 d. Form 101 Sending State Priority Home Study Request.
208 e. Mandatory Court Language form ICPC3 (Regulation No. 7).

- 209 2. Financial responsibility will always be primarily Utah's responsibility until the
210 courts have terminated jurisdiction and the PSS/SCF case is closed, even if the
211 family is supporting the child's needs in the other state. The financial and
212 medical plan should be clearly outlined by the Utah caseworker on the
213 Financial/Medical Plan form found in SAFE (Form ICPC4).
- 214 3. Placement cannot be made in the Receiving State (RS) until the Utah ICPC has
215 received approval. All correspondence, prior to placement, must go through the
216 ICPC channels.
- 217
- 218 C. Approval of placement requires the following:
- 219 1. Receipt of the RS' home study with a recommendation of placement from the
220 Utah ICPC.
- 221 2. Form 100A that has been signed by the RS' ICPC approving placement.
- 222 3. Documented completion of background checks necessary for the requested
223 home study.
- 224 4. Approval must come from a designated ICPC person who has been given
225 authority to act in this role.
- 226
- 227 D. Regulation No. 7, Priority Placement of a child (often referred to as Expedited) requires
228 the RS to complete the home study within 30 days.
- 229 1. Regulation No 7 is appropriate when the following criteria are met:
- 230 a. A child is under the age of two years; or
- 231 b. A child is in an emergency shelter; or
- 232 c. A child has spent a substantial amount of time in the home of the parent
233 or relative who is being proposed for placement.
- 234 2. A judge must order a Regulation No. 7 to be conducted, a copy of an acceptable
235 order can be found in SAFE ICPC3. This order must be signed by the judge and
236 submitted to the ICPC office along with the Sending State Priority Home Study
237 Request Form 101, also found in SAFE.
- 238 3. The court will send its order to the Child and Family Services caseworker within
239 two business days. The Child and Family Services caseworker then has three
240 business days to send the ICPC packet to the designated ICPC person. The ICPC
241 person has two business days after receipt to forward the packet to the RS.
242 Overnight mail will be required to meet priority deadlines.
- 243 4. Priority Placement of a child, Regulation No. 7 will not apply to any case that is
244 for licensed or approved foster family care or adoption.
- 245 5. Priority Placement of a child, Regulation No. 7 will not apply if the child is already
246 in the RS in violation of ICPC.
- 247

- 248 E. Consideration of placement of a child, out of state, with a biological parent requires you
249 to follow ICPC process. The only time this would not be necessary is if the judge gives
250 custody directly to the parent and Child and Family Services jurisdiction is terminated.
251
- 252 F. A separate 100A must be submitted to the Utah ICPC office for each type of home study
253 or placement requested. For example:
- 254 1. A child is placed with a relative and they either want to become a licensed foster
255 home or adopt the child. In either of these cases a new 100A and ICPC request
256 must be made.
 - 257 2. A child is placed in a licensed foster home and they want to change to adoption,
258 so a new 100A and ICPC request must be made.
 - 259 3. A child must be legally free to make an adoption request, and TPRs must be
260 submitted with the request.
261
- 262 G. Providing a visit prior to placement could allow the child to build a relationship of trust
263 with potential caregivers, and give caregivers the opportunity to engage with the child.
264 If Child and Family Services wants to allow child visitation, prior to ICPC approval, the
265 following steps must be completed:
- 266 1. If an ICPC request is made during or prior to the visit, the caseworker must
267 clearly identify the duration of the visit including specific dates of arrival and
268 departure. If this is not done the visit will be considered a placement and not a
269 visit.
 - 270 2. A local background screening must be done on the proposed family where the
271 visit will be taking place. This includes local law enforcement and child abuse
272 registry. The family could obtain and send copies of this document.
 - 273 3. The caseworker must obtain court approval.
 - 274 4. The above steps must be documented prior to the visit taking place.
 - 275 5. A visit is outlined as follows in ICPC Regulation No. 9:
 - 276 a. The purpose is to provide the child with social/cultural experience for a
277 short duration,
 - 278 b. The visit can be no longer than 30 days,
 - 279 c. The child cannot be enrolled in school, and
 - 280 d. The intent cannot be to have the child at a visit until official ICPC approval
281 is received.
 - 282 6. If a visit extends longer than 30 days it is considered a placement and is a
283 violation of the ICPC guidelines.
284
- 285 H. If the child is an American Indian/Alaskan Native and thus covered by the Indian Child
286 Welfare Act (ICWA), the child's tribe must be notified of the ICPC request. The ICWA
287 law as outlined in Child and Family Services Practice Guidelines [Section 705](#) must be
288 adhered to when considering an ICPC placement. The Utah caseworker will clearly

- 289 indicate in the cover letter as well as the 100A that ICWA applies and what notification
290 has been provided to the tribes, along with any resulting correspondence.
291
- 292 I. Provider requirements when considering placing a child outside of Utah:
- 293 1. Prior to making any kind of home study request, the caseworker is responsible to
294 engage with potential caregivers to assess their ability, desire, and motivation to
295 have a home study completed that may result in a child being placed in their
296 care. A copy of suggested questions can be found in the ICPC Guidebook or in
297 the Kinship Limited Home Inspection/Safety Assessment Quick Reference as
298 outlined in Safety Questions for Kinship Caregivers.
- 299 2. Requirements for a Parent Home Study request:
- 300 a. The caseworker must submit the ICPC packet to the State Office. All
301 requirements for the ICPC packet are available in SAFE in the ICPC
302 document file named "The Seven Steps to ICPC".
- 303 b. The parent must pass a criminal and child abuse registry check in the
304 state they are living. Fingerprinting may be necessary if the parent has
305 lived outside the state of current residence within the past five years or if
306 there are indications of hits from other states found during the local
307 checks.
- 308 c. The parent is responsible for meeting the financial and medical needs of
309 the child. The parent does have the option of applying for TANF
310 assistance in the state in which they reside.
- 311 d. Custody of the child cannot be given to the parent until the ICPC is
312 approved and Child and Family Services has concurrence from the RS.
- 313 e. The Utah caseworker is responsible upon receipt of the approved home
314 study to:
- 315 (1) Review the home study, which includes information on criminal
316 history and any recommendations.
- 317 (2) Determine if the approved placement will be used.
- 318 (a) If the child will be placed in the RS, submit form 100B to
319 ICPC confirming the placement. Form 100B will initiate
320 courtesy supervision in the RS.
- 321 (b) If it is determined that the approved placement will not be
322 used, submit form 100B to ICPC, terminating the case.
- 323 3. Requirement for a Relative Home request:
- 324 a. The Utah caseworker must submit the ICPC packet to the State Office. All
325 requirements for the ICPC packet are available in SAFE in the ICPC
326 document file named "The Seven Steps to ICPC".
- 327 b. The relative must pass the Preliminary Placement Background Screening
328 or the RS' equivalent to the Utah Criminal Justice Information System
329 (UCJIS):

- 330 (1) UCJIS or equivalent is searched to determine if the applicant has
331 criminal convictions or patterns of arrests or convictions within
332 the RS that indicate a likely threat of harm to a child.
- 333 c. The relative must pass a Completed Background Screening – Fingerprint
334 Based Check:
- 335 (1) Fingerprint based FBI national criminal history records are
336 checked to determine if the applicant has criminal convictions or
337 patterns of convictions that indicate a likely threat of harm to a
338 child.
- 339 d. The RS will follow their state laws pertaining to Adam Walsh
340 requirements for relative placements. These laws may differ from the
341 laws currently established in Utah. The Utah caseworker is responsible,
342 upon receiving a home study, to determine if Adam Walsh requirements
343 were met.
- 344 e. The relative must pass the Preliminary Placement Background Screening
345 – RS' Child Abuse Registry: The Child Abuse Registry is searched for the
346 following:
- 347 (1) To determine if the applicant has findings of a severe type of child
348 abuse or neglect, or if other child welfare or domestic violence
349 case history or patterns of behavior may pose a threat of harm to
350 a child.
- 351 (2) To determine if the applicant has findings of adult abuse.
- 352 f. Any other requirements as expected by the RS.
- 353 g. The child may be placed with the relative as a Preliminary Placement if
354 the relative passes the above checks and placement is approved by the
355 RS. If the child is placed in a Preliminary Placement, the Utah caseworker
356 must move to license the relative as a foster placement or determine if
357 custody and guardianship will be given to the relative.
- 358 (1) If the child is placed in a Preliminary Placement, the Utah
359 caseworker will submit a new ICPC 100A request for a foster
360 home study 90 days after placement of child, or
- 361 (2) Indicate that custody and guardianship will be granted to the
362 relative; this can only be done with the permission and approval
363 of the RS, or
- 364 (3) Indicate that the relative is going to adopt the child and submit an
365 ICPC 100A request for an adoption home study 90 days after
366 placement of the child.
- 367 h. There is no payment made by Child and Family Services to a relative
368 home placement.
- 369 i. Utah is responsible for medical coverage of the child during placement.

- 370 j. The Child and Family Services caseworker is responsible upon receipt of
371 the approved home study to:
- 372 (1) Review the home study, to include recommendations and criminal
373 history.
- 374 (2) Determine if the approved placement will be used; approval by
375 the RS does not mean placement must be made.
- 376 (a) If the child will be placed in the RS, submit form 100B to
377 ICPC confirming the placement. Form 100B will initiate
378 courtesy supervision in the RS.
- 379 (b) If it is determined that the approved placement will not be
380 used, submit form 100B to ICPC, terminating the case.
- 381 4. Requirement for a Foster Care Home Study/licensure request:
- 382 a. The caseworker must submit the ICPC packet to the State Office. All
383 requirements for the ICPC packet are available in SAFE in the ICPC
384 document file named "The Seven Steps to ICPC".
- 385 b. The potential foster parent must pass the Adam Walsh requirements,
386 which include a full background screening with a fingerprint based
387 criminal background check, and a review of the Child Abuse Registry. If
388 the person has not resided in the same state for the past five years,
389 requests for a review of the Child Abuse Registry need to be made to
390 other states where the person has resided.
- 391 c. Any other requirements as expected/outlined by the RS.
- 392 d. The Utah caseworker is responsible to obtain a copy of the license (or the
393 equivalent) that has been issued, in accordance with the Adam Walsh
394 requirements.
- 395 e. The Utah caseworker will need to obtain written documentation that
396 Adam Walsh requirements have been met. This documentation is
397 generally found in the home study.
- 398 f. In order for persons to be added as providers and to receive a Utah foster
399 care reimbursement, the above documentation must to be given to the
400 region eligibility worker.
- 401 g. The foster care reimbursement to the out-of-state provider is based on
402 the need of the child starting with the basic foster care rate. Utah
403 caseworkers will follow Practice Guidelines [Section 301.6](#) in determining
404 the level of care and reimbursement rate. This also includes, but is not
405 limited to, Placement Committee Approval. The agreed upon amount
406 will be sent to the RS, who must indicate their agreement prior to the
407 child being placed.
- 408
- 409 J. Exploring an out-of-state adoptive placement identified through a national website
410 listing such as the Adoption Exchange:

- 411 1. Requirements of Adoptive Home Study Request: These are the basic steps for
412 the caseworker in Utah to complete the interstate placement process for a child
413 being sent to a RS. Information on prospective family in the other state:
- 414 a. A RS prospective adoptive family finds a child they may be interested in
415 adopting from a national website listing. The Adoption Exchange is the
416 Utah contracted provider that will accept calls from and give information
417 about children listed on the website.
 - 418 b. Contact information regarding a RS prospective adoptive family, who has
419 a current home study, will be given to the identified Utah child's
420 caseworker. The Utah caseworker can talk directly with the family about
421 general considerations for the child and specific qualities Utah's Child and
422 Family Services is looking for in a family.
 - 423 c. The Utah caseworker may request that a current home study be sent for
424 consideration.
 - 425 d. When a RS prospective adoptive family is chosen for a Utah child, the
426 Utah caseworker will confirm that the home study includes all
427 background clearances required, both local clearances as well as Adam
428 Walsh Act requirements (i.e., FBI fingerprint based background clearance
429 and out-of-state child abuse registry clearances).
 - 430 e. When the chosen RS prospective adoptive family has met required
431 background clearances, the family is contacted to convey detailed
432 information about the child and address questions from the RS
433 prospective adoptive family.
 - 434 f. If the RS prospective adoptive family wants to continue with the adoption
435 process after receiving detailed information about the child, services for
436 the child will be identified in the prospective adoptive family's area.
 - 437 g. The Utah caseworker will consult, verbally or through email, with the
438 Utah ICPC compact administrator, to learn about specific requirements in
439 the RS as each state's requirements vary.
 - 440 h. The Utah caseworker will consult with the Adoption Subsidy Committee
441 to determine possible medical and financial assistance including any
442 subsidy amounts that may be available for the prospective adoptive
443 family. This will help address the financial plan for the child in the ICPC
444 packet.
 - 445 i. As part of developing the financial and medical plan, consult with Utah
446 ICPC compact administrator to ensure medical assistance will be in place
447 for the child in the RS through the Interstate Compact on Adoption and
448 Medical Assistance (ICAMA).
 - 449 j. The Utah caseworker will begin a conversation with the chosen
450 prospective adoptive family to further determine their commitment to

- 451 the child, assess needed supports, and begin to negotiate Adoption
452 Assistance.
- 453 k. The Utah caseworker will fill out application forms with documentation
454 for Adoption Assistance to present to the Adoption Subsidy Committee.
- 455 l. The Adoption Assistance Agreement should remain in draft status and
456 NOT signed or implemented until the placement has been approved
457 through ICPC.
- 458 m. Formal ICPC process overview: In the ICPC request, both states'
459 requirements will be addressed. As part of ICPC, identified services will
460 be requested, and medical and financial supports for the child will be
461 determined.
- 462 (1) The Utah caseworker will prepare and send the completed ICPC
463 packet to the Utah ICPC compact administrator. If any documents
464 are missing, the Utah caseworker will be contacted.
- 465 (2) Form 100A is required for each child being placed – The Utah
466 caseworker will prepare the Form 100A to formally request the
467 placement of a child in the RS.
- 468 (3) Form 100A will define whether the adoption will be finalized in
469 Utah or in the RS. The Utah caseworker will consult with a Utah
470 Assistant Attorney General (AAG) to determine which state will
471 finalize the adoption.
- 472 (4) Required documentation to be assembled for ICPC packet (found
473 on "The Seven Easy Steps to ICPC" in SAFE as ICPC Form 2):
- 474 (a) Home study including BCI and Child Abuse/Neglect
475 clearances required by the prospective adoptive parents'
476 state of residence as well as the Adam Walsh Act.
- 477 (b) Documentation or statement regarding Native American
478 heritage and compliance with ICWA, if applicable.
- 479 (c) Proof of IV-E eligibility, if applicable.
- 480 (5) The Utah caseworker will pull (ask your support people to help
481 with this):
- 482 (a) Non-Identifying Background for both mother and father.
- 483 (b) Mental health assessment.
- 484 (c) Dental and medical forms.
- 485 (d) Most current Child and Family Plan.
- 486 (e) Two progress summaries.
- 487 (f) Child and Family Assessment.
- 488 (g) All educational information.
- 489 (h) Birth certificate.
- 490 (i) Social Security card.

- 491 (j) Signed court order verifying that Child and Family Services
492 has custody and jurisdiction or requesting the ICPC.
493 (k) Court Order Terminating Parental Rights.
494 (6) The Utah caseworker will complete the medical/financial plan
495 document found in SAFE. The Financial/Medical Plan should
496 include the adoption subsidy outline and ICAMA.
497 (7) The Utah caseworker will prepare a cover letter telling the other
498 state:
499 (a) Contact information: name, address, phone, fax, email.
500 (b) Reason for ICPC request.
501 (c) Why the child entered care in Utah and a brief summary of
502 the medical, psychological, and educational needs of the
503 child, specifically highlighting the child's special needs.
504 (d) Whether or not the child is IV-E eligible.
505 (e) Financial responsibility will be Utah's through Adoption
506 Assistance.
507 (f) Anything else that is pertinent to the successful placement
508 of the child.
509 (8) The Utah caseworker will make three complete copies of the ICPC
510 packet.
511 (9) The Utah caseworker will fill out Form 100A in its entirety,
512 including all required signatures for each child. Form 100A can be
513 found in SAFE. Five copies will be required.
514 (10) The Utah caseworker will submit the complete ICPC packet with
515 cover letter and form 100A to the Utah ICPC compact
516 administrator for processing and delivery to the RS ICPC compact
517 administrator.
518 (11) The Utah ICPC transmittal will request a response from the RS
519 ICPC upon receipt and ask to be notified if there is any missing
520 information.
521 (12) Most states will follow-up with the Utah ICPC compact
522 administrator within two weeks to determine if the packet is
523 complete and/or if further information is needed.
524 (13) Utah's ICPC compact administrator will check the status of ICPC
525 request if there is no response from the RS after a two-week time
526 period.
527 (14) The Utah ICPC compact administrator will notify the caseworker
528 of the RS' decision to approve or deny the placement.
529 n. If placement is denied, the child cannot be placed.
530 o. If placement is approved:

-
- 531 (1) The Utah caseworker will confirm with the Utah ICPC compact
532 administrator that the process for the ICAMA has been completed
533 by the RS to ensure receipt of Medicaid for the child, if
534 appropriate.
- 535 (2) The Utah caseworker will confirm with the prospective adoptive
536 family that they understand the financial and medical plan and
537 resources/supports, which may include IV-E or state-funded
538 Adoption Assistance or foster care payments, Medicaid, and/or
539 private insurance.
- 540 (3) The Utah caseworker will communicate with the prospective
541 adoptive family to ensure all special
542 medical/educational/psychological services are in place.
- 543 (4) The Utah caseworker will establish with the prospective adoptive
544 family how visits and other transition plans will be carried out to
545 maximize the child's adjustment to his/her new family and
546 environment.
- 547 (5) The Utah caseworker will arrange with prospective adoptive
548 parents how and when they will review the child's case file and
549 sign the Disclosure of Information form, sign the Adoption
550 Placement Agreement, and review and sign the Adoption
551 Assistance Agreement.
- 552 p. Placing the child with the family:
- 553 (1) The Utah caseworker will submit the completed Form 100B to the
554 Utah ICPC compact administrator to notify the RS ICPC compact
555 administrator of the child's placement and to initiate supervision
556 services.
- 557 (2) The RS ICPC compact administrator will arrange for the RS
558 caseworker to supervise the placement and submit the agreed
559 upon reports.
- 560 (3) The Utah caseworker will communicate with the RS caseworker
561 regarding required documentation about the child and family
562 adjustment, the child's safety, progress regarding health, mental
563 health education, and other services as needed to satisfy Utah.
564 ICPC requires monthly in-home visits and quarterly reports.
- 565 (4) The Utah caseworker will follow-up with the RS supervising
566 agency, as needed, to ensure that required ongoing supports and
567 services are appropriate and will be available after finalization.
- 568 (5) The Utah caseworker is responsible to provide information and
569 technical assistance to the prospective adoptive family and the RS
570 caseworker, as needed, to ensure that finalization occurs properly
571 and expeditiously.

- 572 (6) At the time the adoptive family finalizes the adoption, the Utah
573 caseworker will send form 100B, which will be forwarded to the
574 RS ICPC Compact Administrator terminating the ICPC case. The
575 Final Adoption Decree is required to close the ICPC case, thus the
576 Utah caseworker will send a copy, upon receipt, to the Utah ICPC
577 Compact Administrator.
578
- 579 K. Exploring an out-of-state adoptive placement:
- 580 1. The caseworker must submit the ICPC packet to the State Office. All
581 requirements for the ICPC packet are available in SAFE in the ICPC document file
582 named "The Seven Steps to ICPC".
 - 583 2. Copy of the signed court orders, ordering Termination of Parental Rights or
584 Parental Relinquishments must be included.
 - 585 3. Any other requirements as expected/required by the RS. These requirements
586 will need to be reviewed on a case-by-case basis as each state has its own
587 adoption laws. It will be beneficial to all team members if as much information
588 as possible is obtained prior to the ICPC request being made.
 - 589 4. In most cases, if parental rights to a child have been terminated, Utah
590 recommends that the ICPC request be for a foster home study and licensure of
591 the proposed caretakers prior to the adoption request. Once the family has
592 become licensed a new 100A request for the adoption must be submitted.
593 (Note: This will allow any financial or medical issues, such as IV-E eligibility, to be
594 addressed prior to the finalization). Other financial/medical options include
595 TANF for relative support (such as Utah's specified relative grant) or an upfront
596 adoption subsidy (if approved by committee.)
 - 597 5. See the adoptions checklist to ensure that all necessary documentation is
598 included, specifically the non-identifying background on biological parents, ICWA
599 statement, and a Termination of Parental Rights signed by the judge.
600
- 601 L. Deciding to make the out-of-state placement:
- 602 1. The RS will provide Utah with the results of the home study and background
603 screening and will indicate whether or not the placement is recommended. The
604 approved designated ICPC person will review the home study and assess that all
605 Utah requirements have been met. If there are questions or concerns regarding
606 the approval, the Utah caseworker must have approval from the supervisor and
607 the region director prior to placement being made.
 - 608 2. The Utah caseworker is responsible for reviewing the home study and any
609 recommendations made by the RS as well as concerns or recommendations from
610 the Utah compact administrator to determine if the placement is in the best
611 interests of the child. The Utah caseworker has six months to make the
612 placement in the approved ICPC home as the home study expires after six

- 613 months if placement is not made. If the Utah caseworker still wants to consider
614 the proposed placement after six months, a new ICPC request is required.
- 615 3. According to the Safe and Timely Act, the Utah caseworker has 14 days to decide
616 if the placement is in the best interest of the child after receiving the completed
617 home study and approval from the RS. The Utah caseworker will submit an
618 intent to use the placement to the designated ICPC person within the 14-day
619 timeframe.
- 620 4. Form 100B in SAFE must be completed and submitted through the regional ICPC
621 coordinator when the decision is made to place the child out of state and to
622 request supervision of the child by the RS. This form serves as notification to the
623 RS of the action being taken to place the child and must be submitted at the time
624 of placement. If this form is not submitted, courtesy supervision will not take
625 place in the RS and it may be considered an illegal placement.
- 626 5. If a decision is made not to place the child in a state after making a request for a
627 home study, or after receiving the home study and approval from another state,
628 the Utah caseworker must submit form 100B from SAFE to the regional ICPC
629 coordinator to close the ICPC case.
- 630 6. Utah will retain jurisdiction over the child for a sufficient duration, generally
631 about six months, to determine all matters in relation to the custody,
632 supervision, care, treatment, and disposition of the child which it would have
633 had if the child had remained in a placement in Utah. Termination of jurisdiction
634 can be done only with concurrence of the appropriate authority in the RS. (See
635 state law on Retention of Jurisdiction for full details.)
636
- 637 M. Health Care Coverage/Medicaid:
- 638 1. Availability of Medicaid coverage for a child that is placed out of state is
639 contingent upon a child's Title IV-E eligibility status.
- 640 a. If a child is Title IV-E eligible and reimbursable and Utah is making a foster
641 care payment to the out-of-state provider, the state in which the child is
642 placed will issue a Medicaid card. The Utah caseworker will request this
643 Medicaid in the cover letter and in the Financial/Medical Plan.
- 644 b. If a child is not Title IV-E eligible and reimbursable, Utah is responsible for
645 the child's health care coverage. If Utah is making a foster care payment
646 to the out-of-state provider, then Utah Medicaid can remain open. An
647 out-of-state health care provider has the option to enroll as a Utah
648 Medicaid provider, if a willing provider can be located. If the child's
649 health care needs cannot be met with Utah Medicaid, the Utah
650 caseworker may work with the Fostering Healthy Children nurse to
651 explore coordinating with an out-of-state health provider to bill for
652 health care using the MI706 process.

- 653 c. The Utah caseworker will talk with the regional eligibility worker about
654 questions concerning Title IV-E or Medicaid eligibility for a child being
655 placed out of state.
- 656 d. If the intent is for the kinship/relative placement to obtain TANF or a
657 specified relative grant, it is the Utah caseworker's responsibility to
658 provide copies of the court order pertaining to the placement of the child
659 with this kin, a copy of the child's birth certificate, Social Security
660 Number, and any other documents as required by the other state. In
661 some cases, Medicaid is attached when TANF is approved for kinship
662 placement. The Utah caseworker may want to check with the RS'
663 Medicaid eligibility office to make this determination.
- 664 e. If the permanency goal is adoption, the placement may qualify for an
665 adoption subsidy. If placement is made and a subsidy is paid to the
666 placement, the child may qualify for ICAMA.
- 667
- 668 N. Courtesy Caseworker Visitation and Reporting: When Utah has decided to place a child
669 after approval and review, the Utah caseworker will need to arrange for supervision by
670 the RS by submitting form 100B to the appropriate region ICPC coordinator. If form
671 100B is not submitted, courtesy supervision will not be provided by the RS and will not
672 take place.
- 673 1. Utah will request that the RS make monthly face-to-face visits with the child and
674 send a written report of the contact to Utah on a quarterly basis. [See:
675 Purposeful Visits Practice Guidelines, [Section 302.2.](#)]
- 676 2. When submitting form 100B, the Utah caseworker will include any visitation
677 plans or limitations as it pertains to the biological parents or other parties that
678 the placement will be expected to adhere to. The Utah caseworker will also
679 provide court orders with any specific orders in regards to this, if appropriate.
- 680 3. The Utah caseworker will talk with the child (if verbal) and out-of-state provider
681 by phone on a monthly basis, in accordance with Purposeful Visitation Practice
682 Guidelines, [Section 302.2.](#)
- 683 4. The Utah caseworker will invite the courtesy supervision worker to participate in
684 any Child and Family Team meetings by phone and provide a copy of the Child
685 and Family Plan so that the courtesy supervision worker is aware of the
686 permanency goals and expectations. When changes are made to the plan or
687 when a new plan is developed, a copy should be sent to the courtesy supervision
688 worker.
- 689 5. Utah has both the authority and the responsibility to determine all matters in
690 relation to the custody, supervision, care, treatment, and disposition of the child,
691 the same as if the child had remained in a placement in the state of Utah.
- 692

693 **703.2 Child In Custody Of Another State To Be Placed In Utah – Interstate**
694 **Placement**

- 695
- 696 A. Before a child from another state may be placed in Utah, the sending state must
697 complete the ICPC requirements and request a study be done on a proposed placement.
698 The home will be assessed for safety and suitability by a designated Utah caseworker.
699 This request is made by the sending state's ICPC compact administrator and must come
700 through the Utah ICPC compact administrator for assignment. A child from another
701 state may be placed in a foster family, with a parent, or in a kinship placement that has
702 been approved for placement through a home study and criminal background screening
703 completed by Child and Family Services. A child may also be placed in a licensed
704 residential treatment center or group home; in this case a home study may not be
705 required.
706
- 707 B. Timeframe for home study. A home study requested by a sending state (both licensing
708 and kinship) should be completed and provided within 60 days of the date on the Utah
709 ICPC transmittal. If the report cannot be completed within this timeframe, the Utah
710 caseworker will notify the Utah ICPC compact administrator. The home study will be
711 sent to the region ICPC coordinator who will forward to the Utah ICPC compact
712 administrator, who will then forward it to the sending state.
- 713 1. Utah cannot grant final approval for the placement until the results of the
714 background screening has been completed and the results have been approved.
 - 715 2. If the proposed caregiver has not responded within 60 days, the Utah
716 caseworker will contact the region ICPC coordinator or ICPC compact
717 administrator to staff case closure. If it is determined that the case will be
718 closed, the Utah caseworker will send a report documenting the attempts to
719 contact. This can be submitted through email or other correspondence.
720
- 721 C. Provider requirements when considering placing a child inside of Utah: The sending
722 state will specify what type of home study they are requesting be completed by the
723 Utah caseworker (the home study type will be indicated on the 100A and ICPC
724 transmittal). The Utah caseworker will follow all Utah kinship requirements when
725 conducting the home study.
- 726 1. Requirements for a Parent Home Study request:
 - 727 a. The parent must pass criminal and child abuse registry checks in the state
728 of Utah. Fingerprinting may be necessary if concerns are found during
729 the local checks.
 - 730 b. The parent is responsible for meeting the financial and medical needs of
731 the child. The parent does have the option of applying for TANF.

- 732 c. Custody of the child cannot be given to the parent until Utah gives
733 concurrence to the sending state.
- 734 d. The Child and Family Services caseworker is responsible upon completion
735 of the requested home study to submit all documents to the region ICPC
736 coordinator. The region ICPC coordinator will forward these to the Utah
737 ICPC compact administrator.
- 738 e. Include a copy of the home study along with the child-specific home
739 study form (SAFE KBS10), the background results, and all
740 recommendations and conditions of placement.
- 741 2. Requirement for a Relative Home request: The relative, and all persons 18 years
742 and older residing in the home, must pass the Preliminary Placement
743 Background Screening and the UCJIS, and must meet all Adam Walsh
744 Requirements:
- 745 a. UCJIS is searched to determine if the applicant has criminal convictions or
746 patterns of arrests or convictions within Utah that indicate a likely threat
747 of harm to a child.
- 748 b. The relative must pass a Completed Background Screening – Fingerprint
749 Based Check:
- 750 (1) Fingerprint based FBI national criminal history records are
751 checked to determine if the applicant has criminal convictions or
752 patterns of convictions that indicate a likely threat of harm to a
753 child.
- 754 c. The relative must pass the Preliminary Placement Background Screening
755 – Utah Child Abuse Registry (SAFE): The Child Abuse Registry is searched
756 for the following:
- 757 (1) To determine if the applicant has findings of a severe type of child
758 abuse or neglect, or if there are other child welfare or domestic
759 violence case histories that show patterns of behavior that may
760 pose a threat of harm to a child.
- 761 (2) To determine if the applicant has findings of adult abuse.
- 762 d. Any other requirements as requested by the sending state.
- 763 e. If the sending state requests a kinship home study without a foster care
764 license, the report can be completed and submitted to the sending state;
765 however, the Utah caseworker completing the home study should
766 indicate in the report to the sending state that this family would not
767 qualify for a Utah foster care maintenance payment based on Utah
768 policies and would not qualify for foster care Medicaid in Utah. If the
769 sending state is going to pay a foster care maintenance payment to the
770 kin, the home must meet licensing requirements. (Note: If the family will
771 be seeking a specified relative grant under TANF, the child may qualify for
772 Medicaid under that program.)

- 773 f. Under ICPC law the sending state retains legal and financial responsibility
774 for the child; however, the relative can apply for TANF to help with
775 financial and medical needs of the child.
- 776 g. The Utah caseworker is responsible, upon completion of the requested
777 home study, to submit all documents to the region ICPC coordinator. The
778 region ICPC coordinator will forward these to the Utah ICPC compact
779 administrator.
- 780 h. The Utah caseworker will include a copy of the home study along with
781 the child-specific home study form (SAFE KBS10), the background results
782 and all recommendations, conditions of placement, and indication that
783 the Adam Walsh requirements were met.
- 784 3. Requirement for a Foster Care Home Study/licensure request:
- 785 a. A home study for a family home that is going to be licensed as a foster
786 parent must meet the requirements of the Office of Licensing. A
787 probationary license can satisfy this requirement if training is still pending
788 for the family before a full licensure can be granted.
- 789 b. If a Foster Care Home Study is being requested, the Utah ICPC compact
790 administrator will verify if the sending state is planning to make a Title IV-
791 E foster care payment to the family for the child. The family must be
792 licensed for foster care by the Office of Licensing if a Title IV-E foster care
793 payment is planned. There may be cases when a child is not IV-E eligible,
794 but the family may be licensed and receive a foster care payment from
795 the sending state, and the child will not qualify for Utah foster care
796 Medicaid. The sending state will be responsible for all medical needs of
797 the child. If there is no response from the proposed caregiver to the
798 Office of Licensing within 60 days, the request should be denied.
- 799 c. The potential foster parent must pass the Adam Walsh requirements
800 including a full background screening and a Finger Print Based criminal
801 background check.
- 802 d. Review of Child Abuse Registry (SAFE), including any requests that need
803 to be made to other states if they have not resided in the same state for
804 five years.
- 805 e. The Utah caseworker will need to provide written documentation that
806 the Adam Walsh requirements have been met. This documentation is
807 generally found in the home study.
- 808 f. The Utah caseworker is responsible, upon completion of the requested
809 home study, to submit all documents to the region ICPC coordinator. The
810 region ICPC coordinator will forward these to the Utah ICPC compact
811 administrator.
- 812 4. Requirements of Adoption Home Study Request:

- 813 a. Copy of the signed court orders ordering the termination of parental
814 rights or parental relinquishments.
- 815 b. Any other requirements as requested by the sending state. These
816 requirements will need to be reviewed on a case-by-case basis as each
817 state has its own adoption laws.
- 818 c. If a foster home study has been completed, this study will fulfill the
819 requirement for an adoption home study. If a foster home study has not
820 been completed, an adoption home study will need to be done.
- 821 d. The Utah caseworker will review the adoption placement with the region
822 adoption committee; provide documentation of the results of that
823 review. This review will include consideration of the adoption subsidy
824 that will be provided by the sending state, as well as if the child will be
825 eligible for ICAMA.
- 826 e. The Utah caseworker is responsible, upon completion of the requested
827 home study, to submit all documents to the region ICPC coordinator. The
828 region ICPC coordinator will forward these to the Utah ICPC compact
829 administrator.
- 830
- 831 D. Courtesy supervision provided to children from other state.
- 832 1. Practice Model Applicability. A Utah caseworker designated as a courtesy
833 caseworker for a foster child placed in Utah from another state should follow
834 basic Practice Model principles and requirements to support the child's safety,
835 permanency, and well-being goals. The sending state will provide a copy of the
836 case plan and assessment information. The Utah caseworker should work with
837 the child and foster family to develop a Child and Family Team to support the
838 placement and coordinate with the sending state. The Child and Family Team
839 will address the need for respite care and other services and supports necessary
840 to provide for the child's safety and well-being and to help the child achieve
841 timely permanency.
- 842 2. Utah cannot provide courtesy supervision for children who have been placed in
843 an ICPC approved home unless the sending state has provided form 100B,
844 confirming that placement has been made. Form 100B will be sent from the
845 Utah ICPC compact administrator to the region ICPC coordinator and assigned as
846 determined by the region.
- 847
- 848 E. Caseworker visitation and reporting: Face-to-face visits will be provided monthly, and a
849 written report will be provided on a quarterly basis (refer to Purposeful Visitation
850 Practice Guidelines [Section 302.2](#)). These reports will be sent to the Utah ICPC to be
851 forwarded to the sending state. The Utah caseworker will submit a copy of the
852 quarterly report to the region ICPC coordinator, who will forward it to the Utah ICPC
853 compact administrator. The Utah caseworker may also provide a copy to the sending

854 state's local worker. It is important that all correspondence be routed through ICPC
855 compact administrators.

856

857 The sending state is required by ICPC guidelines to maintain jurisdiction throughout the
858 time the child is in the approved placement. Generally, supervision services will last
859 four to six months but may be longer depending on the permanency goals of child.

860 During this time, the sending state is responsible for the legal and financial support of
861 the child. The sending agency has the both the authority and the responsibility to
862 determine all matters in relationship to the "custody, supervision, care, treatment, and
863 disposition of the child", just as the sending agency would have "if the child had
864 remained in the sending agency state." (APHSA Guide to the Interstate Compact for
865 Placement of Children.)

- 866 1. Utah must provide courtesy supervision until the sending state's jurisdiction
867 terminates. The sending state must have the agreement of Utah in order to
868 close the ICPC case. Courtesy supervision ends when the child is returned to the
869 sending state, the adoption finalizes, or permanent custody/guardianship is
870 given to a relative or parent. In some cases the sending state may obtain court
871 jurisdiction (PSS) when temporary custody and guardianship of the child is given
872 to a relative or parent. In such instances, the case will remain open until the
873 sending state's jurisdiction terminates.
- 874 2. The Utah caseworker can recommend that the case be closed when it is felt that
875 the family is stable and is no longer in need of supervision services. This can be
876 done by submitting a written report to the region ICPC coordinator.
- 877 3. The Utah caseworker will adhere to the case plan provided by the sending state
878 as it pertains to the needs of the child. This may include visitation, obtaining
879 counseling, school enrollment, and other resources as outlined in the plan.

880

881 **704 Placement Of A Child In Protective Custody**

882

883 **Applicable Law**

884 Utah Code Ann. [§78A-6-307](#). Shelter hearing -- Placement with a noncustodial parent or relative
885 -- DCFS custody.

886

887 Practice Guidelines

888 A. When children are placed in protective custody, caseworkers will immediately work with
889 the staff designated by the region, such as resource family consultants and/or kinship
890 specialists, to find a placement for the child within 24 hours or removal. The
891 caseworker will also consult with the family and/or available or potential Child and
892 Family Team Members at removal regarding potential placement options. The
893 placement decision is subject to the best interest of the child.

894

895 B. The best interest of the child will be taken into account when considering preference for
896 placement. The child's needs should be considered, such as the following (these are in
897 no particular order, rather they should be considered in the context of each case and
898 situation):

- 899 1. Safety factors in regards to the potential placement, including the threats of
900 harm to the child, the protective capacity of the caregiver, and the child's
901 vulnerabilities.
- 902 2. Reasonable proximity to the child's home.
- 903 3. Potential benefit of placing siblings together.
- 904 4. Educational needs, including proximity to the child's school and child's need for
905 maintaining connections to school.
- 906 5. Needs specific to the child's age, including developmental progress.
- 907 6. Cultural factors, language, and religion specific to the child.
- 908 7. Existing relationship between a kinship caregiver and the child.
- 909 8. Health and mental health needs.
- 910 9. Potential for ongoing care or permanency with the kinship caregiver to prevent
911 unnecessary changes in placement.

912

913 C. The following order of preference applies to placement of a child in the custody of Child
914 and Family Services, and is subject to the child's best interest:

- 915 1. A noncustodial parent of the child.
- 916 2. A relative of the child.
- 917 3. A friend designated by the custodial parent or guardian of the child or an
918 extended family member of the child, if licensed as a foster parent or if the
919 friend obtains a child specific license. The custodial parent or guardian may only
920 designate one friend as a potential Preliminary Placement, unless Child and

- 921 Family Services otherwise agrees. A foster parent who has formerly adopted a
922 sibling of the child may be considered as a kinship placement.
- 923 4. A former foster placement if still licensed, and if applicable.
- 924 5. Other licensed family resource home.
- 925 6. "Crisis placements," such as Christmas Box House, Family Support Centers, or
926 resource families who will take the child on a temporary basis while another
927 placement is being explored. Using these facilities or crisis placements for longer
928 than 24 hours will be the last consideration, in order to reduce the trauma
929 experienced by the child as a result of multiple moves. (Please refer to Practice
930 Guidelines [Section 704.1](#) regarding Crisis placements.)
- 931 7. An eligible Indian child must be placed within the foster placement preferences
932 established by ICWA:
- 933 a. A noncustodial parent of the child.
- 934 b. Member of the child's extended family, according to the tribe's
935 customary definition of extended family (25 U.S.C. §1903(2)).
- 936 c. Foster home licensed, approved, or specified by the Indian child's tribe.
- 937 d. Indian foster home licensed or approved by an authorized non-Indian.
- 938 e. An institution for children approved by an Indian tribe or operated by an
939 Indian organization that has a program suitable to meet the child's needs.
- 940 f. If none of the above is possible, the child may be placed in a non-Indian
941 foster home or other appropriate out of home placement.
- 942
- 943 D. The caseworker will follow the protocol outlined in Practice Guidelines [Section 502](#),
944 Kinship services – Preliminary Placement in order to investigate if there is a non-
945 custodial parent or other relatives available that would be able to have the child placed
946 in the home.
- 947
- 948 E. If Child and Family Services is unable to locate a placement for the child with a non-
949 custodial parent or in a kinship home, then the child may be placed in a home with a
950 licensed resource family. If the child is not placed with a noncustodial parent, a relative,
951 or a designated friend, as defined in statute and guidelines, the caseworker will send an
952 email to his or her supervisor explaining why a different placement was in the child's
953 best interest, and will copy and paste this email into the activity logs.
- 954 F. Each region will implement a process that will allow caseworkers to match children who
955 have been removed with appropriate resource homes. Caseworkers should also refer
956 to Practice Guidelines [Section 301.4](#) for further considerations when selecting an out-of-
957 home caregiver.
- 958 1. If a child has been in foster care previously and reenters protective custody, the
959 child's former foster parents will be notified if still licensed. Child and Family
960 Services will make a determination of the former foster parent's willingness and
961 ability to safely and appropriately care for the child. If the former foster home is

- 962 determined by Child and Family Services to be appropriate, the former foster
963 parent will be given a preference over other foster parents for placement of the
964 child.
- 965 2. In order to minimize the number of placement moves for a child, Child and
966 Family Services should attempt to locate a resource family that is willing to have
967 the child remain with them while the case progresses and the permanency plan
968 for the child is being worked on. Permanency planning will continually be
969 assessed and explored by the caseworker and the Child and Family Team. Child
970 and Family Services will work with the resource family to provide them with
971 support and services in order to maintain the child in the placement and to
972 minimize the number of placement moves that the child experiences.
- 973 3. The resource family should not be pressured to make a decision on whether they
974 are willing to adopt the child when the child is first placed in the home.
- 975 4. Upon placement of the child in a resource home, the caseworker will include the
976 resource family in the Child and Family Team and ensure that they understand
977 the permanency goal and concurrent plan for the child. Child and Family
978 Services will keep the resource family informed of progress towards
979 reunification, other potential placement options for the child (including kinship),
980 and imminent changes in the long-term view and/or permanency goals.
- 981 5. Taking into account the permanency needs of the child, Child and Family Services
982 may give preference for the initial placement of the child to be in a resource
983 home of a family that has already expressed a desire to adopt a child. However,
984 if a home that has expressed a desire to adopt is unable to be located at the
985 initiation of a case, the child may be placed in a resource home that is willing to
986 keep the child while reunification is still in progress and/or until another
987 potential permanent placement can be located (kinship placement or another
988 adoptive family). The resource family will then assist with the transition of the
989 child to the permanent home.
- 990 6. The caseworker should use sensitivity when approaching the subject of adoption
991 with a kinship or resource family and should allow the family an opportunity to
992 get to know the child, understand the child's issues, and explore how adopting
993 the child would affect their family. Keeping in mind the urgent permanency
994 needs of the child, the caseworker will continually assess the resource family's
995 desire to provide permanency to the child and will have ongoing discussions with
996 the resource family to assess the situation. When a family that the child is
997 placed with states that they will not adopt the child, the child does not have to
998 be moved immediately; however, the caseworker will take immediate steps to
999 initiate the process to locate another permanent placement for the child. In the
1000 event that reunification is not successful, no kinship placement options are
1001 located, and the resource family does not desire to adopt the child, the
1002 caseworker will maintain the child in the home of the resource family until

- 1003 another appropriate permanent family is located. The resource family will then
1004 assist with the transition of the child into the permanent home.
- 1005 7. If Child and Family Services is unable to immediately locate a resource family
1006 that is willing to provide care for the child, a “crisis placement” may be used for
1007 the child. Crises placements are a last resort and should be use sparingly and
1008 only after all other placement options have been explored. (Refer to Practice
1009 Guidelines [Section 704.1](#) for definitions and guidelines related to crisis
1010 placements.)
1011
- 1012 **G.** The Child and Family Services caseworker will make reasonable efforts to obtain
1013 information essential to the safety and well being of the child and provide the
1014 information to the out-of-home caregivers within 24 hours of placement. Either the
1015 regional resource family consultant or the caseworker may provide the information so
1016 the out-of-home caregiver can make an informed decision regarding the care of the
1017 child. Form CPS23 is used for removals as a result of a CPS case (see Practice Guidelines
1018 [Section 205.2](#)), and may be used to gather the information and provide it to the
1019 caregiver for children who come into protective custody through other means.
- 1020 1. The Child and Family Services staff that provided the information to the
1021 caregiver will document that the information has been provided to the caregiver
1022 in the SAFE activity logs and will add the policy attachment “Placement – Child
1023 info Given to caregiver prior to placement”.
- 1024 2. Caseworkers should refer to Practice Guidelines [Section 301.4](#) for further
1025 guidance on the type of information that should be provided to the out-of-home
1026 caregiver as well as information on allowing the out-of-home caregiver to review
1027 the child’s case file.
1028
- 1029 **H.** The Child and Family Services caseworker will visit the child in the placement by
1030 midnight of the second day after the date of removal from the child’s parents/guardians
1031 to assess the child’s adjustment to the placement and the child’s well-being. Following
1032 the visit, a Child and Family Services caseworker will continue to visit the child in the
1033 placement once per week for the first four weeks that the child is in care.
1034
- 1035 **I.** Once the ongoing caseworker has been assigned, that caseworker will be responsible to
1036 complete the weekly visits for the first four weeks that the child is in care. After the first
1037 four weeks, the caseworker will follow Practice Guidelines [Section 302.2](#) regarding
1038 “Purposeful visiting with a child, out-of-home caregivers, and parents” while the child is
1039 still in care.
1040
- 1041 **J.** The Child and Family Services caseworker will offer the parents a visit with the child
1042 within three working days of removal, if appropriate.
1043

- 1044 K. The caseworker will ensure that any immediate medical needs for a child brought into
1045 protective custody are addressed. A physical, dental, and mental health evaluation will
1046 each be completed within 30 working days from the time the child is placed in
1047 protective custody.
1048
- 1049 L. The ongoing case will be opened in accordance with the timelines outlined in Practice
1050 Guideline [Section 301.01](#) "Opening a Foster Care Case".
1051
- 1052 M. The placement information for each child will be documented in SAFE by midnight of
1053 the second business day after the removal or change in placement.
1054

1055 704.1 Crisis Placements

1056 Major objectives:

1057 When a child enters protective custody, Child and Family Services will minimize the use of "crisis
1058 placements" while other placement options are explored. Using any crisis placement for longer
1059 than 24 hours will be the last consideration, in order to reduce the trauma experienced by the
1060 child as a result of multiple moves. Placing a child in a crisis placement in a "congregate care"
1061 setting is a placement of last resort, when all other placement options have been exhausted or
1062 when there are extenuating circumstances.
1063
1064

1065 Practice Guidelines

1066 Using a crisis placement is acceptable for less than 24 hours while the caseworker explores
1067 placement options. The caseworker should take measures to explain to the child in an age
1068 appropriate manner (if the child's mental capacity permits) that the placement is temporary.
1069

- 1070 A. A "crisis placement" is a placement that is willing to keep the child for a temporary,
1071 short term basis, and there is an understanding that Child and Family Services is actively
1072 working towards moving the child to a kinship placement, another resource family, or
1073 another type of placement appropriate for the child's needs. It does not include group
1074 or therapeutic settings whose purpose is to provide assessment and/or treatment for
1075 mental health or delinquency issues. A child placed in a crisis placement will have at
1076 least one unavoidable placement move. Examples of crisis placements include
1077 Christmas Box House, Family Support Centers, or resource families who will take the
1078 child on a temporary, short term basis while other placements options are sought.
- 1079 1. A "congregate care" setting is a facility that provides temporary, 24 hour care to
1080 a child by trained, rotating staff. A congregate care facility generally combines
1081 living quarters with centralized dining services, shared living spaces, and access
1082 to social and recreational activities.

- 1083 2. Children aged zero to five will be placed directly into a family home setting
1084 unless:
1085 a. There are extenuating circumstances, such as they are part of a sibling
1086 group, and it is determined by the caseworker or regionally designated
1087 personnel that keeping them together outweighs the benefit of single
1088 caregiver placement. Extenuating circumstances will be documented in
1089 activity logs and approved by regionally designated personnel.
1090 3. The caseworker should make every effort so that the child will not remain in a
1091 crisis placement for more than 14 days. The Child and Family Services
1092 caseworker will coordinate with staff designated by the region, such as resource
1093 family consultants, to locate a placement appropriate for the child's needs if the
1094 child is placed in a crisis placement.
1095 4. If a placement has not been found within 14 days, the Child and Family Services
1096 caseworker will review the child's case weekly with the designated regional
1097 Placement Screening Committee.
1098 5. For children that are initially placed in congregate care settings, there will be
1099 daily efforts made to find a placement for the child. Child and Family Services
1100 will implement a specific high-level administrative review process in each region
1101 for children placed in congregate care that includes review of all children placed
1102 in congregate care at placement and weekly thereafter.
1103 6. Efforts to find a placement for the child will be documented in the SAFE activity
1104 logs.
1105

704.2 Voluntary Placements

Major objectives:

The parents or guardian of a child may request that Child and Family Services place their child in a voluntary temporary out-of-home placement, or a Child and Family Services caseworker may offer a voluntary temporary out-of-home placement. A voluntary out-of-home placement will only be used when the parents or guardian can have unrestricted access to the child without presenting a risk to the health, safety, or well-being of the child.

All voluntary foster care placements will be reviewed every 45 days with the Shelter Placement Screening Committee. A child needing to remain in a voluntary out-of-home placement beyond 180 days may only do so through a court order that finds that continued placement is in the best interest of the child.

Applicable Law

Utah Code Ann. [§62A-4a-106](#). Services provided by division.

1123 Practice Guidelines

- 1124 A. Ensure that the parent or guardian has explored all possible options for placement of
1125 the child with relatives, friends, neighbors, etc. prior to initiating a placement through
1126 Child and Family Services.
1127
- 1128 B. Before a child is accepted for foster care placement on a voluntary basis, the parents or
1129 guardians must express a willingness to involve themselves in a time-limited child and
1130 family plan. The parents, child, and caseworker will develop a plan (typically 45 days) to
1131 resolve the crisis and return the child home within that time period.
1132
- 1133 C. Parents will be notified prior to the placement that they are required to pay child
1134 support to the Office of Recovery Services while the child is in the voluntary out-of-
1135 home placement to help defray costs of the child's care.
1136
- 1137 D. A written voluntary placement agreement must be in place at the time a child enters
1138 care and specifies, at a minimum, the legal status of the child and the rights and
1139 obligations of the parents, the child, and Child and Family Services while the child is in
1140 placement. The time period that the agreement is in effect for 45 days.
1141
- 1142 E. The family must provide documentation of medical coverage and understand that they
1143 are responsible for the medical costs. The parents must also provide all information
1144 necessary to make a Title IV-E and Medicaid eligibility determination for the child while
1145 in the voluntary out-of-home placement.
1146
- 1147 F. The family must provide the child's current medical provider of the child's current health
1148 and immunization status, or arrange for the child to have a CHEC screen to insure the
1149 child's health needs are current while in the voluntary out-of-home placement.
1150
- 1151 G. At any time, parents may terminate the voluntary placement and have their child return
1152 home.
1153
- 1154 H. Payment for initial clothing or other special items will be based upon the parents' ability
1155 to pay. These items may be paid by Child and Family Services at the discretion of the
1156 supervisor and region director (or designee) and based on the needs of the child.
1157
- 1158 I. In situations where the crisis is not resolved and it appears the child will require ongoing
1159 foster care, the caseworker will petition the court for temporary custody. If the child
1160 needs to remain in out-of-home care for longer than 180 days, the caseworker may
1161 petition the court for custody prior to the end of the voluntary placement period.
1162

1163 **704.3 Domestic Violence Shelters**

1164 Major objectives:

1165 Shelter services are offered to all persons meeting the definition of co-habitant who either
1166 voluntarily or through a court order seek domestic violence services.
1167

1168 The Child and Family Services caseworker may coordinate and link domestic violence victims
1169 with emergency shelter placements and services.
1170

1171 **Applicable Law**

1172 Utah Code Ann. [§62A-4a-106](#). Services provided by division.
1173

1174 Practice Guidelines

1175 Victim and Dependent Services:

- 1176
- 1177 A. Emergency Shelter: A 24-hour shelter care facility that provides supervision for families.
1178
- 1179 B. Crisis Counseling Services will be made available to a domestic violence victim and
1180 dependents upon request
1181
- 1182 C. Alternate Crisis Housing: May be in motels, community shelters, or other comparable
1183 facilities. *Refer to Domestic Violence Principles 600 Guidelines for victim and
1184 dependant services and alternative crisis housing.
1185
- 1186 D. If the placement in a domestic violence shelter is made by the Child and Family Services
1187 caseworker as an alternative to removing the children from the parent or guardian's
1188 custody, a child and family team meeting will be coordinated within three working days.
1189 (This meeting will include domestic violence shelter staff.)
1190
- 1191 E. Shelter staff will provide information to the Child and Family Services caseworker when
1192 the family plans to leave the shelter facility.
1193

1194 **704.4 Emergency Foster Care Placements**

1195 Major objectives:

1196 When a child is removed from a foster care placement, the Child and Family Services
1197 caseworker may place a child in a temporary emergency foster placement. Shelter homes or
1198 facilities may be utilized.
1199

1200 Emergency Foster Care Placements must be staffed with supervisors.
1201
1202

1203 **Applicable Law**

1204 Utah Code Ann. [§62A-4a-106](#). Services provided by division.

1205

1206 Practice Guidelines

1207 A. Emergency foster care placements may be used:

1208 1. When the Child and Family Services caseworker has made the determination
1209 that the child's out-of-home placement may be unsafe and removal is necessary.

1210 2. When a more permanent placement cannot be identified.

1211 3. When determined to be in the best interest of the child.

1212

1213 B. When emergency foster care placements are initiated, notification needs to be provided
1214 to:

1215 1. The parents.

1216 2. The Assistant Attorney General.

1217 3. The Guardian ad Litem.

1218 4. To Juvenile Court.

1219

1220 C. Following an emergency foster care placement, a child and family team meeting will be
1221 convened within three working days.

1222

1223 D. The Child and Family Services caseworker will visit the child in the temporary placement
1224 within 48 hours.

1225

1226 **705** (NOT USED DUE TO NUMBERING CONFLICT)
1227

1228 **706 Drug Testing Protocol**

1229 Major objectives:

1230 The purpose of this protocol is to provide guidance for caseworkers who need to drug test their
1231 clients. It covers the purpose of drug tests, the referral process, talking to clients about drug
1232 testing, choosing test types and frequency, how to address no-shows, positive and diluted tests;
1233 it also addresses testing of youth, collaboration with other agencies, and obtaining DOPL
1234 reports on clients. Drug testing can be a helpful monitoring tool when used sensibly, but cannot
1235 be used alone to determine whether children are safe.
1236

1237
1238 Practice Guidelines

1239 The following protocol may differ depending on the client's participation in drug court. If a
1240 client is participating in a drug court program, the protocol of that program must be followed.
1241 Otherwise, the following applies.

1242
1243 A. Purpose.

- 1244 1. Drug testing in child welfare is used to help facilitate decision making with
1245 families. It can be used to detect substance use during an investigation, monitor
1246 treatment compliance, or as a deterrent.
- 1247 2. Drug testing should not be the only means used to determine the existence or
1248 absence of a substance abuse disorder or to monitor treatment compliance. In
1249 addition, drug tests do not provide sufficient information for substantiating
1250 allegations of child abuse or neglect or making decisions about the disposition of
1251 a case. Drug tests alone shall not be used to determine whether children are
1252 safe.

1253 3.

1254 B. Evaluation for Drug Testing.

- 1255 1. In order to decide if and what drug tests are needed for a client, a good
1256 assessment of the client's current and past substance abuse is necessary. This
1257 may include:
 - 1258 a. A formal substance abuse assessment performed by a qualified
1259 outside provider.
 - 1260 b. A review of the CPS investigation including any initial drug tests
1261 performed by CPS.
 - 1262 c. Third party reports.
 - 1263 d. Caseworker's direct observations and conversations with the
1264 client.
 - 1265 e. Caseworker's continuous efforts in engaging the client and
1266 building a trusting relationship with the client to obtain more
1267 accurate information about the client's drug use (though some
1268 people initially are in denial of their drug use and guarded against

1269 government intervention). Completing a time-line with a client
1270 can be a way for them to open up about their drug history.

1271

1272 C. Discussing Drug Testing with Clients.

1273 1. The caseworker advises the client of the purpose of the drug testing before
1274 testing begins, which is to assist in case planning and to monitor progress if
1275 substance abuse treatment services are warranted. The client needs to
1276 understand the consequences of positive and negative drug test results, as well
1277 as the consequences of the client's refusal to undergo testing or failing to call in
1278 to the drug testing provider.

1279 2. If the children are living at home (in-home case/trial home placement), the
1280 caseworker should discuss a relapse plan with the parent that addresses the
1281 children's safety and care.

1282 3. The caseworker needs to discuss the client's use of medications, including
1283 prescribed and over-the-counter medications they are currently using and for
1284 what condition, and explain that some medications will show up positive in drug
1285 tests. The caseworker shall make a copy of the client's prescriptions and ask
1286 them to sign a release so that they can talk to their prescribing doctor. If the
1287 client is participating in drug court, the caseworker needs to go over the drug
1288 court requirements, in particular when the court forbids the use of any
1289 medications.

1290 4. ~~[The caseworker will discuss the agency's drug testing procedure, including call-~~
1291 ~~in number, testing locations, and hours of operation, along with the need to~~
1292 ~~bring in identification to every test date.]Prior to sending clients to drug test, the~~
1293 ~~caseworker will review with the client the Drug Testing Agreement for DCFS~~
1294 ~~Client form, which explains client rights and responsibilities, drug testing~~
1295 ~~requirements and potential consequences of test results. The caseworker will go~~
1296 ~~over the drug testing procedure, including call-in number and other check-in~~
1297 ~~methods, testing locations, and hours of operation, along with the need to bring~~
1298 ~~identification to every test. The client and the caseworker will both sign the~~
1299 ~~form. The client will get a copy of the form, and the original will be kept in the~~
1300 ~~case file. If the client refuses, the caseworker will document the refusal in SAFE.~~
1301 ~~CPS caseworkers are advised to keep blank forms (SAFE Form DCFS44) with them~~
1302 ~~when visiting clients, in order to have it available when requesting a client to~~
1303 ~~drug test.~~

1304 [5. The caseworker will review with the client a document that explains their rights,
1305 as well as explain the drug testing requirements and the consequences of test
1306 results (this document is still in development). The caseworker and client will
1307 sign the document. If the client refuses, the caseworker will document the
1308 refusal in SAFE. The signed document will be kept in the family file with a copy to
1309 the client.]

- 1310 [6]5. In addition, the caseworker will ask the client to sign a release so that Child and
1311 Family Services can share the drug testing results with partner agencies
1312 (probation, treatment, courts).
1313
- 1314 D. Referral Process.
- 1315 1. The caseworker will complete a SAFE drug test referral form, which is
1316 automatically sent to their regional drug testing coordinator. Within 24 hours
1317 (during a workweek), the regional drug testing coordinator will review the form,
1318 obtain any additional information if necessary, enter the referral on the
1319 contracted drug testing provider's website, and inform the caseworker that their
1320 client is setup to start drug testing. Drug tests are subject to regional approval
1321 and must be re-approved at a specified interval.
- 1322 2. If the client needs to drug test before the required 24 hours, the caseworker
1323 shall call their regional drug testing coordinator immediately. The regional drug
1324 testing coordinator will then process the request as soon as possible.
- 1325 3. Caseworkers shall not enter any referrals directly into the drug testing provider's
1326 website.
- 1327 4. The regional drug testing coordinator shall help guide the caseworker's decision
1328 on the type of drug tests to perform and the frequency of tests (see Determining
1329 Frequency below). The regional drug testing coordinator shall also serve as the
1330 point of contact in each region/office for the contracted drug testing provider
1331 and for any drug testing related questions.
1332
- 1333 E. Child Protective Services – Initial Drug Test.
- 1334 1. One-time drug testing may be needed to determine if someone is abusing
1335 substances. The preferred test types are:
- 1336 a. Broad-panel, which is a test that can detect a wide range of
1337 substances.
- 1338 b. ETG, spice, bath salts, and oxycodone tests are single substance
1339 tests that can be added to a 5- or broad-panel test, when
1340 indicated.
- 1341 c. Hair testing, which is a 5-panel test (does not include
1342 benzodiazepines and oxycodone) can provide information
1343 regarding past drug use (up to three months). There are,
1344 however, a number of limitations that need to be taken into
1345 consideration when using hair testing (see section G. Determining
1346 Which Drugs to Test For). The federal government has not
1347 developed testing standards for hair testing, which is why hair is
1348 not a preferred testing specimen.
1349
- 1350 F. Determining Frequency.

- 1351 1. After initial drug testing occurs, a randomized ongoing drug testing schedule may
1352 be indicated to provide evidence of success for parents, monitor compliance,
1353 and evaluate progress of treatment.
- 1354 2. Testing frequency should be based on the individual's circumstances and the
1355 purpose of the test. When determining the testing frequency, caseworkers need
1356 to consider the following:
 - 1357 a. The treatment provider's recommendations, if client is in
1358 treatment.
 - 1359 b. The substance(s) the client is known to have abused or is
1360 suspected of abusing. Some substances have a longer detection
1361 window, such as THC (Marijuana): 1-7 days for light use, 10 days
1362 to 6 weeks for heavy use; or Benzodiazepines (Sedative Hypnotics,
1363 for example: Xanax): 3 days to 6 weeks. This means that a lower
1364 frequency can be used. Some substances, such as amphetamines
1365 (2-4 days) have a shorter detection window and may require a
1366 higher frequency.
 - 1367 c. The purpose of the test: Investigatory/Assessment: One-time or
1368 occasional testing (not on a schedule); Compliance / Court-
1369 ordered testing / Treatment Progress: Random testing (no more
1370 than 3 times per week) with decreasing frequency, based on client
1371 status; Deterrent: Random testing, 1-2 times per month.
 - 1372 d. Whether children reside with the person being tested or have
1373 unsupervised visits with that person: During In-Home Services
1374 cases, use the findings of the SDM risk assessment and
1375 reassessments as a guide. For example, if the family is assessed at
1376 a "very high risk level" and the risks are related to the parent's
1377 substance abuse problem, then a higher frequency is indicated.
 - 1378 e. Special circumstances and transitions: For example, if a
1379 partner/spouse is moving in with the client being tested, if
1380 children move back home, if the client is changing jobs, etc., it
1381 may be indicated to increase the frequency for a while or increase
1382 other forms of monitoring.
 - 1383 f. If reports from treatment providers or third parties indicate a
1384 possible relapse, or the client misses several appointments in a
1385 row, then increasing the frequency may be necessary.
 - 1386 g. Regional drug testing guidelines also need to be considered.
- 1387 3. The Department of Human Services does not support random drug testing more
1388 than three times a week.
- 1389 4. Frequency must be reassessed when the referral expires (every 90 days). Factors
1390 to consider include client's everyday functioning; ability to hold a job, attend
1391 visits, maintain a household, and attend treatment/therapy; client's test results

- 1392 and calling compliance, etc. If the client has been testing free of illicit substances
1393 during this time, the testing frequency should be decreased, unless the above-
1394 mentioned circumstances/transitions require otherwise.
- 1395 5. Caseworkers who suspect that a client is under the influence of drugs or seems
1396 to smell of alcohol during a visit can request the client to go test the same day or
1397 by the next morning, in order to assess whether the client is or is not using
1398 drugs/alcohol. In that case, the caseworker needs to move the online random
1399 testing schedule to the desired day.
- 1400
- 1401 G. Determining Which Drugs to Test For.
- 1402 1. Based on the client's substance abuse assessment and/or their initial drug test
1403 results, the caseworker shall determine which substances the client may be
1404 prone to use. The caseworker then selects the drug test(s) depending on the
1405 client's choice of substances, in compliance with regional approval process.
- 1406 2. Child and Family Services prefers the testing methodology for which the federal
1407 government (SAMHSA and Department of Transportation) has developed
1408 standards. For this reason, urine and saliva are the preferred testing specimens.
1409 The limitations of testing hair, sweat, meconium, or other specimens shall be
1410 communicated along with the results.
- 1411 3. Hair testing can provide information regarding past drug use (up to three
1412 months). There are, however, a number of limitations that need to be taken into
1413 consideration when using hair testing. These include:
- 1414 a. Cannot detect recent drug use (7–10 days).
- 1415 b. Difficult to detect low-level use (e.g., single-use episode).
- 1416 c. Difficult to interpret results (inability to determine the quantity
1417 used, the time frame of usage, etc.).
- 1418 d. It is a 5-panel test (does not include benzodiazepines and
1419 oxycodone).
- 1420 e. Possibility of environmental contamination.
- 1421 f. Can be impacted by hair treatment and hair length.
- 1422 g. May be biased with hair color (dark hair contains more of some
1423 basic drugs [cocaine, methamphetamine, opioids] due to
1424 enhanced binding to melanin in hair).
- 1425 h. Costly.
- 1426 Furthermore, the federal government has not developed testing standards for
1427 hair testing, which is why hair is not a preferred testing specimen.
- 1428
- 1429 H. Confirmation of Positive Test Results.
- 1430 1. All positive drug tests will be confirmed by a SAMHSA certified laboratory using
1431 gas chromatography-mass spectrometry (GC/MS) technology. (This is currently
1432 done automatically by the contracted testing provider.)

- 1433
- 1434 I. Obtaining Results/Reporting to the Court.
- 1435 1. It is the caseworker's responsibility to access the contracted drug testing
- 1436 provider's website frequently to check their clients' test results and call-in
- 1437 compliance (at least weekly). If the final results are not yet posted, the
- 1438 caseworker needs to go back to the website.
- 1439 2. Caseworkers need to print out the clients' test results and calling compliance
- 1440 before court hearings to submit to the attorneys. Attorneys need to see the
- 1441 actual printout, not a summary of the results in the court report.
- 1442 3. If the client requests their drug test results and the client is involved in a juvenile
- 1443 court case, the caseworker shall check with the assigned Assistant Attorney
- 1444 General before releasing a copy of the test results to the client.
- 1445
- 1446 J. Test Results.
- 1447 1. Dilute test results, as well as no-shows, should trigger fact-finding. They alone
- 1448 should not result in the removal of children from their home. Actions/sanctions
- 1449 may be indicated before considering the removal of the child/children. Children
- 1450 should only be removed on the basis of a safety assessment. If the client has a
- 1451 medical reason for the dilute test result, like being diabetic or prediabetic, and
- 1452 the medical reason is verified by a doctor, the dilute may be acceptable (need to
- 1453 look at the creatinine levels and the specific gravity to determine if the dilution is
- 1454 caused by this. The contracted drug testing provider can help with this). If the
- 1455 fact-finding indicates that the dilutes and no-shows are the results of a relapse
- 1456 AND the safety assessment indicates that the children are unsafe at home, a
- 1457 removal may be indicated.
- 1458 2. When a client receives a positive drug test result, the caseworker shall:
- 1459 a. Discuss the results in a timely manner with the client, giving the
- 1460 client the opportunity to explain the results:
- 1461 (1) Is the substance found in the sample the result of a valid
- 1462 prescription? (-> check the prescription.)
- 1463 (2) Is it part of the client's medication-assisted drug
- 1464 treatment, such as methadone or suboxone?
- 1465 (3) Is the client admitting to the drug use? If not, do they have
- 1466 a possible explanation for the result?
- 1467 b. Contact the drug treatment provider and get a report if the client
- 1468 is in drug treatment.
- 1469 c. Share the test result together with the caseworker's findings with
- 1470 the court.
- 1471 d. Request an Order to Show Cause with the court, if the
- 1472 positive/dilute test results or no-show pattern do not have a valid
- 1473 reason.

- 1474 e. If the client has custody of the children or unsupervised visits, the
1475 caseworker must assess the children's safety and take necessary
1476 actions to protect them. As mentioned above, children are not
1477 removed based on a positive test, but on the basis of a safety
1478 assessment and staffing the situation with other key team
1479 members. THE REMOVAL OF A CHILD OR SUSPENSION OF VISITS
1480 TO PUNISH A PARENT FOR A POSITIVE TEST RESULT IS NOT
1481 ACCEPTABLE.
- 1482 3. It is important that caseworkers (and the court) understand that relapse is part
1483 of a drug addict's recovery process. A relapse does not necessarily mean that the
1484 client is failing their recovery; it may be a hiccup in their road to recovery. It is
1485 important for caseworkers to work closely with the client and the treatment
1486 providers to figure out how to help the client get back on track. If the client is
1487 unable or unwilling to resume their treatment or cooperate with Child and
1488 Family Services on a recovery plan, the team needs to re-evaluate the goals set
1489 for this case.
- 1490
- 1491 K. Drug Testing Children/Youth.
- 1492 1. Children receiving services from Child and Family Services may be asked to
1493 submit to drug tests, if deemed necessary. As with adults, it is important to
1494 consider the impact of drug testing on children before deciding to refer them to
1495 test. Is drug testing necessary or are there other ways to obtain evidence, to
1496 monitor, or to deter?
- 1497 2. There are two main purposes for drug testing children:
1498 a. When a child is suspected of using drugs themselves; and
1499 b. When a child may have been exposed to drugs by a third party
1500 (usually their parents). For this latter purpose, a hair test is usually
1501 performed, which provides a longer detection window.
- 1502 3. As with adults, it is important for the caseworker to discuss the purpose and
1503 consequences of drug testing with children and explain the collection process.
1504 The child's age and cognitive abilities need to be taken into consideration when
1505 deciding what to say. Children often have questions they need to ask. This may
1506 help reduce anxiety that children feel in anticipation of these tests.
- 1507 4. While the urinalysis sample collection for adults is by default observed by a third
1508 party, the collection will NOT be observed for children under 18 years of age,
1509 unless requested by the caseworker. Many children receiving services from
1510 Child and Family Services have been victims of abuse; being observed by a
1511 stranger while having to produce a urine sample can be traumatizing. Therefore,
1512 it was decided to leave out the observation when testing children. However, if
1513 caseworkers suspect that the youth could be tampering with the sample, they

- 1514 can specify that this youth must be observed during the collection on the Drug
1515 Testing Referral form (comment section).
- 1516 5. Children must show a valid ID when going to test. A school ID is accepted. If no
1517 ID is available, the caseworker or caregiver can vouch for the identity of the
1518 child.
- 1519 6. Children in the custody of Child and Family Services do not need the parents'
1520 consent to be tested. The parents, however, must be informed of the drug
1521 testing results. If there are valid reasons to not share the results with the
1522 parents, the caseworker shall discuss the reasons with the supervisor and
1523 document them in the file.
- 1524 7. Drug testing shall not be used as a punishment by out-of-home caregivers or
1525 caseworkers. Drug testing should not be the foster parent's decision and
1526 requires caseworker approval.
- 1527
- 1528 L. Coordination and Collaboration.
- 1529 1. If clients are testing for other agencies or programs, the caseworker needs to
1530 coordinate with these agencies/programs to try to avoid duplicate testing. These
1531 agencies may include probation, drug court (juvenile or felony drug court), and
1532 drug treatment providers. It is a waste of tax dollars and a burden on the client
1533 to perform duplicative drug tests.
- 1534 2. The caseworker shall request the client to sign a release in advance to allow
1535 agencies to share drug test results and avoid duplicate testing. The caseworker
1536 needs to contact these agencies and service providers to discuss how to best
1537 manage drug testing and sharing of results. It is in everyone's best interest to
1538 collaborate closely among agencies to help a client's recovery from addiction.
1539
- 1540 M. Obtaining a Utah Controlled Substance Database Report from DOPL.
- 1541 1. Caseworkers who suspect their client of misusing prescription medications can
1542 request a Utah Controlled Substance Database report from DOPL, which shows
1543 this person's prescription history and can help identify potential cases of drug
1544 over-utilization and misuse of controlled substances. DOPL reports are an
1545 effective tool to help determine whether this person is "doctor shopping" and
1546 going to more than one pharmacy, which would be a sign of prescription
1547 medication abuse and possible addiction.
- 1548 2. The caseworker shall ask the client to sign the form "AUTHORIZATION TO
1549 RELEASE INFORMATION FROM UTAH'S CONTROLLED SUBSTANCE DATABASE
1550 PROGRAM", have it notarized, and mail it to DOPL. If the client refuses to sign
1551 the release discuss options with the Attorney General's office. Utah Code Ann.
1552 Section [§58-37f-302\(2\)](#) prohibits database information from being accessed by
1553 "discovery, subpoena, or similar compulsory process", which means that a client
1554 cannot be forced or ordered to release this data.

- 1555 3. The caseworker may also want to accompany the client to the DOPL office to
1556 obtain a report (the DOPL office located in Salt Lake City).
1557 4. Confidentiality is critical. The client's DOPL report cannot be shared with
1558 anybody, except with the AAG and GAL if their names are included on the
1559 release. DOPL reports and copies of it cannot be given to therapists, treatment
1560 providers, or other attorneys, and it cannot be attached to court reports, given
1561 to the court, given to the parents, used in mental health or substance abuse
1562 assessments, distributed in discovery or GRAMA requests, or used as an exhibit
1563 at a hearing or trial.
1564
- 1565 N. Medication-Assisted Drug Treatment.
1566 1. The Department of Human Services supports the use of medication-assisted drug
1567 treatment (such as Methadone, Suboxone, and Vivitrol). The Department of
1568 Human Services does not approve blanket bans on medication-assisted drug
1569 treatments.
1570