



COMMONWEALTH OF PENNSYLVANIA  
**DEPARTMENT OF PUBLIC WELFARE**  
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**JUN 29 2004**

Dear Colleague:

Enclosed you will find Children, Youth and Families Bulletin Number 3140-04-05/3490-04-01 entitled *Child Placements with Emergency Caregivers*. This bulletin was originally issued on July 28, 2003 and based upon comments received from county children and youth agency staff, several areas of the bulletin have been amended in order to achieve best practice in both the public and private child welfare sectors.

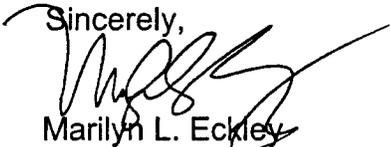
Some of the major changes that are included in this bulletin are as follows:

- Inclusion of the concepts of Act 25 of 2003, The Kinship Care Act, which requires county agencies to document their attempts to place a child with a relative and if the child is not placed with a relative, also document the reasons why such placement was not possible.
- County agencies' ability to utilize the services of a licensed private foster family care agency (private agency) for the purpose of evaluating an emergency caregiver's home to determine its compliance with the minimum requirements set forth in this bulletin. County agencies must receive written evaluation documents' from the private agency conducting said evaluation within 72 hours of the child's placement.
- A reduction in the minimum requirements set forth for approval of an emergency caregiver's home. The requirements listed at §3700.67 have been removed.
- Usage of Temporary Assistance to Needy Families (TANF) funds for the first 30 days of a child's placement with an emergency caregiver for those children who are not Title IV-E eligible.

The notification requirements for emergency caregiver placements remain unchanged, and county and private agencies must utilize the forms labeled Attachments A and B within the bulletin when notifying emergency caregivers of certain rights and responsibilities.

We hope that you find the changes to this bulletin to be satisfactory, as we try to balance safety, permanency and well-being for those children in Pennsylvania who require emergency out-of-home placement.

Sincerely,

  
Marilyn L. Eckley

Cc: Charles Songer  
Barb Robbins  
Bernadette Bianchi



# CHILDREN, YOUTH AND FAMILIES BULLETIN

COMMONWEALTH OF PENNSYLVANIA ● DEPARTMENT OF PUBLIC WELFARE

ISSUE DATE:

July 1, 2004

EFFECTIVE DATE:

September 1, 2004

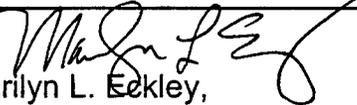
NUMBER:

3140-04-05/  
3490-04-01

SUBJECT:

Child Placements with Emergency  
Caregivers

BY:

  
Marilyn L. Eckley,  
Acting Deputy Secretary for  
Children, Youth and Families

## SCOPE:

COUNTY CHILDREN AND YOUTH SOCIAL SERVICE AGENCIES  
COUNTY CHILDREN AND YOUTH ADVISORY COMMITTEES  
PRIVATE CHILDREN AND YOUTH SOCIAL SERVICE AGENCIES  
COUNTY CHILDREN AND YOUTH FISCAL OFFICERS  
COUNTY CHIEF JUVENILE PROBATION OFFICERS  
COUNTY CHILDREN AND YOUTH SOLICITORS

## PURPOSE:

The purpose of this bulletin is to provide policies and procedures regarding the placement of children with emergency caregivers, a placement option for children in the custody of the county agency. This bulletin replaces Children, Youth and Families Bulletin 3140-03-08/ 3490-03-04, Child Placements with Emergency Caregivers, which was issued on July 28, 2003.

## BACKGROUND:

In 1987, the Office of Children, Youth and Families (OCYF) issued Children, Youth and Families Bulletin 3130-87-07, entitled Child Placements with Emergency Caretakers. This bulletin issued Departmental policy on the maximum length of emergency caretaker placements (30 days) and the exemption of criminal records clearances for emergency caretakers.

## REFER COMMENTS AND QUESTIONS REGARDING THIS BULLETIN TO:

Regional Children and Youth Program Representatives

ORIGIN: Teri Taschner, Bureau of County Children and Youth Programs (717) 772-1585

In 2003, OCYF issued the Child Placements with Emergency Caregivers Bulletin 3140-03-08/3490-03-04 which replaced CYF Bulletin 3130-87-07. This bulletin issued Departmental policy regarding the minimum residential and safety requirements that must be met before a child could be placed into an emergency caregivers home and extended the maximum length of emergency caregiver placements to 60 days.

Also in 2003, OCYF issued the Kinship Care Policy Bulletin 00-03-03, which transmitted Departmental policy regarding formal and informal kinship care services as placement options for children. This emergency caregiver bulletin is meant to be used in conjunction with the Kinship Care Policy Bulletin. Both of these bulletins promote the safe placement of children with persons who have an established positive relationship with a child who requires placement. In addition, both of these bulletins define the circumstances in which Departmental policy must be utilized.

In 2000, OCYF issued the Pennsylvania Standards for Child Welfare Practice ("Practice Standards"). The Practice Standards are based on research findings and were developed with consultation from the Child Welfare League of America. The Practice Standards represent a consensus among families, county agency staff, private agency staff, social work educators, and staff from OCYF. The process of developing the Practice Standards was an effort to determine the actions necessary to improve overall child welfare practice. The Practice Standards define the standards which we should strive to meet in order to increase positive outcomes for the children and families we serve. Special attention was paid to the areas of Safety, Permanency, and Well-Being. This bulletin incorporates the themes set forth in the Practice Standards in an effort to promote the implementation of best practice across the Commonwealth.

## **STATUTORY AND REGULATORY AUTHORITY:**

### **FEDERAL STATUTE**

- 1. The Adoption Assistance and Child Welfare Act of 1980 (P.L. 96-272).**  
Provides that states seek the least restrictive, most family-like setting appropriate for each child in care. 42 U.S.C. § 675 (5) (A).
- 2. The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (P.L. 104-193).**  
Provides that a "...State shall consider giving preference to an adult relative over a non-related caregiver when determining a placement for a child provided that the relative caregiver meets all relevant State child protection standards."  
42 U.S.C. § 671 (a) (19).
- 3. The Adoption and Safe Families Act of 1997 (ASFA) (P.L. 105-89).**  
Builds upon the role of relatives when children are placed in the child welfare system. The tenets of ASFA allow for relatives to provide permanence.  
42 U.S.C. § 675 (1) (E).

STATE STATUTE

**1. 42 Pa. C.S., Chapter 63. The Juvenile Act.**

**A. Section 6334. Petition.**

A petition shall include the facts that bring the child within the jurisdiction of the court, as well as, the name and address of any known adult relative residing in the county or nearest to the location of the court when the child's parents, guardian or custodian cannot be found within the Commonwealth.

**B. Section 6351. Disposition of dependent child, Subsection (a) General Rule.**

When a child is found to be dependent, the court must proceed to a proper disposition best suited to the protection and physical, mental and moral welfare of the child, including: to allow the child to remain with the parent, guardian or other custodian; to transfer temporary legal custody to an individual, including any relative who after study is found to be qualified to receive and care for the child; to transfer temporary legal custody to a public agency, an agency or private organization licensed or authorized by law to receive and provide care for the child; to transfer permanent legal custody to an individual, including any relative who after study is found to be qualified to receive and care for the child; or to transfer custody to the juvenile court of another state if authorized by and in accordance with Section 6363 (relating to ordering foreign supervision).

**2. 62 P.S., Chapter 1. Public Welfare Code, Article VII. Children and Youth.**

**A. Section 701. Availability of Services.**

Requires the Department to assure the availability and equitable provision of adequate public child welfare services to all children regardless of religion, race, settlement, residence, or economic or social status.

**B. Section 702. Consultation.**

The Department is required to consult with and assist each county institution or its successor in carrying out the child welfare duties and functions as authorized by law.

**C. Section 703. Rules and Regulations.**

The Department is required to make and enforce the rules and regulations necessary and appropriate to accomplish the child welfare duties and functions vested by law in the county institution districts or their successors.

3. **62 P.S., Chapter 5. Institution Districts. Section 2305. Powers and Duties of Local Authorities as to Children.**  
Establishes that the duty of the county in protecting and promoting the welfare of children and youth is: to provide child welfare services designated to keep children in their own homes, prevent neglect, abuse and exploitation; to help overcome problems that result in dependency, neglect or delinquency; to provide foster family homes and child caring institutions as adequate substitute care for any child in need of such care, and upon the request of the court to provide such services and care for children and youth adjudicated dependent, neglected or delinquent.
  
4. **23 Pa. C.S., Chapter 63. The Child Protective Services Law (CPSL). Section 6344. Information relating to prospective child-care personnel.**  
Establishes a requirement that all prospective employees of child care services, including prospective foster and adoptive parents, obtain a certification from the Department of Public Welfare as to whether the applicant is named in the statewide central register as the perpetrator of a report of child abuse or as the perpetrator of a report of student abuse.
  
5. **Act 25 of 2003. The Kinship Care Program.**  
Act 25 of 2003 established a Commonwealth statutory requirement giving relatives first consideration as a placement resource when a child cannot safely remain with his/her legal family and is placed in the legal custody of an agency. Act 25 requires county agencies to document attempts to place children with a relative and, where appropriate, reasons why such a placement was not possible. Further, a definition of relative is provided which has been incorporated into this bulletin. In addition, Act 25 requires that regulatory requirements be promulgated to provide that relatives receive the same foster care maintenance payment rate as other non-relative foster parents when they meet all regulatory foster parent approval requirements; and that foster care maintenance payments are excluded when calculating eligibility for public welfare assistance.

#### STATE REGULATION

1. **Title 55 Pa. Code, Chapter 3130 (relating to Administration of County Children and Youth Social Service Programs).**  
Provides the regulatory base for the administration and provision of child welfare duties by the public children and youth social service agencies.
  
2. **Title 55 Pa. Code, Chapter 3490, Sections 3490.121-127 (relating to verification of the existence of child abuse and student abuse records for child care services).**  
Provides the regulatory base for the submission of a request for verification of the existence of child abuse and student abuse records for an applicant for child care services, which includes foster homes as a "child care service."

**3. Title 55 Pa. Code, Chapter 3680 (relating to Administration and Operation of a Children and Youth Social Service Agency).**

Provides the regulatory base to ensure that an agency which provides social services for a child does so in a manner that protects the health, safety, and rights of the clients receiving services.

**4. Title 55 Pa. Code, Chapter 3700 (relating to Foster Family Care Agency).**

Provides the regulatory base for approval of foster parents.

**DEFINITIONS:**

County Agency – The county children and youth social service agency established pursuant to section 405 of the act of June 24, 1937 (P.L. 2017, No. 396), known as the County Institution District Law, or its successor, and supervised by the Department of Public Welfare under Article IX of the act of June 13, 1967 (P.L. 31, No. 21) known as the Public Welfare Code.

Emergency Caregiver – A person (relative or non-relative) who identifies himself or herself as a placement resource for any child who comes into the emergency custody of the county agency. This person must have an established relationship with the child or the child's family. The emergency caregiver must comply with the minimum requirements set forth in this bulletin in order to provide care to a child for a maximum period of 60 calendar days.

Kinship Care – The full-time nurturing and protection of a child who is separated from his/her parents and placed in the home of a caregiver who has an existing relationship with the child and/or the child's family. The existing relationship involves one of the following characteristics:

- relative of the child through blood or marriage;
- godparent of the child as recognized by an organized church;
- member of the child's tribe or clan; or
- significant positive relationship with the child or the child's family.

Placement – Twenty-four hour out-of-home care and supervision of a child.

Private Foster Family Care Agency (FFCA) – A private agency which recruits, approves, supervises, and places children with foster families.

Relative – Includes someone related within the first, second, or third degree to the parent or stepparent of the child who may be related through blood or marriage and who is at least 21 years of age.

## **DISCUSSION:**

State and federal policy supports placement of a child in the “least restrictive–most family-like setting available for the child, consistent with the best interests and special needs of the child.”

Emergency caregiver placements can be effective in preventing the prolonged placement of children, or they can assist with the stabilization of volatile home situations. County agencies should be advised that emergency caregiver placements are for those children who have immediate/current dependency issues and should not be considered unless emergency placement is warranted.

Emergency caregivers must meet the clearance and home inspection requirements, and must have a satisfactory physical, social and emotional characteristics assessment completed before they can become approved emergency caregivers under the requirements of this bulletin. County agencies are permitted to utilize the services of a licensed private foster family care agency (private agency) for the purpose of evaluating an emergency caregiver’s home to determine its compliance with the minimum requirements set forth in this bulletin. However, county agencies are not permitted to utilize the services of a private FFCA for the purpose of conducting a Child Protective Services investigation or a General Protective Services assessment in the home where the child resides prior to the child’s placement with an emergency caregiver. In addition, county agencies are not permitted to utilize the services of a private foster family care agency for the purpose of completing child abuse history clearances or criminal history records clearances as part of the approval process for emergency caregivers.

County agencies are also not permitted to utilize the policies set forth in this bulletin to place a child with an emergency caregiver who resides outside of the Commonwealth of Pennsylvania. All child placements that occur outside of the Commonwealth must be completed in accordance with the procedures specified by the Interstate Compact on the Placement of Children.

## **POLICY AND PROCEDURES:**

When a child has been removed from his/her home under a voluntary placement agreement or is in the legal custody of the county agency, the county agency shall give first consideration of placement to relatives before other resources for placement are explored. In accordance with Act 25 of 2003, the Kinship Care Program, the county agency must document that an attempt was made to place the child with a relative and if the child was not placed with a relative, document why this was not possible.

When placing a child with an emergency caregiver (relative or non-relative), consideration should be given to prior or ongoing positive relationships with the child or the child’s family, even if the caregiver’s home is not currently an approved foster home.

County agencies can utilize emergency caregiver placements in any service area where a resource is needed for the child requiring immediate placement. Emergency caregiver placements are not limited to a particular county agency service (i.e. child protective services). In addition, the requirements in 55 Pa. Code Chapter 3130.66 (relating to case planning for children in emergency placement) do apply to emergency caregiver placements. Once a prospective emergency caregiver is identified, he/she must be advised of the availability of maintenance payments and/or public benefits through the County Assistance Office for the cost of caring for the child. Once the emergency caregiver has been approved, he/she will be afforded the option of becoming an approved foster parent pursuant to the Chapter 3700 regulations.

The county or private FFCA must provide prospective and approved emergency caregivers with Attachments A and B of this bulletin. Attachment A is the written document that the county or private FFCA provides to the emergency caregiver(s) during the initial visit. The county or private FFCA must secure the appropriate signatures on Attachment A and provide a copy of Attachment A to the caregiver(s) at the time that the emergency placement occurs, and retain a second copy of Attachment A for agency records. Attachment A advises the caregiver of:

- the approval requirements for emergency caregivers and the maximum length of stay for children placed with emergency caregivers;
- the requirement that the prospective caregiver must provide written authorization to the county agency in order to obtain an advanced telephone clearance; and
- the agency's ability to provide maintenance payments to the caregiver and that if he/she chooses not to accept reimbursement from the county or private agency for the cost of caring for the child, that he/she is able to apply for public benefits on behalf of the child.

Attachment B is the written document that the county or private FFCA provides to the emergency caregiver(s) within 10 calendar days of the child's placement or denial of placement. Attachment B:

- notifies the emergency caregiver of the decision to either approve or deny the home and the effective date of the approval/denial;
- details the daily reimbursement amount that the county or private agency has agreed to provide to the emergency caregiver for the cost of caring for the child; and
- details the discussions that the county or private agency must have with the caregiver relating to the caregiver's option to become an approved foster parent and the caregiver's appeal rights, as a temporary foster parent, per the appeal process.

MINIMUM REQUIREMENTS FOR PLACEMENT WITH AN EMERGENCY CAREGIVER:

Prior to placing a child with an emergency caregiver, the county or private agency must complete an assessment of the potential caregiver(s) and the caregiver's home, and the following requirements must be met:

- 1) The child must be in the custody of the county agency pursuant to a court order or a voluntary placement agreement, consistent with the requirements of 23 Pa. C.S. §6315 or 42 Pa.C.S. §6324 (relating to taking into protective custody; and taking into custody).
- 2) An on-site visit to the caregiver's home must be completed by the county or private agency before placement can occur. The on-site visit must occur regardless of the time of day or night.
  - (a) If new or inexperienced staff require assistance with an emergency caregiver placement, the agency on-call supervisor must be available to assist the assigned worker with the assessment/approval process of the potential caregiver's home.
  - (b) Law enforcement officials are not permitted to complete the on-site assessment of the emergency caregiver's home on behalf of a county or private agency.
- 3) During the on-site visit, an inspection of the caregiver's home must be completed by the county or private agency. The emergency caregiver's home must meet the requirements listed at §3700.66 (relating to foster family residence requirements). These requirements are detailed below.
  - (a) The county or private agency shall ensure that the residence has:
    - (1) at least one flush toilet, one wash basin and one bath or shower with hot and cold running water;
    - (2) an operable heating system; and
    - (3) an operable telephone.
  - (b) Sleeping areas shall meet the following criteria:
    - (1) No unsuitable area such as a hall, stairway, unfinished attic or basement, garage, bathroom, eating area, closet, shed or detached building may be used as a sleeping area for children.
    - (2) Foster children of the opposite sex who are 5 years of age or older may not share the same bedroom.
    - (3) Each foster child shall be provided with a clean, comfortable mattress and clean linens, blankets and pillow.
- 4) During the on-site visit, a brief assessment of the physical, social and emotional characteristics of the caregiver(s) must be completed, including how these

characteristics may affect the caregiver's ability to care for the child. The following areas must be addressed when conducting an assessment of the caregiver.

- (a) Does the caregiver have an established relationship with the child or with the child's family?
  - (b) Does the caregiver's age and health affect his/her ability to care for the child?
  - (c) Are there other factors that may prevent the caregiver from being able to care for the child, such as commitments outside the home and number of persons already dependent upon the caregiver?
  - (d) Does the caregiver have a history of child abuse and/or neglect? Does the caregiver have a history with the county agency? Does the caregiver have a history of domestic violence? (Domestic violence history information can be obtained via self report by the caregiver(s). Agencies can, at their discretion, obtain additional information through a more formal query process or by contacting the appropriate County Prothonotary.)
  - (e) Did the caregiver have any involvement in the situation that caused the child to be removed from his/her home? If so, how will this affect the caregiver's ability to care for and protect the child?
  - (f) Will the alleged perpetrator of child abuse have access to the child in the caregiver's home? If yes, how will this access be controlled/monitored?
  - (g) How will the child's placement affect the parent/child/caregiver relationship? What is the possibility of the child becoming a part of a family or neighborhood feud and being further victimized?
  - (h) Is placement with the caregiver in close proximity to the child's parent(s) for reunification purposes?
- 5) The caregiver's ability to meet the special needs of the child must be determined.
- 6) The willingness of the caregiver to accept county agency involvement and work cooperatively with the county and/or private agency must be determined.
- 7) A ChildLine clearance on the caregiver(s) must be obtained by the county agency using the advanced telephone clearance process prior to placement of the child with an emergency caregiver. This process is as follows:
- (a) If more than one adult will serve as an emergency caregiver within the same household, all such persons must receive a ChildLine clearance.
  - (b) The county agency worker must contact ChildLine after the caregiver(s) has signed a written consent authorizing the county agency worker to conduct the telephone clearance.
  - (c) ChildLine will request the county agency to provide its county code when conducting the clearance.

- (d) If ChildLine determines that any caregiver is the perpetrator of a founded child abuse report within the past five years, the caregiver may not be approved.
  - (e) If ChildLine determines that the caregiver is the perpetrator of an indicated child abuse report, approval of the caregiver is at the discretion of the county agency.
  - (f) In situations where ChildLine is unable to determine if prior reports on the caregiver exist, the county agency is required to locate any additional information that is necessary to complete the clearance and provide it to ChildLine. Upon receipt of the necessary information, ChildLine will determine whether the prospective caregiver has a prior or current report and will determine at that time if the ChildLine clearance can be finalized.
  - (g) Following the advanced telephone clearance process, a written request for a PA Child Abuse History Clearance (form CY-113) must be filed with the ChildLine Verification Unit in order to generate a formal certificate. This written request can be initiated by the county agency, the private FFCA or the emergency caregiver. A copy of the formal certificate must be maintained in the county agency's central file, and if applicable, in the private FFCA's foster family case file.
  - (h) The county agency will not be charged a fee for the telephone clearances that are required for emergency caregiver placements.
- 8) A criminal history records clearance must be obtained from the Pennsylvania State Police and/or the Federal Bureau of Investigation where applicable, on all persons seeking approval as an emergency caregiver. Expedited clearances under Act 76 of 1996 allow county children and youth agency staff complete access to criminal history records information (CHRI) from the Pennsylvania State Police (PSP).
- (a) County agencies are permitted to conduct these expedited clearances on behalf of private FFCA for the purpose of emergency caregiver approval.
  - (b) County agencies that currently do not have access to CHRI via the state police records query system should contact the PSP Information Systems Division.
  - (c) A county agency can also access CHRI through: the county's emergency 911 system; a local police department; the district attorney's office; or through the county courts. Any person that desires CHRI can obtain certain information via the PSP website. For the complete Departmental policy on access and sharing of PSP records, please reference Children, Youth and Families Bulletin 00-97-09 entitled Access to Pennsylvania State Police Records.
  - (d) Following the expedited criminal history clearance process, the county or private FFCA must follow up by submitting the appropriate PSP application(s), and must retain the formal reports received from PSP in both the county agency's central file, and if applicable, in the private agency's foster family case file. The emergency caregiver also has the option of submitting the application directly to PSP; however the county

and/or private agency must still retain a copy of the formal report for their records.

### CASE FILE DOCUMENTATION REQUIREMENTS:

The county agency or private agency must maintain the following documentation in the agency's central case file:

- 1) written documentation of the on-site visit and the results of the inspection of the caregiver's home per the minimum requirements section of this bulletin; and
- 2) written documentation of the results of the brief assessment of the physical, social and emotional characteristics of the prospective emergency caregiver(s).

If the county agency contracts with a private agency to complete items 1 and 2 listed above, the private agency must prepare and submit its findings in writing to the county agency within 72 hours of the child's placement.

The county agency must document the information described below in the case file:

- 3) written documentation of the results of the advanced telephone clearance via ChildLine; and
- 4) written documentation of the results of the expedited PSP criminal history records clearance. The county agency must notate in the central case file the results of the expedited clearance, including whether or not the emergency caregiver has been convicted of a crime that would disqualify his/her approval. This does not mean that the county agency must maintain a printout of the query.

In addition, the county agency, or private FFCA if applicable, must retain copies of Attachments A and B in the central case file.

### PROVISION OF SUPPORTIVE SERVICES TO EMERGENCY CAREGIVERS:

The county agency must assure that appropriate supportive services are provided to the emergency caregiver(s). The level of service provided must be individually determined and based on the needs of the child, the child's parent(s) and the needs and resources of the emergency caregiver. Private agencies that have approved an emergency caregiver on behalf of the county agency, should continue to provide supportive services to the emergency caregiver to the extent possible. The county or private FFCA should accommodate the caregiver's need for individualized training, which may address the specific needs and issues of the child(ren) placed in his/her care. Training opportunities should be provided in a manner that recognizes the

caregiver's knowledge of the family situation and his/her ability to help remedy family problems.

The county agency must continue to assess the safety and risk of the child during the child's placement in the emergency caregiver's home. The county agency, or private agency if applicable, must assist the emergency caregiver(s) in understanding Departmental policies regarding foster child discipline, punishment and control. These policies are detailed in Section 3700.63 (relating to foster child discipline, punishment and control policy).

Since the child remains in the custody of the county agency while placed in the emergency caregiver's home, the county agency must apply for Medical Assistance benefits on behalf of the child. In addition, the child's parent(s) must provide information to the county or private FFCA with regard to the child's medical coverage at the time of the placement, and the parent(s) must maintain medical coverage for the child whenever possible.

#### MAXIMUM LENGTH OF STAY WITH EMERGENCY CAREGIVER - 60 DAYS:

An emergency caregiver placement may not exceed 60 calendar days starting on the day in which the child was placed in the emergency caregiver's home. During these 60 calendar days, the county or private agency must complete a full foster home study as required by the Chapter 3700 regulations in order for the child to remain in the home for more than 60 calendar days.

Section 3700.70 (relating to temporary and provisional approvals of foster families) provides the regulatory authority for this policy, which states that temporary approval of a foster family home can be authorized for a maximum of 60 calendar days.

During the child's placement in the emergency caregiver's home, the county or private FFCA must make diligent efforts to approve the emergency caregiver's home as a foster family home within the first 30 calendar days of the child's placement. If it becomes apparent that the child's placement with the emergency caregiver will extend beyond the 60 calendar day time limit, the county or private FFCA must evaluate all placement options available to the child.

Should the county or private FFCA not be able to approve the emergency caregiver's home as a foster family home by the 60th calendar day of the child's placement, the child should not remain in the emergency caregiver's home unless ordered by the court. The county agency must document in the case file the reasons why the home cannot be approved within the established 60 calendar day timeframe.

For those children who remain in the home of an unapproved caregiver and in the legal custody of the county agency beyond the 60 calendar day time limit, the state will not participate in the reimbursement of the home's costs, even if the court has ordered that maintenance payments be made to the caregiver. Section 3140.21 (c) (5)

(relating to reimbursement for services) provides the regulatory authority for this policy, detailing those costs that will not be considered as reimbursable.

#### FUNDING FOR EMERGENCY CAREGIVER PLACEMENTS:

While the programmatic requirements for emergency caregiver placements have changed with the issuance of this bulletin, the funding requirements for emergency caregiver placements remain the same.

For the first 30 calendar days of the emergency caregiver placement, the Commonwealth's share is 90 percent and the local/county share is 10 percent. For calendar days 31-60 of the emergency caregiver placement, the Commonwealth's share is 80 percent and the local/county share is 20 percent.

#### TITLE IV-E REIMBURSEMENT FOR NEW FOSTER FAMILY HOMES AWAITING APPROVAL DOCUMENTATION:

If the emergency caregiver agrees to pursue foster family home approval and the county agency agrees to initiate the foster family home approval process, Title IV-E reimbursement may then be applicable at the time the emergency caregiver home becomes a new foster family home.

Title IV-E reimbursement is permitted for eligible children placed in a foster family home that is documented as meeting all approval requirements but is awaiting written approval documentation, up to but not exceeding 60 calendar days. In such instances, a *Commonwealth Certificate of Approval for New Homes Awaiting Documentation* should be issued. The *Commonwealth Certificate of Approval for New Homes Awaiting Approval Documentation* should reflect the date when all approval criteria were met. A *Commonwealth Certificate of Approval* must be subsequently issued within 60 calendar days of the approval date. Should the period between the date all criteria are met and the issuance of this certificate be greater than 60 calendar days, the home is not Title IV-E reimbursable from the 61<sup>st</sup> day until the first day of the month the certificate is actually issued. If the home is non-compliant based on Chapter 3700 standards the home cannot be approved and a certificate may not be issued.

#### DOCUMENTATION REQUIREMENTS FOR TITLE IV-E REIMBURSEMENT:

In order to satisfy the requirements for Title IV-E reimbursement for children placed in these settings, any agency that approves an emergency caregiver's home as a foster family home will need to document in the case file any information that they have received verbally, or through other means, that will demonstrate the home's compliance with all of the State's regulatory requirements for foster family home approval. Foster family home approval documentation may be maintained in a central case file at the county agency or in each child's individual eligibility file.

Departmental policy regarding approval certificates for new foster homes and notification requirements for private agencies are detailed in Children, Youth and Families Bulletin 3140-04-02, which is entitled *Approval/Licensing of Foster Family Homes and Residential Facilities for Title IV-E Reimbursable Placements*.

Departmental policy regarding the documentation requirements for Title IV-E eligibility determinations, redeterminations, and court order content requirements are detailed in Children, Youth and Families Bulletin 3140-01-01, which is entitled *Revised Policies and Procedures: Title IV-E Placement Maintenance and Eligibility and Reimbursability*.

#### REIMBURSEMENT RATES FOR EMERGENCY CAREGIVERS:

The county or private agency must establish uniform reimbursement rates for emergency caregiver homes that are approved and must offer reimbursement to emergency caregivers consistent with the provisions of Children, Youth and Families Bulletin 00-03-03, entitled *Kinship Care Policy*. These reimbursement rates must be, at a minimum, the same rate as that agency's regular foster home rate. Should the county or private agency choose to reimburse the emergency caregiver at a higher rate because of the emergent nature of the placement, the agency is permitted to do so.

#### UTILIZATION OF TANF FUNDS:

The Department's approved Emergency Assistance (EA) Plan requires that Title IV-E funds be utilized first. TANF funds may not be used instead of Title IV-E funds when a child has been determined to be eligible for Title IV-E.

Only when a child has been determined to not be eligible for Title IV-E may TANF funds be used for the first 30 days of the placement. Please refer to Children, Youth and Families Bulletin 3140-00-01, which is entitled *Interim Procedures – Costs of Child Welfare Services funded by TANF*.

Attachment A

**COUNTY AGENCY/PRIVATE FFCA LETTERHEAD**

**Emergency Caregiver Confirmation of Intent**

**Child(ren):**

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- 1) I/we state that I/we have received information on the requirements for approval and the timeframes permitted for children placed with an emergency caregiver(s) by the county children and youth agency.
  
- 2) I/we understand the different options of care available to the child(ren). If the child(ren) is/are declared dependent and placed in the custody of the county agency:  
I/we

\_\_\_\_\_ Do wish to become an emergency caregiver, but do not wish to receive maintenance payments if approved. In choosing this option I/we understand that public benefits may be available.

\_\_\_\_\_ Do wish to become an emergency caregiver and do wish to receive maintenance payments if approved.

\_\_\_\_\_ Do give written consent authorizing the county agency to obtain an advanced telephone clearance via the statewide central register of child abuse (ChildLine).

**Emergency Caregiver:**

**Date:**

**Emergency Caregiver:**

**Date:**

**Caseworker/Witness:**

**Date:**

Attachment B

**COUNTY AGENCY/PRIVATE FFCA LETTERHEAD**

**Notification of Approval/Denial;  
Notification of Maintenance Rate; and  
Notification of Foster Parent Option and Appeal Rights**

**Child(ren):**

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An Emergency Caregiver provides 24 hour out-of-home care for a child who is in the legal custody of the county agency. All Emergency Caregivers who meet the state's minimum requirements for approval will be offered the option to become approved foster parents pursuant to the Chapter 3700 regulations.

Your application to become an approved Emergency Caregiver for

\_\_\_\_\_ **(CHILD(REN)'S NAMES)**

has been

\_\_\_\_\_ **(APPROVED/DENIED).**

The maintenance payments listed below are available to you if you have been approved. If you have not been approved as an Emergency Caregiver, you have the right to appeal the decision to the Department of Public Welfare. The county agency can provide you with further information on the appeals process.

**Approval Date:**

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**Maintenance Payment Available:**

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(Daily Reimbursement Amount)

**If you have any further questions, please contact our agency at:**

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Attachment B

**COUNTY AGENCY/PRIVATE FFCA LETTERHEAD**

**Notification of Approval/Denial;**  
**Notification of Maintenance Rate; and**  
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**Approval Date:**

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**Maintenance Payment Available:**

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(Daily Reimbursement Amount)

**If you have any further questions, please contact our agency at:**

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**COUNTY AGENCY/PRIVATE FFCA LETTERHEAD**

**Confirmación de las intenciones del cuidador de emergencia**

**Niño(s):** \_\_\_\_\_

- \_\_\_\_\_
- 1) Yo/nosotros declaro/declaramos que he/hemos recibido información sobre los requisitos para la aprobación y los plazos permitidos para los niños colocados con un cuidador de emergencia por la dependencia de niños y jóvenes del condado.
  - 2) Yo/nosotros entendemos las diferentes opciones de cuidado disponible para los niños. Si los niños son declarados dependientes y colocados bajo custodia de la dependencia del condado: Yo/nosotros

\_\_\_\_\_ Deseo/deseamos ser cuidador/cuidadores de emergencia, pero no deseo/deseamos recibir pagos de manutención en caso de aprobación. Al elegir esta opción, yo/nosotros entiendo/entendemos que es posible que haya beneficios de públicos.

\_\_\_\_\_ Deseo/deseamos ser cuidador/cuidadores de emergencia y deseo/deseamos recibir pagos de manutención en caso de aprobación.

\_\_\_\_\_ Autorizo/autorizamos por escrito que la dependencia del condado obtenga un informe telefónico sobre maltrato de menores a través del registro central estatal (ChildLine).

**Cuidador de emergencia:** \_\_\_\_\_

**Fecha:** \_\_\_\_\_

**Cuidador de emergencia:** \_\_\_\_\_

**Fecha:** \_\_\_\_\_

**Asistente social/testigo:** \_\_\_\_\_

**Fecha:** \_\_\_\_\_

**COUNTY AGENCY/PRIVATE FFCA LETTERHEAD**

**Notificación de aprobación/rechazo del cuidador de emergencia y  
Notificación de la suma disponible para manutención para el cuidador de  
emergencia aprobado**

**Niño(s):**

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El cuidador de emergencia proporciona cuidado fuera del hogar las 24 horas a un niño que está bajo la custodia legal de la agencia del condado. Todos los cuidadores de emergencia que cumplen con los requisitos mínimos de aprobación tendrán la opción de convertirse en padres de cuidado de acogida aprobados, de conformidad con las normas del capítulo 3700.

Su solicitud de cuidador de emergencia de

\_\_\_\_\_ **(NOMBRES DEL(OS))**

NIÑO(S)) ha sido

\_\_\_\_\_ **(APROBADA/RECHAZADA).**

Los pagos de manutención indicados abajo estará disponibles si usted ha sido aprobado(a). Si no es aprobado(a) como cuidador de emergencia, usted tiene el derecho de apelar la decisión ante el Departamento de Bienestar Público. La agencia del condado puede proporcionarle más información sobre el proceso de apelación.

**Fecha de aprobación:**

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**Pago de manutención disponible:** \_\_\_\_\_  
**(cantidad de reembolso diario)**

**Si tiene otras preguntas, comuníquese con nuestra agencia:**

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