**PROTECTION AND PERMANENCY MEMORANDUM, 18-03**

**TO:** Service Region Administrators

Service Region Administrator Associates

Service Region Clinical Associates

Regional Program Specialists

Family Services Office Supervisors

**FROM:** Michelle Anderson, Director

Division of Protection and Permanency

**DATE:**  March 23, 2018

**SUBJECT:** D.O. v. Glisson Relative/Fictive Kin Foster Payments

This Protection and Permanency Memorandum is being issued to provide clarification regarding the D.O. v. Glisson Relative/Fictive Kin Foster Payments.

**Background:**

In October 2017, federal court made a ruling that requires the Cabinet for Health and Family Services (CHFS) to pay relatives and fictive kin raising kin children a foster care payment.

**Eligibility requirements:**

* Individual must be a relative or fictive kin caregiver *with an approved home evaluation*;
* The child must currently be in CHFS custody; or the child has been placed in CHFS custody for the current removal period prior to the relative or fictive kin receiving temporary custody; and
* The relative or fictive kin has not yet obtained permanent custody through a DNA-9 (Permanent Custody Order).

**Interim process:**

[*Interim Process to Implement D.O. v, Glisson*](http://manuals.sp.chfs.ky.gov/Resources/Related%20Resources%20Library/Interim%20Process%20to%20Implement%20D.O.%20v,%20Glisson.docx)

DPP central office is currently processing inquiries and determining eligibility; however, this will transition to field personnel. We are currently building expertise among staff who will be available to answer questions from Social Service Workers (SSWs), relatives, fictive kin, community partners, etc. Invite these experts to the five day case planning conferences, family team meetings, or home visits with relatives/fictive kin so they may answer questions in real time.

**Clarifications, if relative/fictive kin is eligible:**

1. Payments may impact other benefits the family is already receiving, including KTAP, SNAP, SSI, kinship care, child support, Section 8, child care, etc. Relative/fictive kin should contact those agencies to inquire.
2. Relative/fictive kin is eligible to all benefits as any foster parent including clothing letter, special expenses, birthday/Christmas, etc.
3. Relative/fictive kin signs a Relative Caregiver Agreement (“contract”) which explains that the relative/fictive kin must agree to permanency.
4. Once contract is received by DCBS, the per diem will begin as of the first day of the month in which the contract was signed.
5. Relative/fictive kin submits a Relative Placement Billing Invoice (“monthly boarding statement”) to the Division of Administration and Financial Management (DAFM) each month to document the number of days the child is in their home, any special expenses, etc. Relative/fictive kin receives payment once per month until permanency is achieved.
6. Payment is the basic foster care rate: $24.10 for child under the age of 12; $26.20 for child over age 12.
7. Office of Legal Services (OLS) pursues permanency for the child.
8. If DCBS has custody and the child is placed with relative/fictive kin, the SSW will request a pre-permanency meeting with OLS within timeframes specified in SOP (SOP is forthcoming).
9. Payment ceases when child achieves permanency, (i.e. permanent custody, adoption, legal guardianship, reaches age 18, etc.), child returns to home of origin, or there is a change in placement.
10. Regarding closed cases in which relative/fictive kin has temporary custody, OLS attorneys have been hired to specifically pursue permanent custody. These attorneys will also help with courts/judges that do not grant permanent custody.
11. If the case is already closed, the SSW is not required to open a new intake or case.
12. Relative/fictive kin may continue to pursue approval as a foster parent. The D.O. v. Glisson payments are separate from pursuing approval as a foster parent.
13. D.O. v. Glisson payments can be received while relative/fictive kin is pursuing approval as a foster parent. Once approval occurs, D.O. v. Glisson payments will transition to foster payments with relative as an approved foster parent.

**Continued practice guidance for field personnel:**

* SSW enters relative/fictive kin home evaluations in TWIST, or a contact that the home evaluation was approved or not recommended on a specific date.
* SSW sends enter/exit information, including DNA-9, to Children’s Benefits Worker (CBW) to enter children in TWIST out of home care screens whenever DCBS is granted custody, even if just for a few hours, when children transition out of DCBS custody into relative/fictive kin custody, etc.
* SSW enters information in TWIST court screens. SSW can add relative/fictive kin placement in these screens.
* Encourage courts to complete the DNA-9 rather than granting permanent custody on a docket sheet, agreed order, DNA-6 or any form other than the DNA-9.
  + If there is no DNA-9, the relative/fictive kin is eligible (as long as other eligibility requirements are met).
* During consultations/staffing, check for a DNA-9 in the case when permanent custody is granted.

If you have any questions regarding this memorandum, please contact:

Lucie Estill, Child Protection Branch Manager

[Lucie.estill@ky.gov](mailto:Lucie.estill@ky.gov)

(502) 564-2136, ext. 3568