

Training Materials

When a child is legally determined to be dependent due to maltreatment in their home of origin and they are placed in the legal custody of the Cabinet for Health and Family Services, they retain the same rights and protections as any other child, including the rights to religious freedom and protection from proselytization or coercion related to religion. In order to assist PCC/PCP agencies in meeting these requirements, the following technical assistance is provided:

Placement

When DCBS places a child at a PCC or in a foster home, the caseworker is required to:

- Tell the child and the child's parent or guardian the religious affiliation of the PCC/PCP agency or foster parent, if any.
- Ask whether the child or parent or guardian objects to the child being placed at the facility or with the foster parent due to the facility's or parent's religious affiliation.
- Consider any such objection and make reasonable efforts to provide an alternative placement if an alternative placement exists.

DCBS is not required to place a child in another placement if the current placement is in the best interest of the child and there is no other placement available to meet the specific needs of the child.

DCBS documents any decision to place a child at a PCC or foster home over the child's or the child's parent's or guardian's objection in TWIST, including why no alternative placement was made.

Notice of Ombudsman; Service Appeal Process

Prior to placing any child at a PCC/PCP, DCBS must:

- Provide a copy of the attached Informational Pamphlet to the child, and explain to the child and the child's parent(s) or guardian the information set forth in the Informational Pamphlet.
- Provide the contact information for the Ombudsman for the Cabinet for Health and Family Services and the Service Appeal Process set forth in 922 KAR 1:320, and that the Ombudsman and the Service Appeal Process are available if the child or parent or guardian has concerns regarding an agency's alleged violations of the rights set forth in the Informational Pamphlet.

Each PCC and PCP must post the attached Informational Poster in at least one common area of each of its child-caring facilities and licensed PCP offices.

Intake

When a child enters OOHC, DCBS staff interview the child about his or her religious affiliation, if any, and document this information. Documentation includes:

- questions concerning the child's choice of religion;

- whether the child would like to attend religious services or instruction;
- whether the child would like access to any religious texts or materials; and
- whether the child has any specific religious holidays that the child wishes to celebrate.

Documentation is entered into TWIST and a copy is provided to the PCC/PCP agency.

Religious Activities

Each PCC and PCP is required to:

- Adopt and enforce a written policy requiring consideration for and sensitivity to the racial, cultural, ethnic, and religious background of a child in its care.
- Provide children in its care with opportunities to practice the religious beliefs of the child and allow the child's participation in religious activities without coercion (with the exception of religious practices that are destructive or place a child in physical danger, and subject to geographic and other reasonable time, transportation, and personnel limitations).
- Provide children in its care with the opportunity to attend different houses of worship and/or services of different religious denominations based on the identified religious affiliations of the children in its care (subject to geographic and other reasonable time, transportation, and personnel limitations); and
- For children not wishing to attend any offered religious service or religious activity, provide or facilitate the children's ability to participate, at the same time as the religious service or religious activity, in an appropriate, non-religious alternative to the religious service or religious activity (the agency's or foster parents' selection of which non-religious alternative(s) to provide or facilitate is subject to geographic and other reasonable time, transportation, and personnel limitations).
- The religious service or religious activity and the non-religious alternative should be reasonably comparable in terms of general attractiveness to children, but they need not be of the same nature or require the use of comparable funds, staffing and other resources.

PCC agency staff must, on at least a monthly basis, in the TWIST PCC Tracking module:

- List any religious services, religious instruction, or other religious activities or events attended by each child during the month;
- List what religious materials, if any, were provided at such activities or events; and
- List any non-religious alternative activities or events the child attended.

Religious Material

PCC/PCP agencies and foster parents:

- Must not place religious symbols, articles, texts or materials in any child's private room, and must not automatically provide religious texts or materials to any child, unless such symbols, articles, texts, or materials are requested by the child.

- Must tell children that they can request religious symbols, articles, texts, or materials. If the child makes a request for religious symbols, articles, texts, or materials, the agency must make reasonable efforts to contact the child's parent (if no TPR has occurred) or guardian to see if they are willing to provide the child with appropriate religious symbols, articles, texts, or materials for the child's personal use while in the PCC/PCP agency or foster home.
- If the parent or guardian is unavailable or otherwise does not provide the requested religious symbols, articles, texts, or materials, but does not object, the agency must make reasonable efforts to provide the child with access to such symbols, articles, texts, or materials, subject to considerations regarding the safety, security, and administration of the agency, which considerations must be applied in a manner that is non-discriminatory with respect to children's religious faiths, and may include any prohibitory financial burdens associated with accommodating the child's request.

No Discrimination or Religious Coercion

PCC/PCP agencies or foster parents must not:

- Discriminate against any child based on the child's religious faith or lack of religious faith or the child's failure to conform to any religious tenet or practice;
- Require, coerce, or pressure any child to attend religious services or instruction or to engage in or be present at any activity or programming that has religious content;
- Impose any form of punishment or benefit based on a child's voluntary decision as to whether to participate in or attend any religious service or instruction or any other activity or programming that has religious content;
- Proselytize any child in any religious beliefs;
- Require any child to pray or to participate in any form of prayer, or to attend any form of prayer that is organized, led, sponsored or promoted by the agency.

Agency Exit Surveys

DCBS prepares a brief exit survey concerning the child's experiences and impressions regarding the PCC agency's religious activities and accommodations. Exit surveys include questions concerning whether the child experienced any alleged form of religious coercion, discrimination, or proselytization during their placement. During the week of a planned discharge for any child who has been in the care of an agency for one month or longer, the agency must:

- Provide the child with a DCBS-created exit survey.
- Provide a secure location and process for the child to complete and to submit the exit survey anonymously and confidentially.
- Submit exit surveys to DCBS on at least a quarterly basis.

DCBS investigates any allegations of religious coercion, discrimination, or proselytization contained within the exit surveys, and takes appropriate action, including forwarding the complaint to the Office of Inspector General, as necessary.

Social Service Worker Surveys

DCBS staff question all children on their caseload about children’s experiences and impressions regarding the PCC agency’s religious activities and accommodations at one of the “home visits” made by the caseworker annually and document the children’s responses in TWIST.

DCBS investigates any allegations of religious coercion, discrimination, or proselytization contained within the social service worker surveys, and takes appropriate action, including forwarding the complaint to the Office of Inspector General, as necessary.

Training Documentation and Verification

The information contained in this document is to be provided to current employees and each new hire. Each existing and new employee is required to sign a one-time form acknowledging that the employee received and read these training materials. The PCC/PCP agency maintains a copy of the acknowledgment form in each employee’s personnel file and provides a copy of the written employee acknowledgment form to DCBS, upon request.

My signature below indicates that I have received training and understand the requirements set forth in these Training Materials:

Employee
Signature _____

Supervisor
Signature _____