

Permanency Care Assistance (PCA)

FAQs

September 2011

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NOTE: The information on this site will be updated frequently as new issues arise and additional guidance is received from the federal Administration on Children and Families. New items will be flagged to draw attention to the new or updated guidance.

A. General Eligibility for Permanency Care Assistance Benefits

1. Will all kinship families taking Permanent Managing Conservatorship (PMC) of a CPS child be able to get the new Permanency Care Assistance (PCA) benefits?

No. Only kinship families and children who meet the eligibility requirements for PCA will be able to qualify to receive benefits.

2. What are the eligibility requirements for PCA?

To be eligible to sign a PCA agreement with DFPS and receive PCA benefits, kinship families must first become verified as foster families and serve as such for the subject child for at least six consecutive months prior to the transfer of PMC. In addition:

- DFPS must determine that reunification and adoption are not viable permanency options for the child.
- The child must demonstrate a strong attachment to the kinship caregiver.
- The kinship caregiver must have a strong commitment to caring permanently for the child.
- Older youth must be consulted about the PCA plan.
- The caregiver negotiates and signs a PCA agreement, which takes effect on the date that PMC is transferred.
- The child must be in the temporary or permanent managing conservatorship of DFPS on the day prior to the day before PMC is transferred.
- Subsequent to signing the PCA agreement, the kinship caregiver is named in court as the permanent managing conservator for the child.
- The kinship caregiver cannot be named as a joint managing conservator with DFPS or the biological parents, and the final order cannot award possessory conservatorship to a parent in a manner that affects a reunification.

Assuming all the requirements above are met, PCA payments can begin the first of the month following the month in which PMC is transferred.

3. What happens if a break in placement occurs in the six month period?

Breaks in placement are subtracted from the total paid placement time, which must total at least six months.

4. Are there special PCA eligibility criteria for siblings of a child who is the subject of a PCA agreement?

Yes. If a family is already receiving PCA benefits for one child, the family will be able to receive PCA benefits for a sibling if the sibling is in DFPS conservatorship and placed with the family by CPS. While CPS must rule out reunification and adoption for the sibling because other federal law, state law and best practice make doing so appropriate, it is not an explicit eligibility requirement of the PCA program for the sibling. The sibling can become eligible without having to meet most of the other eligibility criteria for the program. However, the family must sign a new PCA agreement on behalf of the sibling *prior to* obtaining PMC of the sibling.

5. To receive PCA, do the children have to meet the same "special needs" criteria that are required to receive adoption assistance?

No. "Special needs" is not an eligibility requirement for PCA.

6. Does the PCA program allow for a final order granting joint managing conservatorship between the kinship family and the parents? Between the kinship family and DFPS?

No. A kinship family will not be eligible for PCA benefits if the order awarding managing conservatorship to the kinship caregiver names either of the child's parents or DFPS as joint managing conservator.

7. Can the kinship caregiver share joint managing conservatorship with DFPS so that there is a final order and take PMC once all the eligibility requirements for the program are satisfied?

No. A kinship caregiver is eligible for the program only if the caregiver is not a managing conservator prior to signing the PCA agreement.

8. When two relatives are married and living with their spouse and the plan is for them to get PCA benefits, should the PMC order name both as PMC?

There is no legal requirement that both be named, though both would need to be studied. When the individuals are married, both spouses must be studied and verified as foster parents.

9. What is the difference between being verified as a foster home and being qualified for PCA?

Being verified refers to the family being approved as a foster home under the minimum standards set by Licensing. Being verified as a foster home is only one of the eligibility requirements for being qualified to sign a PCA agreement. A kinship home may have become verified as a foster home but there are other requirements that must be met before a PCA agreement can be signed. Specifically, in order to be eligible for PCA, all of the following conditions must be satisfied:

- The caregiver must
 - take PMC of the child who is in DFPS conservatorship
 - enter into the PCA agreement *prior to* the transfer of PMC
 - be the child's relative or fictive kin

- be eligible for the receipt of foster care reimbursement on behalf of the subject child for at least six consecutive months (i.e. be verified as a foster home for six consecutive months while the child is in the home) and
- have a strong commitment to caring permanently for the child
- The child must:
 - demonstrate a strong attachment to the caregiver and
 - be consulted by DFPS about the arrangement if the child will be at least 14 years of age when the agreement is signed.

10. Do children who are the subject of PCA agreements qualify for Medicaid if the family is affluent?

Yes. Any child who is the subject of a PCA agreement will be eligible to receive a negotiated monthly stipend and medical benefits (fee for service Medicaid).

11. What happens if the kinship caregiver signs a Statement of Intent to Pursue PCA but later decides to remain in paid foster care?

Kinship caregivers can decide not to pursue PMC with PCA. The Statement of Intent is not a legally binding document. However, DFPS uses this document along with other documents given to the kinship caregiver at the time of the kinship foster home placement as a part of DFPS' required permanency planning. If the child cannot be reunified, DFPS will likely want the kinship caregiver to become the permanent placement for the child through adoption or PMC. If the kinship caregiver cannot commit to either of these, DFPS will look for another family, preferably another kinship family that is willing to adopt or take PMC of the child.

If the kinship caregiver wants to continue as a verified foster home, and if DFPS and the court agrees that this is in the child's best interest, the kinship family has to continue meeting the minimum standards for foster homes, including obtaining the required annual training hours. Time limited waiver/variances that were granted specifically for the kinship home would have to be re-requested and renewed, if allowed.

12. The order in my case names a relative "sole managing conservator" or "joint managing conservator" with a spouse. Can the family still be eligible if the order does not say "permanent managing conservator"?

Yes. "permanent managing conservator" is a term used only for CPS. While the term is used in this guidance and the CPS handbook policies to reflect a transfer of permanent legal responsibility, orders for non-parents other than CPS will refer only to sole managing conservators, managing conservators or joint managing conservators. Unless there are other bars to the family's eligibility (such as joint managing conservatorship with the child's biological parents), this particular terminology does not impact eligibility.

B. General PCA Questions

1. When can kinship families begin to sign PCA agreements and begin to receive the PCA monthly payments?

Once the child has been placed with the kinship family as a verified foster home placement, the CPS caseworker makes a determination about when and if to submit a PCA application to the eligibility specialist. Once the application is submitted, the eligibility specialist reviews and approves the application and notifies the PCA negotiator to contact the kinship family to complete the PCA agreement. Once the agreement has been signed, a court hearing can be held to name the kinship family as managing conservator for the child.

A kinship family that has signed a PCA agreement will continue to receive foster care payments until permanent managing conservatorship is transferred to the family. PCA benefits will begin in the month following the award of PMC to the kinship caregiver.

In no event can the family sign a PCA agreement *after* PMC is awarded to the family.

13. When is it appropriate to begin discussing the PCA option?

When relatives receive the DFPS written notification about a child's removal, the notification identifies options the relatives can take to care for the child or support the child in placement, including caring for the child as a foster care placement or assuming permanent legal responsibility with the support of the PCA program. Before reunification and adoption are ruled out as options, concurrent planning can include discussions of PMC to a relative or fictive kin with support of the PCA program. If possible, the child should be placed with the kinship family as a verified foster home while decisions are made about the permanency goals. Once reunification and adoption have been ruled out, final plans can be made to complete PCA requirements and arrange for the PCA negotiation prior to having the court give PMC to the kinship family.

14. Is there something the kinship caregiver has to sign at the time of foster home placement?

At the time the kinship family begins serving as the child's foster family, a placement form 2085 Kinship Foster Family agreement is signed with a kinship family. Once a decision is made that the plan is for the kinship family to become the permanent home for the child by accepting permanent managing conservatorship, additional documents, such as a Statement of Intent stating the caregiver's intention to care for the child permanently as the permanent managing conservator with the PCA assistance, are used.

15. Why must reunification and adoption be ruled out first before proceeding with PCA?

16.

Federal law, DFPS rules and best practice require that these two permanency options are ruled out before DFPS pursues a primary goal of Permanent Managing Conservatorship (PMC) to a relative or fictive kin with the support of PCA benefits. Reunification with a child's own parents remains the preferred permanency option whenever possible. If reunification truly is not possible, adoption is generally preferred over PMC, as it offers the maximum legal permanency for both the child and the relative, and may provide additional benefits such as Post-Adopt Services.

17. If a child is free for adoption, but the kinship caregiver and other kinship families are not able to adopt, must DFPS proceed to find an unrelated family to adopt the child? Doesn't DFPS try to keep families together?

The decisions regarding the permanency arrangement that best meets the needs of a specific child will be made on a case-by-case basis. There is not a policy that requires that a child be removed from a prospective kinship managing conservator in order to be placed with an unrelated adoptive family, unless that arrangement is in the best interests of the child.

If a child has been living successfully with a verified kinship family for at least six months, it has been determined that reunification is not possible, and the kinship family doesn't want to pursue adoption for philosophical, cultural or religious reasons, the court and professionals working with the child and kinship family are not likely to support having the child moved from the kinship family to go live with an unrelated adoptive family, as it is unlikely to be in the child's best interest. Moreover, some youth 14 or older will not agree to an adoption even after efforts have been made to discuss the benefits with the youth. In those scenarios, it would also be appropriate to consider PMC to a relative, with the potential award of PCA benefits, as the most appropriate permanency option for the child.

6. In a sibling group who are in a kinship placement (with all having termination of parental rights--TPR), if the oldest doesn't want to be adopted but the rest do, should PCA be considered for that youth?

Yes. Staff should spend time helping the oldest child understand the benefits of adoption; however, if the oldest child still does not want to be adopted and staff believes the issue has been sufficiently addressed and the best interest of the child

would be served with PMC to the relative or fictive kin, PMC with PCA may be pursued.

7. Will this program work for a child who is already 17 years of age and has been in foster care for many years, but for whom a kinship caregiver is willing to become the PMC?

Yes. If all of the eligibility criteria can be satisfied, including the requirement that the kinship caregivers serve as the child's verified foster parents for at least 6 consecutive months and that PMC be granted to the kinship family before the child reaches 18, then PMC to the kinship caregiver with the support of PCA may be in the child's best interest. There are special incentives available in this situation. PCA benefits include extended benefits up to the month of the youth's 21st birthday when the child is over age 16 on the date the PCA agreement is signed and provided the youth continues to meet certain education, employment, or medical disability requirements after turning 18. If the family serves as the child's verified foster family before the youth turns 18, but cannot satisfy all of the remaining eligibility criteria prior to the child's 18th birthday, the youth may choose to remain in extended foster care with the kinship foster parent up to the youth's 21st birthday, provided the youth meets the same education/employment/disability criteria required for extended PCA benefits.

8. Who negotiates the PCA agreements?

The regions have staff assigned as PCA negotiators. Once the PCA application has been initially approved by the eligibility specialist, the regional PCA negotiator should contact the kinship family to complete the PCA agreement.

9. How are relative inquiries handled, are applications pooled with other foster homes in the system?)

Yes. Relative inquiries to become foster parents are processed the same as for other persons. According to federal law, relative foster homes must meet the same licensing standards as non-related homes, with exceptions for waivers and variances for standards unrelated to safety. For more information, see PCA, Verification, Initial Verification, Waivers and Variances.

C. PCA, Impact on Existing Kinship Caregiver Program (Relative And Other Designated Caregiver Placement Program)

18. Will all kinship families now have to become verified as foster parents in order to have CPS children placed with them?

No. The existing program for Kinship Care - Relative and Other Designated Caregiver program is defined as substitute care provided outside the child's home by relatives or fictive kin (also referred to as other designated caregivers) who are not foster parents. This program will continue.

The Kinship Care program requires an approved kinship home assessment to ensure that the family can meet the child's needs for safety, permanency and well-being but does not require that the home meet all of Licensing's Minimum Standards for verified foster homes.

Participants in the Kinship Care program may elect to apply to become a verified foster home if they wish to do so. Kinship families who become verified foster homes will no longer be eligible for benefits under the Kinship Care Program.

For more information see CPS Handbook §6322.51 Kinship Caregivers Interested in Becoming Verified as Foster Parents

D. PCA, Benefits

1. How will PCA benefits begin?

There are several steps to start PCA benefits beginning:

1. The kinship family becomes verified as a foster family home for the child with whom they have a longstanding and significant relationship.
2. Within 30 days of CPS ruling out reunification and adoption as appropriate permanency options and changing the child's permanency goal to PMC with the support of PCA, the worker discusses the family's intent to pursue PMC with the support of PCA and obtains the family's signature on the Permanency Care Assistance Statement of Intent.
3. Once the kinship family has served as a verified kinship foster home placement for the related child for six months and the other eligibility requirements have been met, the caseworker will complete a PCA application and a PCA negotiator will complete a PCA agreement with the kinship family
4. Subsequently, the kinship family will go to court and obtain permanent managing conservatorship of the child. This is the effective date of the agreement.

2. How will payments be disbursed to PCA families after the PCA agreement takes effect?

1. After receiving PMC in court, the kinship family will be approved to begin receiving the PCA payments effective the first of the following month.
2. Monthly payments will continue the first of each month for that month.

3. Payments will be made by check or automatic deposits, similar to the process experienced by families receiving monthly adoption subsidy payments or foster care reimbursements.

3. Are the same payment ceilings that are utilized for foster parents for adoption subsidy employed here?

Yes. The PCA payment ceilings will be the same as used for adoption assistance, i.e. two tiers with a **maximum** monthly benefit of \$400 for children whose authorized service level is basic and \$545 for children whose authorized service level is moderate or higher. These amounts are ceilings and, like adoption assistance, there will be a negotiation of the payment amount between DFPS and the kinship provider. However, there is no exceptional/enhanced payment ceiling as in certain limited adoption assistance cases.

4. Is there a minimum payment amount that we can tell the family about when we discuss the program with caregivers?

No. There is no identified minimum amount.

5. In regards to reimbursement rates, will the children be leveled by Youth for Tomorrow (YFT) just as our other children? Will the families receive the same daily reimbursement?

When CPS children are placed with kinship families that are verified as foster homes, CPS staff follows the same service level process as with other foster home placements. The DFPS third-party contractor (currently Youth for Tomorrow) authorizes Moderate, Specialized, and Intense service levels for children in DFPS conservatorship. While serving as a verified foster home for a child, the kinship family will receive the same foster care daily reimbursement they would receive if they were unrelated to the child.

6. Are children who are the subject of a PCA agreement eligible for Medicaid regardless of the financial status of the relative(s) income?

Yes. A child who is eligible for Title IV-E PCA benefits is categorically eligible for Medicaid, even if he or she moves to another state. A child who is state paid receives Medicaid under state provisions. If the youth moves out of state, providers in the other state may or may not accept the Texas Medicaid for such youth.

E. Child and Family Income And PCA

1. How does the family's income affect the subsidy they will qualify for if they become verified and assume PMC of a child under PCA?

The family's income is taken into consideration in the PCA negotiations as to the amount of the PCA monthly payment. If the family's income changes later on, the PCA amount can be renegotiated.

See CPSH 1588.1

2. How will PCA affect Social Security benefits?

The relationship between Social Security benefits and PCA benefits, in particular Supplemental Security Income, should be the same as it is for adoption assistance. The only exception is that it remains to be clarified whether the Social Security Administration will count the income of a child's Permanent Managing Conservator toward SSI eligibility, or if the child's income will be considered on a stand-alone basis. Case specific questions should be directed to the assigned eligibility specialist.

3. When it's time to negotiate PCA, would child support be taken into consideration when determining the reimbursement amount (recognizing that the child support could stop at any time from the parent)?

Child support is considered income and would be considered. If at a later time the child support payments stopped or were reduced, the amount could be renegotiated, as long as it doesn't exceed the maximum amount allowed.

See CPSH 1588.3 Other Considerations When Negotiating for Permanency Care Assistance.

F. PCA: Relation to Other Benefits

1. How will day care be handled when the kinship family moves from being an unverified kinship home to being a verified as a foster home?

If an unverified kinship home has been receiving protective day care and then becomes verified as a foster home, the kinship or protective day care must be ended. If the family qualifies for foster daycare or special needs foster daycare, the family can be provided daycare under foster daycare procedures, subject to available funding.

2. How will day care be handled when the verified kinship foster home has been receiving foster care day care and then moves into PCA?

If the kinship family signs a PCA agreement, takes PMC, and begins receiving PCA payments, DFPS supported benefits would end. The kinship family would be responsible for making day care arrangements with the help of the PCA funding.

3. For youth ages 16-18 that go into the PCA program, will this affect the Preparation for Adult Living (PAL) program and Education and Training Voucher (ETV) program benefits they can receive?

Youth who exit DFPS' conservatorship after age 16 to PMC are not eligible for PAL services but are eligible for ETV services. They would continue to be eligible for a tuition waiver.

4. Is there an age restriction for a youth exiting to PMC to qualify for a tuition fee waiver?

No. As long as the youth is in the conservatorship of DFPS on the day preceding the date which the caregiver takes PMC, the youth should qualify. However, note that the youth must enroll in an institute of higher learning prior to his or her 25th birthday and the implementation of the waiver is ultimately up to the institution where the youth enrolls.

5. Will receiving the basic rate foster payment interfere with child support and SSI payments that the family is receiving for the children? Will these payments be rerouted to the state for reimbursement of foster care expense?

Yes, when the kinship family is receiving foster care reimbursements, the SSI and child support must go to DFPS.

6. Would a relative have to be verified as a foster home for extended care placement?

Basically, yes. The relative's home must be verified as a foster home, be licensed as an independent foster home or be licensed as a general residential operation.

It is unlikely that a relative would be licensed as an independent foster home or general residential operation because these options would require the family to be both licensed by Child Care Licensing and obtain a residential contract with CPS. Therefore, in all or nearly all cases, in order for a child to live with a relative and remain in extended foster care, the relative's home is expected to be verified as a foster home in order to meet the federal requirements.

G. Kinship Foster Home: Payments

1. Just to clarify, do relatives receive the foster care maintenance payment during the six months the children are with them?

Yes. Assuming the home remains a verified home, they will get foster care reimbursement payments until the caregiver is granted PMC of the children. The

foster care payments will begin when they are approved/verified as a foster home and the children are officially placed with them as a foster home placement.

2. Can a caregiver who has a Ruled Out or Unable to be Determined (UTD) finding in a CPS or licensing investigation be considered as a foster parent?

Yes, they may be considered because UTDs are not an automatic bar from being a verified as a foster parent. However, all central registry (abuse/neglect history) and criminal history that is pertinent to the applicant's ability to care for the child safely must be considered and addressed before the applicant can be verified as a foster parent.

3. What about arrests or misdemeanor convictions? Does either automatically rule people out from consideration as a caregiver in the PCA program? What if the kin caregiver had an assault charge 3 years ago but was not convicted. Will this disqualify them for PCA?

Licensing addresses these issues in greater detail in Title 40, Chapter 745, Subchapter F of the Texas Administrative Code (TAC). Criminal history rules relate to convictions, not arrests. An arrest does not automatically bar anyone from being verified as a foster parent, though criminal investigations and indictments will be considered as they relate to child safety. Only certain felony convictions operate as permanent bars; certain misdemeanor convictions operate as temporary bars. Please consult the Licensing rules linked above for additional information.

4. Do minimum standards for foster homes change with the age of the child being placed in the home?

Yes. There are minimum standards (verification and ongoing requirements) associated with the age of the child involved.

5. If a youth has turned 18 but is in 11th grade, can we verify a kinship caregiver as a foster parent for this youth?

Not for purposes of receiving PCA on behalf of the 18 year old. While the caregiver could apply to become a foster parent, he or she could not be verified as a foster parent for a person who is over the age of 18.

H. Kinship Foster Homes: Waivers & Variances

1. What is a waiver? A variance?

The term “waiver” means that the family does not have to comply with a specific minimum standard. Under Texas law, a waiver may be granted only if the cost to

comply with the standard is so great that compliance would be impractical. For example, minimum standards for foster homes require one lavatory, one tub or shower, and one toilet for every eight (8) people living in the home. If a family lives in a home where that does not meet this requirement and the cost of modifying the home is very significant, Licensing may grant a waiver as long as the child's safety is not negatively impacted.

The term "variance" means that the family is allowed to meet the intent of a minimum standard in a different way from what is specifically outlined in the standard. For example, minimum standards require that bedrooms for foster children have at least 40 square feet per child (80 square feet for a single occupant bedroom). The intent of the minimum standard is to ensure that each child has enough personal space in their bedroom for sleeping, privacy, and storing belongings. If family lives in a home where their children would share a one bedroom where the average space per child would be 30 square feet, Licensing could grant a variance if there is sufficient room for the children to sleep, have privacy, and store personal belongs. In this example, the family would be meeting the intent of the standard, but just in a different way from what is outlined in minimum standards.

Requests for waivers and variances are made to Licensing by the licensed child-placing agency on behalf of the potential or verified foster family. The child-placing agency staff (FAD staff for CPS), not CPS conservatorship staff, must make the request because the child-placing agency is the licensed entity and, therefore, is responsible for making the decision of whether it is appropriate to make the request.

Licensing considers all waivers and variances on a case-by-case basis. Licensing may not grant any waiver or variance request if granting it would negatively impact the safety of children.

2. Can waivers/variances for relatives who become verified foster parents for the PCA program be granted?

Federal law requires that relatives meet the same requirements as other applicants in order to become verified as foster parents, while allowing waivers of non-safety standards on a case-by-case basis. Licensing will consider waiver and variance requests for non-safety standards on a case-by-case basis.

3. Where can someone see the list of non-safety standards that can be "waived"?

Licensing does not categorize minimum standards into safety and non-safety categories, and the federal law requires all waivers and variances to be considered on a case-by-case basis. Therefore, there is no list in Texas of non-safety standards that can be "waived" for kinship families seeking to be verified as foster homes. What may be "safe" in one situation may not be safe in another situation. For example, a pool with no fence may be safe for a 17 year old lifeguard, but it is clearly unsafe for a toddler.

The waiver/variance process for kinship foster homes is the same as for unrelated foster homes, which means that each situation will be assessed by Licensing to determine if the minimum standard can be waived or varied without negatively impacting child safety.

4. Can waiver requests regarding kinship families who want to become or who are already verified foster parents be submitted to Licensing?

Yes, FAD workers or private child-placing agencies may submit waiver and variance requests for both scenarios on a case-by-case basis.

5. Once a kin caregiver with criminal history is referred to become a verified foster parent, can a waiver be given?

Background check rules are found in Title 40, Chapter 745, Subchapter F of the TAC. These rules are directly related to safety and are not minimum standards; therefore, background check rules cannot be waived or varied in any circumstance.

The rules include information to help staff determine whether a person's background check results:

- permanently bar them from being present in a foster home;
- temporarily bar them from being present in a foster home
- require an approved risk evaluation* before being present in a foster home; or
- permit them to be present in a foster home.

*Risk evaluations are requested by the child-placing agency (FAD for CPS) and the Centralized Background Check Unit makes the final decision in accordance with Licensing rules and policies.

6. If a relative is verified with a variance for fire or health inspections, how do we handle them being a foster parent for other children?

All waivers and variances have conditions. If the conditions associated with the variance include limiting it to the placement of specific children, then the agency can submit a new variance request for the standards, or the agency can require that the home meet the standard as written. If a variance is requested, Licensing will determine if it is appropriate to extend the variance to cover additional related and/or unrelated children. If the variance is not granted, the home must meet the standard before the agency can verify the home for placement of additional children.

7. Is there going to be a faster way to get through the waiver/variance process?

Within 15 days of receiving a request, Licensing must either issue a decision or notify the agency that additional information is needed to process the request. As long as the waiver/variance request has all of the required information, Licensing staff should be able to issue a decision on the request within 15 days. The process is extended when the information submitted is insufficient or incomplete and Licensing staff has to wait for child-placing agency staff (FAD staff for CPS) to respond to requests for additional information.

8. Can variances be granted or be considered for a grandparent who doesn't have a GED or High School Diploma?

Yes. Such variances will be considered, but there is no guarantee that any variance will be granted. Each request must be evaluated on a case-by-case basis. Licensing may not grant a waiver or variance if child safety will be negatively impacted.

9. Is there a variance for the requirement that a pool must be enclosed with a fence?

A variance for a pool fence may be submitted, but there is no guarantee that any variance will be granted. Each request must be evaluated on a case-by-case basis. Licensing may not grant a waiver or variance if child safety will be negatively impacted.

I. Kinship Foster Homes: Training

1. Can kinship families who are interested only in being a temporary placement before a permanency plan is achieved (reunification or adoption or conservatorship by someone else) go to Agrilife's Mini- PRIDE?

As kinship families, they may attend Agrilife's Mini-PRIDE. Agrilife is currently contracted for Region 3 only.

2. Can other, non-kinship families interested in fostering go through Mini-PRIDE?

Yes, as policy allows. See CPS Handbook Section 7200 Training and Study Process for Foster and Adoptive Homes

3. Can other types of emergency behavior intervention (EBI) training besides the training in Sections 6A and 6B of the Mini-PRIDE curriculum count toward the EBI requirement?

FAD homes require the use of the EBI training in Sections 6A and 6B of the Mini-PRIDE curriculum. If a family transfers from a private sector CPA, CPS

must obtain a certificate of the EBI training they received. Families must obtain emergency behavior intervention training annually.

J. Kinship Foster Homes: Ongoing Compliance

1. What are the guidelines for oversight during the 6 month foster-care placement with a verified kinship caregiver?

While serving as verified foster parents for their related child, the kinship foster family must meet the minimum standards and have the same oversight on minimum standards that other foster parents have. Child-placing agency staff (FAD staff for CPS) will be responsible for regulating the home in accordance with minimum standards and conditions associated with any waivers or variances. Once verified, the home will also be subject to random sampling inspections and investigations conducted by Licensing.

2. Many kinship families do have parent/child visitation either in their home or supervise the visit elsewhere. After verification, will parents with a RTB finding or criminal history be allowed as frequent visitors?

Background check rules, and the bars on people with certain criminal or CPS history having contact with a child, apply to all regular and frequent visitors to the foster home, regardless of their relationship to the child. Under the terms of those rules, persons visiting the home after verification will have to meet the same criminal history standards as those in foster homes: some CPS or criminal history is permitted, other history requires a risk evaluation, while other history constitutes an outright bar on contact. Because background check rules are not minimum standards, they cannot be waived or varied. These rules do not apply to visits that occur away from the foster home, although the foster parents must comply with all conditions in the child's plan of service and any court orders relating to visitation.

Licensing's FAQs on frequent and regular visitors to foster homes will help determine which visitors are required to have background checks:

http://www.dfps.state.tx.us/Child_Care/Residential_Child_Care_Licensing/Foster_Background_Checks.asp.

3. Will kinship foster homes have random sampling inspections?

Yes. Kinship foster homes are subject to the same random sampling inspections as other foster homes. Information gathered during these inspections is used to determine the child-placing agency's compliance with Licensing statute, rules, and minimum standards.

K. Kinship Foster Homes: Scope of Verification/License

- 1. If a kinship caregiver is verified without any variances, serves as a child's verified foster parent for six months, signs a PCA agreement, receives PMC and becomes eligible to receive PCA payments, will those same relatives be able to foster other non-related children given if they keep up with their Licensing requirements?**

Yes, if doing so is consistent with the terms of the verification of the home and all applicable minimum standards.

- 2. If a relative decides to continue to foster other children after receiving PMC of their relative child, won't they need to meet all standards?**

Yes. In addition, if the relative was verified only for the placement of a specific child or children, then the home will need to be verified for the placement of other children, related or non-related. If the relative received a waiver or a variance, and the waiver or variance was specific to that specific relative child only; it does not "transfer" to other children, but could be resubmitted as appropriate. If a variance is requested, Licensing will determine if it is appropriate to extend the variance to additional related and/or unrelated children. If the variance is not granted, the home must meet the standard before the agency can verify the home for placement of additional children.

- 3. What if the child's service level is higher than basic and the family wants the higher foster care reimbursement rate?**

The family will receive foster care payment at the appropriate Service Level rate while the child remains in foster care placement. Since CPS is no longer verifying families for Treatment Services, kinship foster families desiring to serve children with such needs would need to be verified by a private child-placing agency.

L. PCA: Out-of-State Issues

- 1. If a family is verified as a foster home for a child/children in another state and then has relative children placed from Texas, can they qualify for PCA?**

Yes. Once the current ICPC approval is obtained for the children being placed in Texas and all of the other Texas PCA requirements have been met, the relative foster home would be able to enter into a negotiated agreement with Texas to receive Texas PCA.

M. Fostering Connections: In General

- 1. If I have questions about PCA, or any other Fostering Connections issues, how can I get them answered?**

Questions can be sent to: fosteringconnections@dfps.state.tx.us.

Information about Fostering Connections and the DFPS response is posted on the DFPS public website under CPS/Programs and Projects: [Fostering Connections](#).