

Excerpt

ACF Administration For Children and Families	U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES Administration on Children, Youth and Families	
	1. Log No.: ACYF-CB-PI-10-11	2. Issuance Date: July 9, 2010
	3. Originating Office: Children's Bureau	
	4. Key Words: Guidance on Fostering Connections to Success and Increasing Adoptions Act of 2008 P.L. 110-351; P.L. 111-148	

Program Instruction

To: Agencies Administering or Supervising the Administration of Title IV-E of the Social Security Act, Indian Tribes, Tribal Organizations and Tribal Consortia (Tribes)

Section H: Notifying Relatives

A title IV-E agency must have a mechanism in place to exercise due diligence to identify and notify all adult relatives of a child's removal from his parents within 30 days of that removal (subject to exceptions due to family or domestic violence) (section 471(a)(29) of the Act). The notice must specify that the child has been or is being removed from the custody of the parent, the relative's options to participate in the care and placement of the child (pursuant to Federal, State and local law), any options that may be lost by not responding to the notice, the agency's requirements for becoming a foster family home and the additional services and supports for children in foster family homes. . . . We encourage the agency to develop protocols for caseworkers that describe the steps that should be taken to identify and notify relatives when a child is removed from his or her home. Further, we encourage the agency to go beyond this requirement to specify ways to identify and work with relatives when the agency first becomes involved with a child at risk of removal.

The title IV-E agency has the flexibility to determine what constitutes "due diligence" and when exceptions are appropriate. The title IV-E agency also has discretion to determine the scope of the terminology "all other adult relatives" and may also consult with the youth in identifying relatives. However, to the extent that it is practical, we suggest that the agency use the same definition of "relative" for the relative notification provision and the title IV-E guardianship assistance program option (if the agency elects the guardianship option). We realize this approach may not work for all agencies; however, we want to encourage practices that would lead to early identification of relatives who could be potential guardians if reunification or adoption is ruled out. Further, the title IV-E agency may determine the method to use to provide relative notification of a child's removal, as long as that notification meets the specifications of the provision outlined above. We encourage the notice to be made via several different methods, such as in writing and orally. We also encourage the agency to carefully examine existing protocols for notifying relatives in the context of this provision to determine if there are ways to improve the agency's relative notification process generally, or in relation to specific groups of relatives, e.g., noncustodial parents and paternal relatives. The courts can play an important role in relative notification. This provision to notify relatives does not alter or supersede in any way the notice provisions of the Indian Child Welfare Act of 1978 (25 U.S.C 1912).

For full instruction, go to
http://www.acf.hhs.gov/programs/cb/laws_policies/policy/pi/2010/pi1011.htm