

 VERMONT DEPARTMENT FOR CHILDREN AND FAMILIES Family Services Policy Manual		<h1>224</h1>
Chapter:	Residential Licensing	
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Approved:	Cynthia K. Walcott, Deputy Commissioner	Effective: 4/12/2016
Supersedes:	Family Services Policy 224	Dated: 10/22/2015

Purpose

To prohibit the provision of child care by families providing foster care, kinship foster care, or respite care for the Family Services Division or a licensed child placing agency; and to describe the conditions and the process for which exemptions to this prohibition may be granted.

Definitions

Child Care: Licensed child care, registered child care, and unregulated child care of children on a regular and continuous basis for compensation.

Related Policies

Family Services [Policy 95](#): Respite Care

Policy

Child Care by Resource Families

The following families **may not** provide child care in their homes:

- licensed foster and kinship foster families;
- licensed child placing agency approved foster families; and
- families approved for respite care by the division or a licensed child placing agency.

Care of Children in Custody by Regulated Child Care Providers

The division will not seek care for children and youth in DCF custody with persons providing child care under license or registration by the DCF Child Development Division except under the following circumstances:

- foster care up to but not exceeding forty-five days for a child for whom the child care provider is already providing child care and has an established attachment to that provider; OR
- respite care for a child for whom they are already providing child care.

These exceptions do not apply to child care provider/child relationships that have begun after the entry of the child into custody or to placement of children or youth with demonstrated sexually harmful behaviors or egregiously harmful behavior to other children.

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Sharing Information

As a division, we must ensure adequate safety for the children and youth in our care and custody. For this reason, it is essential that all pertinent information regarding medication administration, physical care needed, and emergency medical instructions are communicated to the provider. See Family Services [Policy 95](#): Respite Care for more detailed information regarding information sharing.

Exemptions

The Commissioner of the Department for Children and Families or designees representing the Family Services Division and the Child Development Division may grant exemptions to these prohibitions specific to the licenses granted by each division. Only the following circumstances will be considered:

- a child enrolled and cared for by the child care provider is in need of foster care placement (as above) **AND** has an established attachment to that provider;
- a child related to the child care provider is in need of kinship foster care placement; and
- the child care provider has expressed a determined interest in becoming an adoptive resource for a child in custody.

Regardless of these circumstances, all situations must conform to the following:

- the best interests of the identified child or youth strongly warrant the exemption;
- the child care provider can provide care of children in foster care and child care without undue risk;
- no child, to be placed, has a known history of sexually harmful behavior or of egregiously harmful behavior to other children; and
- child care providers granted an exemption to become a foster family will be limited to the care of the specific child and may not accept other foster care placements.

Exemption Request and Approval Process

- (1) The social worker of the child or youth identified for placement will gather required information noted in the section below, *Content of Exemption Request*, in addition to standard requirements of the foster care licensing process.
- (2) The district director will review and approve the request to move forward to the Family Services Division Residential Licensing and Special Investigations (RLSI) Director.
- (3) RLSI will begin the foster care licensing process and notify the DCF Child Development Division of the request.
- (4) RLSI social worker and supervisor will determine ability to license the applicant as a foster parent and also make a recommendation to the RLSI Director

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- regarding the exemption.
- (5) The RLSI Director will act as Commissioner designee for the Family Services Division.
 - (6) The Commissioner or designee(s) will review the application for approval of exemption in conjunction with the DCF Child Development Division identified designee. Each division retains decision making authority regarding the license under its authority.
 - (7) The Commissioner or designees must approve situations in which both divisions agree to license the same individual.
 - (8) The applicant and requesting social worker will be notified of the decision.
 - a. If the exemption request is denied the applicant may choose which license they wish to have.

Content of Exemption Request

The request for exemption must provide specific information that will assist in assessing the exemptions impact on the best interest of the children involved. It will contain the following information:

- (1) Review of how the foster child or youth will integrate with the children and youth being cared for in the child care with reference to behavioral, developmental and social histories. How will age and developmental differences affect the care of all children? How will social and behavioral histories affect the care of all children?
- (2) Assessment of risks to the child care environment from the family network of the foster child/youth including any history of violence; assessment of provider's ability to meet expectations of child's case plan; and, review of existing relationships between the provider and the child/youth's family.
- (3) An assessment of provider capacity to care for all children and youth to include their knowledge and experience; demonstrated experience of caring for children and youth; resources available to sustain care; training; financial stability; and adequacy of physical space.
- (4) A description of the child or youth's connection to the provider and why this particular placement supports the best interests of the child or youth.
- (5) Proposed length and purpose of required placement of child or youth.
- (6) The child/youth's family's response to placement in this setting.