

## Administrative Policy No. 6.24

<b>Subject:</b>	DSHS Employees – Foster Care Licensing and Adoption
<b>Information Contact:</b>	Children’s Administration Division of Program and Policy MS 45710 (360) 902-7911
<b>Authorizing Sources:</b>	Chapter <a href="#">42.52</a> RCW; RCW <a href="#">9A.80.010</a> , <a href="#">42.20.100</a> , and <a href="#">74.15.020(2)(a)(i) through (v)</a> WAC <a href="#">388-148-0060</a>
<b>Effective Date:</b>	August 16, 2004
<b>Revised:</b>	September 8, 2009
<b>Approved By:</b>	Original signed by Kathleen Brockman Chief Administrative Officer

---

### Purpose

The purpose of this policy prohibits Department of Social and Health Services (DSHS) from directly licensing as a foster parent or approving as an adoptive parent the following persons:

- Any person employed in any capacity by DSHS Children’s Administration (CA);
- Any person employed by DSHS and permanently or temporarily assigned to a facility co-located with any DSHS Children’s Administration office;
- Any employee of another agency having access to DSHS Children’s Administration case management system.
- Any individual living in the same household as a DSHS Children’s Administration employee, or person employed by DSHS and permanently or temporarily assigned to a facility co-located with any DSHS Children’s Administration office; or
- Any former employee that worked for CA within the last year,

The policy describes conditions under which employees or former employees may have foster, relative, or adoptive children for whom the department provides case management for the child placed in their care. Additionally it provides a process to ensure the employment with DSHS shall not constitute an administrative, procedural, or financial barrier to department employees/former employees seeking to become foster or adoptive parents.

Any potential conflicts with the federal Indian Child Welfare Act (ICWA) will be resolved through consultation with the affected tribe in accordance with applicable tribal law, federal law, and state law including the [Centennial Accord](#) and [DSHS Administrative Policy 7.01](#).

## Definitions

**Borrowed Foster Home** means the placement and supervision by an agency of child (ren) in a foster family home licensed or certified by another agency, with the permission of that agency.

**Approved for Adoption** means a determination by the department or child-placing agency that a person, or the persons constituting a household, meets the requirement for adoptive parents. This determination is based on a satisfactory application for adoption and completion of an approved adoption home study “pre-placement report” per [RCW 26.33.190](#).

**Child Placing Agency (CPA)** means any public or private association, corporation, or individual currently licensed and contracted with the department as a child-placing agency under [chapter 74.15 RCW](#) and [RCW 26.33.020](#).

**Co-located** means any situation in which a DSHS employee works within the same building as an office of the DSHS Children’s Administration.

**CA and Co-located DSHS Employee** means all employees of the Children’s Administration or co-located DSHS employee in any status. For the purposes of this policy, this group also includes all individuals living in the same household of a person employed by DSHS when that individual has a caregiver role for the foster or adoptive child.

**Foster Care** means placement of a child by the department or a currently licensed and contracted child-placing agency in a home or facility licensed under [chapter 74.15 RCW](#).

**Foster and/or adoptive parent** for this policy refers to either a CA employee, former employee or a co-located DSHS employee.

**Former Employee** means a person who has been employed by CA or referred to in the Purpose of this policy within the last year.

**Relatives** means a relative or other suitable person not needing to be licensed as identified in [RCW 74.15.020\(2\)\(a\)\(i\) through \(v\)](#).

## Policy

CA and co-located DSHS employees and former employees (within one year) and employees of other agency with access to CA case management system are prohibited from being licensed to be foster parents or approved as adoptive parents directly by DSHS. As outlined below, private Child Placing Agencies (CPA) will provide case management for most children placed with DSHS employees.

## **Procedures**

### **A. Foster Care Licensing:**

1. Foster parent certification or approval to be an adoptive parent may be obtained through a private Child Placing Agency (CPA).
2. The CA Division of Licensed Resources shall verify a CA or co-located DSHS employee and former employees are certified as a foster parent by a private Child Placing Agency (CPA) prior to issuing a foster family home license to the employee.
3. A person who is licensed as a foster parent and becomes or is a CA or co-located DSHS employee at the time this policy becomes effective must be certified through a private CPA within six months. All other provisions of this policy shall apply to licensees newly employed by DSHS.
4. The local CA office shall refer CA or co-located DSHS employees with pending foster family home applications to suitable CPAs for completion of the necessary steps to assure timely completion of licensing action for the employees.

### **B. Foster Care Placement:**

1. A foster parent who is a CA or co-located DSHS employee or former employee shall receive placements and case management services only through a CPA, unless an agreement is made under section B.4 of this policy for DSHS to borrow the employee's home from a CPA.
2. Children who were placed with CA or co-located DSHS employees and former employees before the effective date of this policy shall be reviewed on a case-by-case basis. Whenever possible, the case shall be transferred to a CPA. The child shall only remain in the home and continue receiving case management through the DSHS region in which the employee works if approved by the Regional Administrator with responsibility for the child.

3. A foster parent who is a DSHS employee shall act solely in the role of foster parent when in a court or any other proceeding regarding a child placed in the employee/foster parent's home.
4. DSHS CA shall not "borrow" an employee/foster parent's home unless: It is on a short term, time-limited basis; and the staff person borrowing the home has a waiver signed by the Regional Administrator (RA) with responsibility for the child.

**C. Relative Placement under Juvenile Court Dependency Action:**

1. A DSHS employee who is a relative or other suitable person as identified in [RCW 74.15.020\(2\)\(a\)\(i\)-\(v\)](#) of a child(ren) who needs placement shall be considered a placement resource by the department in the same manner as a relative who is not a DSHS employee. Placement decisions shall be made in accordance with the best interest of the child (ren).
2. The DSHS placement decision will be made with a view toward safety and the fewest possible placements for the child regardless of employee status.
3. If the child (ren) is placed by DSHS, a different DSHS office than the one in which the employee works or is co-located will provide case management. The RA with responsibility for the child shall approve the selection of the office to provide case management.
4. If the employee wants to be licensed for relative foster placement or certified for adoption, they must comply with section B and D of *Procedures* in this policy to be certified as a foster or approved as an adoptive parent.

**D. Adoption:**

1. All CA, co-located DSHS employees and former employees wanting to be approved as adoptive parents must obtain approval through a private CPA.
2. A foster parent who is a CA or co-located DSHS employee or former employee shall receive placements and case management services only through a CPA, unless an agreement is made under section B.4 of this policy for DSHS to borrow the employee's home from a CPA.
3. An exception to policy (ETP) for children with special needs may be granted to the employee to adopt a child from DSHS who has been difficult to place due to the child's special needs. The ETP must be approved by the RA with responsibility for the child.

4. If the child (ren) is placed by DSHS for adoption, a different DSHS office than the one in which the employee works or is co-located will provide case management. The RA with responsibility for the child shall approve the selection of the office to provide case management.
5. The employee shall not seek nor accept placement of a child with whom the employee has worked in an official capacity, unless an exception is granted as outlined in Section D. 3 of this policy.
6. The local CA office shall transfer pending adoption applications in process and applications from new DSHS employees to a private CPA for completion of the home study. All other applicable provisions of this policy shall apply to newly employed prospective adoptive parents.

**E. Confidentiality and Access to Files:**

1. To assure confidentiality of client and employee information, following certification or approval by the CPA, the CA Regional Administrator for the office through which the employee has been licensed for foster family care or approved for adoption shall direct the sealing of licensing, adoption, and related client electronic files in administrative files.
2. CA shall permit department staff who are licensed to provide foster family care or who are approved for adoption, or who have applied for such license or certification, to review their file, including electronic data, only through the formal request process established by the local and regional offices. The request goes to the assigned licenser or adoption worker.
3. DSHS employees are prohibited from independently accessing the files of children placed or who may be placed in the employee's home.
4. DSHS employees are prohibited from using the department's electronic information systems to obtain data about themselves or children placed or proposed to be placed in their care.

**F. Standards of Ethical Conduct:**

All DSHS employees, including those seeking or possessing a family foster home license or approved as an adoptive parent through the department must comply with the provisions of [Administrative Policy 18.64 Standards of Ethical Conduct for Employees](#). Among some of the provisions of that policy, a DSHS employee shall not:

1. Engage in any employment, business or professional activity, which could represent a conflict of interest;
2. Create the appearance of using the employee's position for personal gain or advantage or for the benefit of others
3. Use the employee's position to obtain special privileges or exemptions for the employee, employee's spouse, child, parents or other persons.

Official DSHS

September 8, 2009

Page 6

4. Use access to DSHS information for personal gain while an employee of DSHS.
5. Receive any compensation in the performance of the employee's official duties, unless otherwise authorized by the department; and
6. Use state resources to act as a foster or adoptive parent except as specifically allowed under [DSHS Administrative Policy 15.15 Use of Electronic Messaging Systems and the Internet](#).

Official DSHS