

Child and Family Services Policy Manual: Legal Diligent Search for Extended Family Resources

Philosophy	<p>Allowing a child to maintain connections with family increases the stability of a child's placement and expedites permanency. When a child is being removed from his or her home, Child Protection Specialists have a responsibility to identify and locate relatives and make attempts to involve them in the life of the child either as a placement, as a potential future placement option, or as an extended family connection.</p>
Definition	<p><u>Diligent Search:</u> An extensive effort to locate and document the names of relatives and significant persons in the life of a child who is involved with Child Protective Services and at risk of or placed in out-of-home care.</p>
Diligent Search	<p>When a child needs to be removed from his/her parent's care, the Child Protective Specialist will check the Close Relative Registry and notify any relatives listed on the registry of the placement of the child within one working day of the removal. The Close Relative Registry is a voluntary registration of close relatives of a child for purposes of notifying those relatives when a child that is related has been removed by the Division. If there is no family on the registry, the Child Protective Specialist will begin a diligent search to locate and notify relatives of the child's placement in Division care.</p> <p>Within 30 days after the removal of a child from the custody of the parent or parents of the child, the State shall exercise due diligence to identify and provide notice to the following relatives: all adult grandparents, all parents of a sibling of the child when the parent(s) has legal custody of the sibling, and other adult relatives of the child (including any other adult relatives suggested by the parents).</p> <p>For the purposes of this section, sibling is defined as an individual who is considered by State or Tribal law to be a sibling or who would be considered a sibling under State or Tribal law if it were not for a disruption in parental rights, such as termination of parental rights or death of a parent.</p>
Relative Notification	<p>The notice to the relatives must:</p> <ul style="list-style-type: none"> • Specify that the child has been or is being removed from the custody of the parent or parents of the child; • Explain the options the relative has under Federal, State, and local law to participate in the care and placement of the child, including any options that may be lost by failing to respond to the notice;

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- Describe the requirements to become a foster family home and the additional services and supports that are available for children placed in such a home; and
- Describe how the relative guardian of the child may subsequently enter into a Kinship Guardian Assistance Agreement with the Division.

Relatives who have a history of domestic violence, substantiation of child abuse or neglect, or have been convicted of an offense of child endangerment or Partner Family Member Assault (PFMA) will not be notified as placement options.

Diligent Search Procedures

The Child Protection Specialist **must** initiate a diligent search for relatives of the child on both the paternal and maternal sides of the family. Mont. Code Ann. § 41-3-301 provides “the right for the department to locate, contact, and share information with any extended family members who may be considered as placement options for the child.”

Diligent efforts include comprehensive activities to gather contact information such as:

- Internet searches to locate and identify relatives,
- providing written notice to identified relatives,
- mailing certified letters to identified relatives,
- making visits to last known addresses of identified relatives,
- telephone calls to last known phone numbers of identified relatives,
- continuing to ask the identified relatives including the parents, guardians, child and or others who have contact information,
- following up on “leads”,
- making contact with the parent’s and/or Indian child’s tribe or the Indian custodian,
- holding a family identification meeting (FIM) or family group decision making meeting (FGDM) to obtain names and addresses of other extended family members.

When performing a diligent search for relatives, Accurant Search, Family Finding Search through the Seneca Center Search Service, and the Federal Parent Locator through Child Support Enforcement Division are available to assist in the process.

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The case record of the child **must** contain documentation of the Child Protection Specialist's actions to identify and assess the viability of placement with relatives. Tools the Child Protection Specialist may use to assist in the diligent search for relatives include, but are not limited to:

1. Development of a genogram with the family to identify family members and their relationships;
2. Development of an ecomap with the family to identify individuals, agencies, churches, service providers, etc., that serve as a support or source of conflict to the family

Contact must be made with relatives located through Internet Searches, named at the FIM / FGDM, on the genogram or ecomap, or otherwise reported to / located by the Child Protection Specialist to determine their:

- a) Willingness to serve as a respite family for the child;
- b) Willingness to serve as a permanent placement for the child;
- c) Willingness to provide support to the child and participate in the child's case planning process; and
- d) Knowledge about the existence of other relatives of the child.

NOTE: A diligent search for relatives is referenced as a requirement in the following policies:

- 304-1, Non-Custodial, Unknown, or Cannot-Be-Located Parent
- 305-1, Indian Child Welfare Act
- 402-3, Concurrent Planning and Placement
- 402-4, Placement in Unlicensed Kinship Care
- 407-2, State Subsidized Guardianship
- 602-3, Indian Adoptions

Key Decision Points

Diligent search is an ongoing process that continues throughout the life of the case. Therefore, at a minimum, diligent search

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efforts must be initiated or continue at the following key decision points in a case:

- When it is likely that a child will be placed in out-of-home care
- When the child is placed in out-of-home care
- Prior to FGDMs
- When it is likely that a child's placement will change
- When a concurrent plan is established
- When reunification is no longer the primary goal
- Prior to Permanency Hearing
- Prior to TPR hearing
- Prior to a pre-adoptive placement

Documentation

Contact must be documented on ACTD.

Documentation should include:

- Name, relationship, address, phone number of contact.
- Type of contact (phone call, in-person, letter)
- Outcome of contact (potential placement, respite, other resource, willingness to attend FGDM, etc)
- New leads on other family members

Family Finding

Family Finding is a process for identifying, locating and engaging significant adults in a child's life and actively participates in the case planning and permanency decisions for the child.

This process may be used at the time a child comes into care, or anytime during a child's stay in care, but when a child has been in care for 36 months or longer and there is no permanency plan in place (child has permanency goal of adoption or guardianship with no identified family or child has permanency goal of other planned permanent living arrangement), the Permanency Team will initiate Family Finding for that child. Once Family Finding is implemented, the process below will be followed and documentation will be maintained in the child's case file.

The Permanency Planning Specialist or his/her Supervisor will be the staff designated to ensure Family Finding is addressed and the process is followed; however, all members of Permanency Team will work together to ensure tasks are assigned and completed within set timelines. The FGDM Coordinator and the Transitional Living Specialist, when

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assigned, need to be an active part of the Permanency Team and the Family Finding Process.

Family Finding Process consists of six steps:

- Discovery – used to identify as many relatives for each child as possible through case file mining, Internet searches, contact with known family members, and completing a mobility map with the child. FGDM Coordinator may conduct a FIM to help identify and locate relatives and significant others. The goal is to identify 40 or more relatives or significant adults.
- Exploration – sending letters, making phone calls, and going to the homes of families that were identified, explaining that the child is in State care and is looking to connect/reconnect with relatives and significant adults. The goal is to identify at least 12 relatives and/or significant adults who are willing to attend a meeting to learn more about the child and his/her needs.
- Planning - The FGDM Coordinator or the Permanency Planning Specialist will conduct a Blended Perspective Meeting with the identified relatives to develop a common or blended perspective of the child and his/her needs and ensure that members are committed to being a lifetime support for the child. The group may use the mobility map completed by the child or it may develop a connectedness map during the meeting to emphasize the need for connectedness and lifetime supports of the child. Members of the team are encouraged to identify other relatives or significant adults who should be included in the process.
- Decision-Making - Using FGDMs to bring all significant players to the table to start working together on developing a plan to address permanency issues and the support required to ensure success for the child. The goal is to have the non-paid relatives step up to offer support and help identify the permanency plans that will be most successful and what it will take to get there, so that when the child is in his/her permanent placement, the responsibility for ensuring continued success shifts from the agency and other paid providers to the family and community support system.

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- Evaluation – Team members need to meet regularly to ensure all assigned tasks have/are being followed through with and that the plan is still on track. If the team determines that the plan is not working, the team needs to rework the plan to keep the process moving forward. This step should be occurring through-out this process and does not necessarily have to wait until a final decision is made.
- Follow-up –As this process continues, the team is able to take on more of the responsibility for the child and his/her care. It is important to stay in contact with the team so that if issues arise, services or supports can be up into place to keep the child from staying in or returning to care as, to often, family or caregivers wait too long before asking for help. Being proactive and teaching the team to be proactive can help facilitate successful permanency.

Refer to the Family Find and Engagement Packet at the end of this policy for further details on implementing the Family Finding Process.

References

Mont. Code Ann. § 41-3-101
Mont. Code Ann. § 41-3-427
Mont. Code Ann. § 41-3-439
Mont. Code Ann. § 41-7-102
Fostering Connections to Success and Increasing Adoptions
Act of 2008
Preventing Sex Trafficking and Strengthening Families Act

New 10/09
Rev. 10/10
Rev 10/11
Rev 03/15