

	<b>GEORGIA DIVISION OF FAMILY AND CHILDREN SERVICES</b> <b>CHILD WELFARE POLICY MANUAL</b>		
	<b>Chapter:</b>	(14) Resource Development	<b>Effective Date:</b> March 2019
	<b>Policy Title:</b>	Avoiding Conflicts of Interest When Approving Caregivers	
	<b>Policy Number:</b>	19.07	<b>Previous Policy #:</b> 14.25

## CODES/REFERENCES

O.C.G.A. § 45-10-01 Code of ethics for government service generally  
 O.C.G.A. § 45-10-20 Definitions  
 O.C.G.A. § 45-10-23 Full-time employees prohibited from transacting business with own state agency; exception for Board of Regents employees  
 O.C.G.A. § 45-10-24 Part-time public officials with state-wide powers prohibitions; part-time employees prohibitions; exceptions to prohibitions  
 O.C.G.A. § 45-10-25. Exceptions to prohibitions on transactions with state agencies

## REQUIREMENTS

The Division of Family and Children Services (DFCS) shall:

1. Make every effort to avoid even the appearance of a conflict of interest wherein a reasonable person would conclude from the circumstances that an employee's ability to perform official duties is compromised by personal interests. The same expectation applies to DFCS business associates including contractors and service providers.
2. Disqualify DFCS employees who work in a child welfare program area from serving as temporary caregivers for children involved in an active child welfare case.<sup>1</sup>

**NOTE:** Exceptions to this requirement may be granted by the DFCS Division Director or Designee on a case-by-case basis.

3. Disqualify individuals who have a business relationship with DFCS from serving as temporary caregivers for children involved in an active DFCS child welfare case. This includes the following:
  - a. DFCS contractors (e.g. parent aids)
  - b. Treatment/service providers (e.g. therapists, wrap-around providers)
  - c. Employees and volunteers of Georgia Court Appointed Special Advocates (CASA)
  - d. Owners, operators, employees or contractors of a Child Placing Agency (CPA)
  - e. Owners, operators, employees or contractors of a Child Caring Institution (CCI)
  - f. Owners, operators, employees or contractors of a Psychiatric Residential Treatment Facility (PRTF)

**NOTE:** Exceptions to this requirement may be granted by the Director of Placement and Permanency Services or Designee on a case-by-case basis.

4. Allow DFCS employees who do not work in a child welfare program area (e.g. Office of Family Independence) to serve as temporary caregivers for children involved in an active child welfare case, when there is no conflict of interest.
  - a. Pre-service training, initial family evaluation, and subsequent re-evaluations must be

<sup>1</sup> Caregivers involved in an active child welfare case may include foster parents, adoptive parents, relative placements, safety resources, voluntary kinship, legal custodian and guardians, etc.

- completed/approved by an entity other than their employer (i.e. a different DFCS office or agency).
- b. Ongoing supervision of the home must be performed by an entity other than their employer (i.e. a different DFCS office or agency).
5. Allow DFCS employees and individuals who have a business relationship with DFCS to serve as temporary caregivers for children involved in an active child welfare case, to whom they are related by blood, marriage or adoption. Such cases shall be handled on an individual basis and require approval of the Assistant Division Director of Field Operations.
  6. Allow DFCS employees and individuals who have a business relationship with DFCS to serve as adoptive parents for children in DFCS custody when there is no conflict of interest.
    - a. Pre-service training, initial family evaluation, and subsequent re-evaluations must be completed/approved by an entity other than their employer (e.g. a different DFCS office or agency).
    - b. Approval must be obtained from the DFCS Division Director to adopt a child for whom a DFCS employee or treatment/service provider has provided services as part of any child welfare case (open or closed).
  7. Restrict caregivers from serving as a DFCS or CPA foster parent simultaneously. Foster parents may serve as foster parents for only one agency at a time.

**NOTE:** Exceptions to this requirement may be granted by the Placement and Permanency Director or Designee on a case-by-case basis. Agency guidelines will govern what, if any, financial disbursement can be made to the caregiver in these situations.

## PROCEDURES

DFCS employees and individuals who have a business relationship with DFCS will:

1. Fully disclose all involvement they have had with a child's family to the DFCS County Director prior to taking any action to become the caretaker for a child who is involved in an active DFCS child welfare case.
2. Withdraw from participation in case management activities or service provision in cases involving children for whom they serve as caregivers.
3. Receive pre-service training and have their home studies completed and approved by an entity other than the agency for which they are employed.

DFCS Supervisors will:

1. Ensure approval is obtained (i.e. approved waiver) from the appropriate approval authority prior to evaluating a prospective caregiver when the potential for a conflict of interest exists.
2. Submit home studies involving DFCS child welfare employees applying to become foster parents through the following chain of approval:
  - a. County Director
  - b. Region Director
  - c. District Director
  - d. Division Director/Designee
3. Mark a case sensitive when a DFCS employee is serving as a caregiver for any child associated with the case.
4. Actively monitor DFCS employees serving as caretakers to safeguard against actions

that may have the appearance of a conflict of interest.

5. Notify the applicable DFCS County Director(s) immediately if a conflict of interest is identified.

CPA/CCI Supervisors will:

1. Ensure approval is obtained (i.e. approved waiver) from the appropriate approval authority prior to evaluating a prospective caregiver when the potential for a conflict of interest exists.
2. Submit home studies involving employees applying to become foster parents for children in DFCS custody through the following chain of approval:
  - a. CPA/CCI Director
  - b. Director of DFCS Office of Provider Management (OPM)
  - c. Division Director/Designee
3. Control access to case information when a staff member is serving as a caregiver for any child associated with an active DFCS child welfare case.
4. Actively monitor staff members serving as caretakers in an active DFCS child welfare case to safeguard against actions that may have the appearance of a conflict of interest.
5. Notify OPM and the applicable DFCS County Director(s) immediately if a conflict of interest is identified.

## **PRACTICE GUIDANCE**

### **Conflicts of Interest**

A conflict of interest may exist where employees engage in activities that may financially or otherwise enhance themselves, their relatives or individuals with whom they are personally or financially involved. Due to their knowledge, access to information, and ability to take certain actions in their official capacity as departmental employees, DFCS employees and its business associates can exercise influence in child welfare cases. The same is true of individuals that have a business relationship with DFCS. That being the case, each has a duty to safeguard the trust placed in them by DFCS and the citizens of the state of Georgia. Therefore, none are permitted to make an improper profit from the exercise of their official duties and responsibilities. A conflict of interest may exist where no actual profit is made by an individual; the opportunity for profit or benefit alone may create the conflict.

A conflict of interest may arise from a circumstance or situation, and not an activity. Its elements are the opportunity for enhancement by a transaction, and opportunity to influence that transaction as an employee, business associate, service provider, etc.

A conflict of interest may also arise when a DFCS employee or business associate engages in an outside activity which, while not necessarily incompatible or inconsistent with official duties, is or becomes so extensive that it interferes with the proper and full-time performance of official departmental duties. For instance, the duties associated with serving as a partnership parent might take away from the time a DFCS employee can spend performing case management duties or vice versa.

### **Reason for restrictions on who can serve as temporary caregivers**

The reason for restricting DFCS staff, and others who have a business relationship with DFCS from serving as caregivers for children involved in active child welfare cases is to reduce the potential for conflict of interest situations. This restriction serves as a protection for all parties

involved. To account for special situations, there is a mechanism for making exceptions to the restrictions on a case-by-case basis. Waiver requests must include a recommendation from the agency Director of the staff member involved. Waiver requests are submitted to the DFCS Division Director, with a copy to the Assistant Division Director of Field Operations. Only the DFCS Division Director/Designee may approve waiver requests.

### **Reason for restrictions on who can serve as adoptive parents**

DFCS employees and those who have a business relationship with DFCS encounter a lot of families during their career. Some of those encounters may involve participation in agency intervention that results in a child being removed from the custody of his/her family. For a DFCS employee or individual who has a business relationship with DFCS to later become the new family for such a child can have the appearance of impropriety. Real or imagined, such negative perceptions of the agency's work can produce conflict that detracts from the agency's mission. DFCS employees and those that partner with them to provide child welfare services know firsthand the importance of a child having consistent nurturing parental figures and family life. Consequently, it is only natural for such helping professionals to want to provide a stable, permanent home for a child whose family is unable or unwilling to do so. Therefore, DFCS and all its partners must take every precaution to promote transparency when it comes to personal involvement in the lives of the families they serve. This requires individuals to have open and honest dialogue with their leadership about their interest in adoption. It also requires individuals to have honest self-reflection about their feelings toward a child's family and their motives for adoption. To avoid the appearance of preferential treatment, prevent accusations of sabotage against co-workers, and to protect employee privacy, the adoptive process must not be handled by an employee's home office. Instead, it must be handled by an objective party with no motive other than to find the most appropriate family for a child in need.

### **Georgia Court Appointed Special Advocates (CASA)**

According to the Georgia DFCS and Georgia CASA State Protocol, no DFCS employee shall become or be deemed to be an agent or employee of Georgia CASA. Moreover, it is considered a conflict of interest for any DFCS employee, contractor, service provider or current foster parent to volunteer for any CASA program, even in a county outside their service area. Conversely, it is considered a conflict of interest for CASA employees and volunteers to serve as foster parents.

<b>FORMS AND TOOLS</b>
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