



TITLE	POLICY NUMBER	
Personal Property of Youth in Care	DCS 18-03	
RESPONSIBLE AREA	EFFECTIVE DATE	REVISION
Foster Care and Permanency Support	10/02/23	1

## I. POLICY STATEMENT

Youth in out-of-home care benefit from the satisfaction and comfort of having personal possessions. Consistent with the DCS *Reasonable and Prudent Parent Standard* policy, the Department of Child Safety (DCS) endorses the ownership of personal items by foster youth as it affords them the same enjoyments experienced by their friends and peers. Moreover, access to personal items may assuage the distress caused by the separation from their biological families.

## II. APPLICABILITY

This policy applies to the personal property of youth in foster homes and group foster homes licensed under Arizona Administrative Code (A.A.C.) [Title 21, Chapter 6, Title 21, Chapter 7](#), group homes and shelters licensed under A.A.C. [Title 6, Chapter 5, Article 74](#), and kinship caregivers. Exceptions to the policy may apply to youth that reside in a living arrangement with a clinical program model that prohibits certain personal property items.

## III. AUTHORITY

[A.A.C. R6-5-7444](#)

Children's Clothing and Personal Belongings

[A.A.C. R21-6](#)

Foster Home Licensing

[A.A.C. R-21-7](#)

DCS-Child Welfare Agency Licensing

<a href="#">Arizona Department of Transportation</a>	Legal Guardian Explanation
<a href="#">A.R.S. § 8-529</a>	Children in foster care; rights
<a href="#">A.R.S. § 14-7651 et. seq.</a>	Arizona Uniform Transfer to Minors Act
<a href="#">A.R.S. § 20-1106(C)</a>	Capacity to contract for insurance: minors
<a href="#">Chapter 4, Section 6</a>	DCS Placing Children in Out-of-Home Care Policy
<a href="#">Chapter 4, Section 11</a>	DCS Reasonable and Prudent Parent Standard Policy
DCS 18-04	Telephonic Access for Youth in Care

#### IV. DEFINITIONS

Caregiver: A licensed foster parent, licensed or unlicensed kin, or child welfare agency congregate care facility. When used in reference to a duty, task, or obligation, the term "caregiver" includes the staff who work at an agency or facility.

Child welfare agency: An agency or institution that is maintained by a person, firm, corporation, association, or organization to receive children for care and maintenance or for twenty-four hour social, emotional, or educational supervised care or who have been adjudicated as a delinquent or dependent child.

Deadly Weapon: Anything that is designed for lethal use. The term includes a firearm, whether loaded or unloaded, a knife, a bludgeon, or any other weapon, device, or instrument, which in the manner it is used or intended to be used is capable of producing death or serious bodily injury. The term weapon, in this document, refers to a deadly weapon.

Department or DCS: The Arizona Department of Child Safety.

Firearm: Any loaded or unloaded handgun, pistol, revolver, rifle, shotgun, or other weapon that will expel, is designed to expel, or may readily be converted to expel a projectile by the action of an explosive. This does not include a firearm in permanently inoperable condition.

Foster Home: A home that is maintained by any individual or individuals having the care or control of minor children, other than those related to each other by blood or marriage, or related to such individuals, or who are legal wards of such individuals.

Group Home: A licensed regular or special foster home that is suitable for placement of more than five minor children but not more than ten minor children.

Harmful allegiance/connection: A relationship or interaction that has or may cause physical, mental, or emotional harm, or may engage the young person in actions or activities that are illegal or may cause physical, mental, or emotional harm.

Kinship caregiver: An adult relative or person in the family network who has a significant relationship with the youth and who is caring for the youth under the care, custody, and control of the Department.

Office of Licensing and Regulation (OLR): The administration within DCS that is responsible for reviewing and evaluating applications for licensure; supervising and monitoring licensees; and completing all official licensing actions, including issuing, denying, amending, suspending, and revoking a license.

Out-of-Home Care: A living arrangement wherein a youth resides with an individual or agency other than the youth's parent or legal guardian, including placement in temporary custody, voluntary placement, and placement due to a dependency action.

Personal property: Includes but is not limited to clothes, toys, hygiene and personal grooming supplies, bicycles, skateboards, books, scrapbooks, photographs, electronic devices such as cell phones/computers/tablets, video systems/games, gifts, as well as vehicles or other motorized modes of transportation. Purchases that are for an entire foster family's or facility's use, such as TV sets or communal toys, intended for the use of the entire family or facility, are not considered a youth's personal possessions.

Reasonable and Prudent Parenting Standard: Careful and sensible decisions that maintain the health, safety, and best interests of a child that a caregiver shall make when determining whether to allow a child in foster care to participate in extracurricular, enrichment, cultural, and social activities.

## **V. POLICY**

### **A. Department Standards**

1. When removing children and youth from their homes, the Department shall make every effort to ensure they are able to keep their personal property. (The only exceptions to this policy will be if the removal is from a location that contains environmental, hygienic, or chemical hazards that jeopardize the health and safety of the youth. For example, a location used for the illegal manufacture of a controlled substance may result in contamination of personal items.) DCS shall arrange storage for personal property that, due to quantity, size, or other factors, cannot accompany the youth.
2. If it is not possible to take the youth's clothing and/or personal property at the time of removal, the Department shall notify the youth that their clothing and/or personal property will be picked up from the removal home within 48 hours. Parents who are reluctant or unwilling to facilitate the transfer of the youth's personal property to the youth shall be encouraged, but are not required, to do so.
3. Deadly weapons of any kind, regardless of ownership, are not allowed to be in the possession of a youth residing with an out-of-home caregiver. If a youth who enters care possesses deadly weapons such as firearms, those items shall remain in the location where the removal occurred. If this is not feasible, DCS shall contact a parent, grandparent, guardian, or appropriate instructor to take possession of the weapon. If there are issues, questions, or disputes regarding deadly weapons that require immediate action, or if at any time a DCS employee feels unsafe, they shall contact law enforcement in the applicable jurisdiction for assistance.
4. Every attempt shall be made to pack the youth's clothing and/or personal property in some form of luggage (e.g., suitcases or duffle bags). Sturdy boxes may be used if luggage is unavailable. However, garbage bags or other disposable bags are not appropriate and should be used only as a last resort, as use of such items may cause a youth to believe that their possessions are not valued.
5. DCS Specialists may prohibit a youth from possessing certain items if they are deemed to be contrary to the youth's safety and well-being. The DCS Specialist shall inform caregivers and youth about any restrictions on a youth owning specific items as documented:
  - a. by court order; or
  - b. in the case plan (if applicable), which shall contain reasons for the

restriction.

B. Caregiver Expectations

1. Caregivers shall encourage and support youth in out-of-home care to possess and maintain age-appropriate possessions and to acquire additional possessions, to the extent that the caregiver can accommodate them, within reasonable limits as determined by the caregiver and assigned DCS Specialist.
2. Caregivers shall record in the *Basic Wardrobe and Property Inventory* (accessible via the Guardian portal) all personal property, including clothes, brought with the youth. It shall also be used to document personal property acquired during the youth's stay with the caregiver.
3. Caregivers shall ensure that all clothing and personal property removed, purchased, or acquired for or by the youth are the property of the youth and will follow them throughout the duration of their time in care, unless the youth elects to dispose of the property.
4. Caregivers shall not prohibit youth from acquiring personal property or accepting gifts unless the size, upkeep, or storage of the item presents insurmountable logistical obstacles for the caregiver, or the gift or item may cause harm to the youth or another person, or represents a harmful allegiance/connection to the youth.
5. When a youth leaves a caregiver's custody, the youth may take all personal property or other special equipment they had when placed with the caregiver, or were received as gifts, or were purchased on behalf of or by the youth. The record of personal property shall be reviewed with the youth when they leave the custody of the caregiver to ensure items are accounted for and remain with the youth. At the end of a placement, if a licensed caregiver fails to return all of the clothing and/or personal property the youth had during placement, the DCS Specialist shall refer the matter to the Office of Licensing and Regulation to explore a potential action plan.
6. Youth shall be encouraged and supported to acquire and maintain clothing and personal property of their choice, and that represents their gender identity and gender expression.
7. Youth are allowed to accept gifts of cultural importance, religious

significance, or political import even if those gifts are contrary to the cultural, religious, or political beliefs espoused by the caregiver.

8. The caregiver shall inquire about the identity of any person who gives a gift to a youth in their care, and shall disallow acceptance if the giver is known or suspected to be have a harmful allegiance/connection with the youth. The caregiver shall immediately report the issue to the assigned DCS Specialist, who shall report the issue to the court (if applicable) and seek a court order for the property's disposition.
  - a. If the giver is a relative of the youth, the DCS Specialist shall contact them to review what items are acceptable;
  - b. If the giver is a non-relative, the DCS Specialist shall determine if that relationship represents a harmful allegiance/connection to the youth, who will be notified (when feasible) that gifts will not be accepted.
9. If there are disagreements regarding ownership of personal property, the caregiver shall follow the grievance procedures outlined in section VI.F.

## **VI. PROCEDURES**

### **A. Privacy Considerations**

1. Caregiver searches of a youth's personal property shall be for reasons limited to safety and security of the youth or others. Such searches may be made only when there is reasonable cause to suspect that the youth has in their possession:
  - a. an item belonging to someone else;
  - b. an item that is illegal to possess, such as a weapon, firearm, controlled substance, or illegal drug;
  - c. an item the caregiver considers to be dangerous or harmful to the youth, others in the home, or the home's physical structure.
2. Caregivers shall exercise caution and respect for a youth's personal property when they conduct a search. This shall include:
  - a. contacting the DCS Specialist after the search if the caregiver has

concerns about any items or information gleaned during the search that raise concerns about the youth's safety or well-being;

- b. preserving any property that is removed from the youth's possession and explaining to the youth the reason for its removal; such property shall be returned to the youth when the caregiver's concerns are alleviated, or when the youth transfers to a different caregiver;
  - c. the DCS Specialist contacting the youth's parents, if appropriate, to apprise them of the results of any search.
- 3. Caregivers shall make every possible effort to have the youth present whenever their room or personal property is searched. If the youth cannot be present or notified at the time of the search, the caregiver and/or DCS Specialist shall notify the youth as soon as possible. If the search is for a dangerous object or a weapon of any kind, the youth shall not be in vicinity of the search area.
  - 4. A youth's personal property including electronic devices are protected against unlawful searches and seizures. If contacted by a law enforcement official seeking to conduct a search of a youth's personal property, caregivers shall immediately notify the assigned DCS Specialist, who shall elevate the issue and seek guidance from supervisors/managers.

#### B. Monetary Property

- 1. Money, earnings, financial/banking accounts, and savings accumulated by, or gifted to, a youth belong to that youth.
- 2. The caregiver shall maintain accurate, separate records of the cash resources belonging to each youth in their care, and not intermingle those cash resources.
- 3. The caregiver shall allow a youth to have access to and control of their financial/banking accounts and cash resources in a manner that is age and developmentally appropriate.
- 4. When a youth leaves the home, the caregiver shall surrender cash resources to the youth (if age and developmentally appropriate), or to the next caregiver or other authorized representative who is responsible for the care and custody of the youth. The caregiver shall request and retain a

receipt that is signed and dated by the authorized representative.

C. Disciplinary Considerations

1. If a caregiver prevents a youth from using personal property as a consequence for misbehavior, the frequency and scope of that discipline must be commensurate to the severity of the disciplinary infraction, and shall not result in the permanent denial of access to the restricted item.
2. Inappropriate use of an electronic device (e.g., viewing pornography; participating in illegal activity; sharing the youth's location when it is not appropriate to do so, etc.) shall result in a loss of access to the item for a period of time determined by the caregiver and DCS Specialist.

D. Other Considerations

1. Caregivers may develop age-appropriate rules and parameters for the accumulation of personal property, considering factors such as age, maturity of the youth, whether the item is needed for academic instruction, special needs of the youth, etc.
2. Pets shall not be given as gifts to youth without the approval of the biological parents, caregiver, and assigned DCS Specialist. When a pet is approved, caregivers shall provide instruction to youth on the proper care required of the pet(s) and ensure the pet has an appropriate living space, food, water or other necessary items.
3. Youth who enter out-of-home care may bring cell phones or other electronic devices such as tablets, laptop computers, fitness trackers, smart watches, etc., that facilitate telephonic and real-time virtual communication with them to the out-of-home living arrangement. Any electronic devices owned by the youth are their personal property and shall not be confiscated by the caregiver unless there is a documentable disciplinary reason or an immediate, significant situation that endangers a youth. Refer to the *Telephonic Access for Youth in Care* (DCS 18-04) policy for further information.
4. If foster, kinship, or group homes do not have space for storage of large items, DCS can assist by arranging to store the items or return them to the parents' home.

E. Automobiles and Other Motorized Transportation



1. When youth in care wishes to purchase, or receive as a gift, or otherwise maintain ownership of an automobile or other motorized transportation that requires a license, registration, and insurance, the youth must secure the prior approval of the caregiver and the DCS Specialist.
2. DCS cannot authorize a youth in care to receive a driver's instruction permit or a driver's license, but a caregiver or parent may do so if they are willing to accept responsibility for the minor's actions as a driver. DCS shall not accept any responsibility for the actions of a youth in care who drives an automobile or other motorized vehicle.
3. Youth in care are able to acquire their own insurance, but if they are unable to do so, the youth's parent(s) shall be the first resource to consider for assuming responsibility and providing insurance coverage for the youth. The caregiver may also assume the responsibility of providing insurance coverage for the youth.

#### F. Grievance Process

If an issue relating to personal property is unresolved, a complaint may be filed with the DCS Office of the Ombudsman. The Ombudsman analyzes complaints to determine the best course of action and suggests resolutions that will be equitable to all parties; it does not make binding decisions, mandate policy, or formally adjudicate issues. See the Office of the Ombudsman policy ([DCS 01-01](#)) for further details. Additionally, youth in congregate care settings may file a [Youth Congregate Care Grievance Form](#) (CSO-3443) if they have a complaint. See the *Child Welfare Agency – Grievance Policy* ([DCS 15-53](#)) for more information.

#### G. Provider Indemnity Program

A resource for licensed foster care providers is the Provider Indemnity Program (PIP) administered by the Arizona Department of Administration's Risk Management Division. It provides liability coverage for certain individual providers who care for state "clients" (defined as individuals in custodial care of a provider through contract or court order of a state agency). Pursuant to [A.R.S. § 41-621\(B\)](#), the PIP covers damage to the property of others, including the provider, and bodily injury or personal injury caused by an eligible client or individual provider. Further information, including a list of coverage exclusions, is described in the [State of Arizona Provider Indemnity Program](#) brochure.

**VII. FORMS INDEX**

[Youth Congregate Care Grievance Form \(CSO-3343\)](#)