

# DEPARTMENT OF SERVICES FOR CHILDREN, YOUTH AND THEIR FAMILIES

## DIVISION OF FAMILY SERVICES

### OFFICE OF CHILD CARE LICENSING

Statutory Authority: 31 Delaware Code, Section 343(c) (31 Del.C. §343(c))

9 DE Admin. Code 201

## PROPOSED

### PUBLIC NOTICE

#### 201 Child Placing Agencies

#### Summary

The Office of Child Care Licensing proposes to amend the Delaware Requirements for Child Placing Agencies to provide clarity, reflect changes in laws and treaties, align with current best practices, and improve standards of care. A proposed draft was originally published in the July, 2013 *Register of Regulations*. During the period of public comment, comments were received from the *Governor's Advisory Council for Exceptional Citizens* and the *State Council for Persons with Disabilities*. A public hearing was held on July 24, 2013. A third set of comments was received after the close of the comment period from *A Better Chance for Our Children*. These last comments have also been considered.

#### Comments

A copy of the revised proposed regulations is being published in the December 1, 2013 edition of the *Delaware Register of Regulations*. Interested parties wishing to offer comments on the revised proposed regulations or submit written suggestions, data, briefs or other materials concerning the proposed regulations must submit same to Elizabeth Timm, Office of Child Care Licensing, 1825 Faulkland Road, Wilmington, Delaware 19805 or by fax to 302-633-5112 by the close of business on January 17, 2014.

#### Public Comments Not Incorporated Into This Draft

The State Council for Persons with Disabilities and Governor's Council for Exceptional Citizens both question the rationale for the general ban on children wearing helmets when not using riding toys as found in:

103.2.4.3 A helmet shall be removed before allowing a child to use playground equipment unless a helmet has been medically prescribed by a health care provider for the safety of a particular child.

This prohibition is consistent with the recommendations of the American Academy of Pediatrics as found in Caring for Our Children, National Health and Safety Performance Standards, Guidelines for Early Care and Education, Third Edition which states that "helmets can be a potential strangulations hazard if ...worn for activities other than when using riding toys." (p. 286.)

#### Summary

The action concerning the determination of whether to adopt the proposed revised regulations will be based upon staff analysis and the consideration of the additional comments and written materials filed by other interested persons.

#### 201 Child Placing Agencies

#### 4.0 Introduction

##### 4.1 Legal Base

4.1.1 ~~(Rule 1)The legal base for these licensing requirements is in the 31 Del.C. Ch. 3, Subchapter II, Subsections 341 through 344. The laws pertaining to the placement of children for adoption are found in~~

**Title 13, Chapter 9, Subchapter 1 and 2, Subsections 901 through 956 and Title 13, Chapter 11, Subsections 1101 through 1113.**

1.2 Purpose

- 1.2.1 (Rule 2) The purpose of the requirements is to protect the rights of children in foster care, adoptive children, birth parents of these children, foster parents and adoptive parents and to ensure effective, humane placement, foster care and adoptive services.

**2.0 General Provisions**

2.1 Definition of Regulated Service

- 2.1.1 (Rule 3) A child placing agency is an organization established for the purpose of providing or arranging placement for children in foster homes, adoptive homes or supervised independent living situations.
- 2.1.2 (Rule 4) The requirements are divided into the following parts: Part I General Provisions Part II Foster Care Part III Adoption Part IV Supervised Independent Living
- 2.1.3 (Rule 5) To be licensed as a child placing agency, the General Provisions of Part I must be met. In addition, agencies must meet the following requirements before providing the following services:
- 2.1.3.1 To receive children for their placement in foster homes and/or investigate and approve foster homes, Agencies must also meet Part II requirements.
- 2.1.3.2 To receive children for their placement in private homes for adoption and/or investigate and approve adoptive homes, Agencies must also meet Part III requirements.
- 2.1.3.3 To place children in independent living situations, Agencies must also meet Part IV requirements.

2.2 Definition of Terms

2.2.1 Key People and Organizations

- (Rule 6) **“Adoptive home”** means a household of one (1) or more persons, which has been approved by a licensed child placing agency to accept a child for adoption.
- (Rule 7) **“Agency”** means any child placing agency.
- (Rule 8) **“Child”** means a person who is a child according to State Law
- (Rule 9) **“Department”** means the Department of Services for Children, Youth and Their Families.
- (Rule 10) **“Division Director”** means the Director of the Division of Program Planning and Productivity.
- (Rule 11) **“Family”** means biological or adoptive father, mother, brother and sister, but may be interpreted broadly to include any person, whether related to the child by blood or not, who resides in the child's home and takes part in the child's family life.
- (Rule 12) **“Foster home”** means a family of one (1) or more persons which provides continuing full-time care for one (1) or more children who are unrelated to the adult members of the household by blood, marriage, guardianship or adoption.
- (Rule 13) **“Foster parent(s)”** means the individual(s) providing continuing full-time care for a child(ren) placed by the Agency.
- (Rule 14) **“Parent(s)”** means biological or adoptive mother and father of a child.
- (Rule 15) **“Social Worker”** means the person who works directly with children, their families, and other relevant individuals and who is primarily responsible for the development, implementation, and review of service plans for the child and family; or performs homefinding and assessment studies related to foster home and adoptive services.
- (Rule 16) **“Supervised Independent Living Situation”** means a placement of a child in an unlicensed house, apartment or other residence not requiring licensure by the Department when such placement is an alternative to or transition from an institutional setting or foster care with the goal of independent life in the community.

2.2.2 Other Terms

- (Rule 17) **“Governing Body”** means a person or persons with the ultimate responsibility for conducting the affairs of a child placing agency as, for example, a Board of Directors.
- (Rule 18) **“License”** means a written certification, issued by the Department, of an Agency's authorization to operate under State Law.
- (Rule 19) **“Post-adoptive Services”** means services provided after the adoption is finalized.
- (Rule 20) **“Service plan”** means a comprehensive individualized program of action for a child and his/her family developed by the Agency in cooperation with the family establishing specific goals and objectives and deadlines for meeting these goals and objectives based on the child's age, functioning level and perception of time and on the family's ability to understand and participate.

## 2.3 General Requirements

~~2.3.1 (Rule 21) An Agency shall not operate without licensure from the Department.~~

~~2.3.1.1 An Agency shall post any current license in a prominent place accessible to public view.~~

~~2.3.2 (Rule 22) A license shall be issued only to the Agency for which application is made and for the address on the application and shall not be transferrable, assignable or subject to sale.~~

~~2.3.3 (Rule 23) When an Agency is sold, leased or discontinued or the operation has moved to a new location or the license has been revoked, the current license immediately becomes null and void and shall be returned to the Department.~~

~~2.3.4 (Rule 24) An Agency shall comply with the applicable provisions of Title VI and VII of the Civil Rights Act of 1964, the Rehabilitation Act of 1973, Executive Order No. 11246 of September 24, 1965, and any other Federal or State anti-discriminatory act, law, statute, regulation or policy, along with all amendments and revisions of such laws.~~

~~2.3.5 (Rule 25) The Department may investigate or visit any Agency licensed, with or without notice, to examine the condition of the Agency. An Agency shall allow Department representatives access to any information reasonably related to compliance with applicable licensing requirements including but not limited to children's records, personnel files, and financial and administrative records.~~

~~2.3.5.1 An Agency shall admit representatives of the Department and furnish all reasonable facilities for thorough examination of its records and reports.~~

~~2.3.6 (Rule 26) An investigation shall be made if a complaint is received by the Department. The Department shall notify the Agency that a complaint is being investigated. The results of the Department's investigation shall be reported in writing to the Agency investigated. If the complaint is substantiated or if any other violations are found as a result of the investigation, the Agency shall be required to abate the violations and come into full compliance with the child placing agency laws and licensing requirements promulgated by the Department.~~

## 2.4 Types of Licenses

### 2.4.1 Annual

~~2.4.1.1 (Rule 27) An annual license is issued when the Agency meets all the requirements set forth in the Requirements for Child Placing Agencies. An annual license is effective for one (1) year from the date of issue, unless it is revoked or surrendered sooner.~~

### 2.4.2 Provisional

~~2.4.2.1 (Rule 28) A provisional license may be issued when the Department determines that:~~

~~2.4.2.1.1 An applicant is temporarily unable to comply with all of the requirements in the Requirements for Child Placing Agencies.~~

~~2.4.2.1.2 The effect of non-compliance to any requirement does not present or will not present an unreasonable risk to the health, safety and well-being of the children or staff of the Agency; and~~

~~2.4.2.1.3 The Agency has a plan of correction that has been approved by the Department.~~

~~2.4.2.1.4 A provisional license may also be issued when an Agency is initially licensed. A provisional license may be issued for up to one (1) year and may not be renewed.~~

~~2.4.2.2 (Rule 29) A provisional license may be replaced with an annual license when all of the following conditions exist:~~

~~2.4.2.2.1 An Agency corrects the deficiencies related to the requirements in advance of the expiration date of the provisional license and no additional areas of non-compliance exist.~~

~~2.4.2.2.2 Compliance with the requirements has been verified by an on-site observation by a Department representative or by written evidence provided by the Agency.~~

~~2.4.2.2.3 All other terms of the license remain the same.~~

~~2.4.2.3 (Rule 30) A request to replace a provisional license and to issue an annual license must be made in writing by the Agency to the Division Director. If the request is approved, the effective date of the new annual license shall be determined by the Division Director.~~

## 2.5 Procedures for Initial Licensure

~~2.5.1 (Rule 31) An applicant must apply for a license on a form provided by the Department.~~

~~2.5.2 (Rule 32) Within ninety (90) days after receipt of a completed application, a Department representative will make a reasonable effort to:~~

~~2.5.2.1 Provide consultation to aid the applicant in complying with the Requirements for Child Placing Agencies.~~

- 2.5.2.2 ~~Review the application, confer with the applicant, and inspect the premises for which the application is made.~~
- 2.5.2.3 ~~Request appropriate authorities to verify compliance with applicable zoning ordinances and other state and local laws.~~
- 2.5.2.4 ~~Make a recommendation to the Division Director regarding licensure. If licensure is granted, the Agency shall be issued a provisional license. If a license is denied, the applicant shall be notified by a letter stating the reason(s) for denial and setting forth the applicant's rights to an appeal of the decision.~~

## 2.6 Annual Licensing Process

- 2.6.1 ~~(Rule 33) An Agency shall request from the Department a license application form at least ninety (90) days before the expiration of the Agency's current license.~~
- 2.6.2 ~~(Rule 34) An Agency shall submit the completed application to the Department at least sixty (60) days before expiration of the current license.~~
- 2.6.3 ~~(Rule 35) The Department may conduct a review, including an on-site visit of the Agency, no later than thirty (30) days before expiration of the current license.~~
- 2.6.4 ~~(Rule 36) The Department representative shall make a recommendation to the Division Director regarding licensure. An annual license shall be issued if the Agency meets all the requirements set forth in the Requirements for Child Placing Agencies. If a license is denied, the applicant shall be notified by a letter stating the reason(s) for denial and setting forth the applicant's rights to an appeal of the decision. If the Department cannot complete its review within the period set out in 2.5.2, the Division Director may extend the license for a period not to exceed thirty (30) days.~~

## 2.7 Changes Affecting License

- 2.7.1 ~~(Rule 37) An Agency shall notify the Department in writing at least ninety (90) days before any of the following:~~
  - 2.7.1.1 ~~A planned change of ownership and/or sponsorship;~~
  - 2.7.1.2 ~~A planned change of location;~~
  - 2.7.1.3 ~~A planned change in the name of the Agency;~~
  - 2.7.1.4 ~~A planned change in the Chief Administrator;~~
  - 2.7.1.5 ~~A substantial planned change in child placing services or population served.~~
  - 2.7.1.6 ~~The Agency shall give notice as soon as possible if any of the above changes occurs without prior planning.~~
- 2.7.2 ~~(Rule 38) The Department will then determine whether such changes require a modification of the current license or require the submission of an application for a new license. The Agency will be notified in writing within thirty (30) days as to whether the modification is approved by the Division Director or a new license is required.~~

## 2.8 Denial, Revocation or Suspension of a License

- 2.8.1 ~~(Rule 39) The Department may revoke, suspend or deny a license for reasons which include but are not limited to:~~
  - 2.8.1.1 ~~Failure to comply with the provisions of State Law and the Department's rules and regulations; or~~
  - 2.8.1.2 ~~Violation of the terms and conditions of a license; or~~
  - 2.8.1.3 ~~Use of fraud or misrepresentation in obtaining a license or in the subsequent operation of the Agency; or~~
  - 2.8.1.4 ~~Refusal to furnish the Department with files, reports or records as required; or~~
  - 2.8.1.5 ~~Refusal to permit an authorized representative of the Department to gain admission to the Agency during operating hours; or~~
  - 2.8.1.6 ~~Any conduct or practice, engaged in or permitted, which adversely affects or presents a serious or imminent danger to the health, safety and well-being of any child served by the Agency; or~~
  - 2.8.1.7 ~~Any conduct or practice which is in violation of State Law related to abuse or neglect of children.~~
- 2.8.2 ~~(Rule 40) If the health or safety of children in care is in serious or imminent danger, the Department may immediately suspend the license upon the issuance of written notice.~~

## 2.9 Appeal

- 2.9.1 ~~(Rule 41) Any person or Agency who has been denied a license or whose license has been revoked or suspended, shall be notified in writing of the reason(s) for such a decision and setting forth the person or agency's right to an appeal of the decision.~~

- 2.9.2 (Rule 42) Any person or Agency who has been denied a license or whose license has been revoked or suspended by the Department, shall be entitled to a hearing and a review by a hearing officer, designated by the Secretary of the Department or his designee, who has no previous involvement in the matter.
- 2.9.3 (Rule 43) The Department will give ten (10) days notice specifying reasons for proposed revocation or denial before a revocation or denial occurs. If a request for a hearing, either written or verbal, is received within the ten (10) day period, a hearing shall be held within thirty (30) days. Revocation or denial shall not occur until a written decision is rendered. If there is an immediate suspension, a hearing shall be held within ten (10) days of the written notice to the Agency.

## 2.10 Variance

- 2.10.1 (Rule 44) Upon written request by an Agency, the Department may grant a variance from a specific requirement(s) if there is documentation that the requested alternative complies with the intent of the requirement(s) for which variance is sought.
- 2.10.1.1 The decision of the Department, including any qualification under which the variance is granted, shall be documented through a written agreement with the Department and a signed copy shall be sent to the Agency. A variance may remain in effect for as long as an Agency continues to comply with the intent of the requirement(s) or may be time-limited.
- 2.10.1.2 The agreement shall contain provisions for a regular review of the variance.
- 2.10.1.3 When an Agency fails to comply with a variance agreement in any particular, the agreement shall be subject to immediate cancellation.

## 2.11 Administration and Organization

### 2.11.1 Documentation of Authority to Operate

- 2.11.1.1 (Rule 45) An Agency shall have documentary evidence of its source of authority to operate.
- 2.11.1.2 A privately-owned Agency shall have documents identifying the names and addresses of owners.
- 2.11.1.3 A corporation, partnership or association shall identify the names and addresses of its officers and directors and shall provide, when applicable, the charter, partnership agreement, constitution, articles of association and by-laws.

### 2.11.2 The Governing Body

- 2.11.2.1 (Rule 46) An Agency shall have an identifiable governing body with responsibility for and authority over the policies and activities of the Agency.
- 2.11.2.1.1 An Agency shall have documents identifying all members of the governing body, their addresses, their terms of membership, if applicable, officers of the governing body, if applicable, and terms of office of all officers, if applicable.
- 2.11.2.1.2 When the governing body is composed of more than one (1) person, the governing body shall hold a formal meeting at least annually.
- 2.11.2.1.3 An Agency shall have written minutes of all governing body meetings.

### 2.11.3 Responsibilities of the Governing Body

- 2.11.3.1 (Rule 47) The governing body of an Agency shall:
- 2.11.3.1.1 Ensure the Agency's continual compliance and conformity with the provisions of the Agency's charter;
- 2.11.3.1.2 Ensure the Agency's continual compliance and conformity with all relevant laws and regulations, whether Federal, State or local, governing the operation of the Agency;
- 2.11.3.1.3 Ensure that the Agency is adequately funded and fiscally sound;
- 2.11.3.1.4 Review and approve the Agency's annual budget and program;
- 2.11.3.1.5 Appoint a Chief Administrator of the Agency, along with the delineation of the responsibilities of the position, and delegate sufficient authority to such person to manage the Agency;
- 2.11.3.1.6 Complete an annual written evaluation of the Chief Administrator, based on the job description and standards of performance;
- 2.11.3.1.7 Meet with representatives of the Department whenever required to do so.

### 2.11.4 Accessibility of Chief Administrator

- 2.11.4.1 (Rule 48) An Agency shall have a written policy to ensure the accessibility of either the Chief Administrator or a designated person with executive authority to both Agency staff and representatives of the Department at all times.

### 2.11.5 Program Description

- 2.11.5.1 (Rule 49) An Agency shall have a written description of its philosophy, purpose and program. This description shall outline all services provided by the Agency and the methods of service delivery. This description shall be provided to referral sources and members of the public on request.
- 2.11.6 Location and Office
  - 2.11.6.1 (Rule 50) An Agency shall have a permanently staffed office located within the State of Delaware.
  - 2.11.6.2 (Rule 51) An Agency shall have sufficient space, adequate facilities and necessary equipment to provide the services described in the Agency's Program Description and to ensure privacy for client interviews.
    - 2.11.6.2.1 The Agency shall have adequate storage space.
    - 2.11.6.2.2 Records' storage shall provide controlled access and retrieval and protection of confidential information.
  - 2.11.6.3 (Rule 52) An Agency shall have an operating telephone listed in the public telephone directory.
- 2.11.7 Accounting
  - 2.11.7.1 (Rule 53) An Agency shall annually develop and implement a plan of financing to ensure continued operation of programs and services, proper care for children and fulfillment of applicable licensing requirements.
  - 2.11.7.2 (Rule 54) An Agency shall annually obtain an audit of all financial accounts. Non governmental agency audits shall be conducted by an independent certified public accountant. Agencies operated by governmental units shall have audits conducted as required by statute.
- 2.11.8 Records
  - 2.11.8.1 (Rule 55) An Agency shall maintain all records in a standardized order and format to facilitate reasonably easy access to information by Agency staff.
    - 2.11.8.1.1 The Agency shall have a written policy of the maintenance and disposal of records.
- 2.11.9 Confidentiality
  - 2.11.9.1 (Rule 56) An Agency must have written procedures for the maintenance and security of records specifying who shall supervise the maintenance of records, who shall have the custody of records, and to whom records may be released. Records shall be the property of the Agency and the Agency, as custodian, shall secure records against loss, tampering or unauthorized use.
  - 2.11.9.2 (Rule 57) An Agency shall maintain the confidentiality of client case records.
  - 2.11.9.3 (Rule 58) An Agency shall ensure that all Agency staff members and volunteers with access to client information, including clerical and administrative personnel, are aware of their responsibility to safeguard against the disclosure of client information to unauthorized persons.
  - 2.11.9.4 (Rule 59) An Agency shall not, without the voluntary, written consent of parent(s) or guardian, release any information concerning a child except to the child, his/her parent(s) or guardian, their respective legal consels or an authorized public official in the performance of mandated duties. This requirement is not to be interpreted to exclude the release of information necessary for the purposes of adoption and foster care planning and recruitment or post-placement and post-adoption services.
  - 2.11.9.5 (Rule 60) An Agency shall, upon request, make available information in the case record to the child, his/her parent(s) or guardian and their respective legal counsel if the information being released does not contain material which violates the right of privacy of another individual and/or material that should be withheld from release according to other laws or by order of the court.
    - 2.11.9.5.1 An Agency shall, at its own discretion, withhold from the child and the parent(s) or guardian any information considered potentially damaging to the child in the opinion of appropriate, informed professionals.
    - 2.11.9.5.2 The Agency shall have a procedure whereby the child or parent(s) or guardian can appeal any decision to withhold information.
  - 2.11.9.6 (Rule 61) An Agency may use material from case records for teaching or research purposes, development of the governing body's understanding and knowledge of the Agency's services or similar educational purposes provided that names are deleted and other identifying information is disguised or deleted.
- 2.11.10 Administrative File
  - 2.11.10.1 (Rule 62) An Agency shall assemble an administrative file containing the following information and documents:
    - 2.11.10.1.1 Governing structure including the charter, articles of incorporation;
    - 2.11.10.1.2 By-laws, or other legal basis for its existence;

- 2.11.10.1.3 A flow chart of the Agency including names and positions of staff;
- 2.11.10.1.4 Name and position of persons authorized to sign agreements and submit official documentation to the appropriate government agency;
- 2.11.10.1.5 Board structure and composition with names and addresses and terms of membership;
- 2.11.10.1.6 Insurance coverage;
- 2.11.10.1.7 Procedure for notifying interested parties of changes in the Agency's policy and programs.

#### 2.11.11 Misleading Information

- 2.11.11.1 (Rule 63) An Agency shall not knowingly and intentionally use any document known to be false, make any statement known to be false or conceal any material fact in the process of placing a child.

#### 2.11.12 Fund Raising and Agency Publicity

- 2.11.12.1 (Rule 64) An Agency shall have a written policy regarding the involvement of children in fund raising and public relations activities. This policy shall protect the child's rights to privacy and dignity.

- 2.11.12.1.1 Photographs, videotapes, films or recordings which would result in the child's identification shall not be used for research or Agency public relations purposes without the written consent of the child's parent(s) or guardian and notification of the child's custodian.

#### 2.11.13 Research

- 2.11.13.1 (Rule 65) An Agency shall have written policies regarding the participation of children in research projects. These policies shall conform to the National Institute of Mental Health Standards on Protection of Human Subjects.

#### 2.11.14 Interstate Compact

- 2.11.14.1 (Rule 66) An Agency shall, when accepting for placement any child who resides in another state or placing a child in another state, comply, as appropriate, with the terms of the Interstate Compact on Juveniles, Interstate Compact on the Placement of Children and Interstate Compact on Adoption and Medical Assistance.

#### 2.11.15 Intake

- 2.11.15.1 (Rule 67) An Agency shall have a written policy for handling foster parent and adoptive parent applications, public inquiries and requests for service. This policy shall include:

- 2.11.15.1.1 Procedures for referral assistance for persons requiring services not provided by the agency;
- 2.11.15.1.2 Procedures for documenting requests for service and reasons for acceptance or denial of services;
- 2.11.15.1.3 Procedures for documenting foster parent and adoptive parent applications and the disposition of such applications.

#### 2.11.16 Fees

- 2.11.16.1 (Rule 68) When fees are charged, an Agency shall have a policy, clearly written in common language, describing its fee structure. This policy shall include a description of all fees for services and of the conditions under which fees are charged, reduced, waived or refunded.

- 2.11.16.1.1 The Agency shall make this policy available to any person accepted for a service for which fees are charged and to any member of the public on request.

#### 2.11.17 Complaint Procedure

- 2.11.17.1 (Rule 69) An Agency shall have a written complaint procedure for children, birth parent(s), adoptive parent(s), foster parent(s), adoptive parent applicants, foster care applicants and others significantly affected by Agency decisions. This policy shall ensure:

- 2.11.17.1.1 That a complaint is not transmitted through or negotiated by the employee directly involved with the complainant;
- 2.11.17.1.2 That decisions are made within reasonable time and are communicated to complainants;
- 2.11.17.1.3 That all affected persons are informed of the complaint procedure;
- 2.11.17.1.4 That decisions on complaints are subject to an appeal process;
- 2.11.17.1.5 That the appeal process be to a higher administrative level than the initial complaint, and be completed within reasonable, specified time periods.

### 2.12 Human Resources

#### 2.12.1 Personnel Policies and Practices

##### 2.12.1.1 General

~~2.12.1.1.1 (Rule 70) An Agency shall have a written description of personnel policies and practices describing the Agency's approach to recruiting, screening, hiring, supervising, orienting, training, evaluating, promoting and developing staff members.~~

~~2.12.1.1.1.1 This description shall include a clear, written grievance procedure for all employees and a written procedure for discipline, dismissal, suspension and lay-off of employees in accordance with applicable laws.~~

~~2.12.1.1.2 (Rule 71) An Agency shall have a written job description for each job position within the Agency. Each job description shall specify the job's responsibilities, make reference to acceptable standards of performance and detail any qualifications required for the job.~~

#### ~~2.12.1.2 Screening~~

~~2.12.1.2.1 (Rule 72) An Agency shall have written references or written telephone notes on such references prior to employing any person to work directly with children,~~

~~2.12.1.2.2 (Rule 73) Prior to employing any person working with children, an Agency shall have a written report on a general physical examination of the prospective employee completed within six (6) months prior to the date of employment. The examination shall include an accepted procedure for screening for tuberculosis.~~

~~2.12.1.2.2.1 The Agency shall require an employee to provide written evidence of follow-up of any exposure to tuberculosis or any known medical problem affecting or potentially affecting the employee's job performance or the health or safety of children.~~

#### ~~2.12.2 Staff Qualifications~~

~~2.12.2.1 (Rule 74) An Agency shall ensure that the Chief Administrator of the Agency has:~~

~~2.12.2.1.1 At least a master's degree from an accredited program in social work or in another human services field;~~

~~2.12.2.1.2 At least four (4) years post-graduate experience in human services with at least two (2) years in administration;~~

~~2.12.2.1.3 When the Chief Administrator provides social work supervision in addition to administrative duties, the Administrator shall also meet the minimum qualifications for Social Work Supervisor.~~

~~2.12.2.2 (Rule 75) An Agency shall ensure that the Social Work Supervisor has:~~

~~2.12.2.2.1 At least a master's degree from an accredited program in social work or in a field related to the Agency's program, and at least two (2) years of post-graduate experience in child welfare or a field related to the Agency's program.~~

~~2.12.2.3 (Rule 76) An Agency shall ensure that a Social Worker performing intake services, direct services to children or families, or home finding and assessment studies related to foster home or adoptive services has at least a bachelor's degree from an accredited program in social work or in a field related to the Agency's program;~~

~~2.12.2.3.1 Exception to the above requirement may be granted at the Agency's discretion when the Agency documents that the worker's background and experience would be beneficial to the Agency's program.~~

~~2.12.2.4 (Rule 77) An employee appointed to a job position prior to the effective date of these requirements will be deemed qualified for that position if the employee's appointment to that position is in accordance with the requirements in force at the time of the appointment. A person appointed to a position after these requirements become effective shall meet the qualifications of these requirements for that position.~~

~~2.12.2.5 (Rule 78) An Agency shall have evidence that all persons providing services directly to children are qualified, supervised, certified and/or licensed as appropriate to the nature of the service provided.~~

~~2.12.2.6 (Rule 79) An Agency shall not employ or retain in any capacity an individual, including a foster parent(s), who has been convicted, indicted or involved in any criminal activity involving violence against a person; child abuse or neglect; possession, sale or distribution of illegal drugs; sexual misconduct; gross irresponsibility or disregard for the safety of others; or serious violations of accepted standards of honesty or ethical conduct.~~

~~2.12.2.6.1 The Agency may, at its own discretion, make exceptions to the above requirement when the Agency documents that the health, safety and well-being of children would not be endangered.~~

2.12.2.7 (Rule 80) An Agency shall not employ or retain any person for whom there is documented evidence that the employee's health or behavior would endanger the health, safety and well-being of children.

2.12.2.7.1 The Agency may, at its own discretion, make exceptions to the above requirement when the Agency documents that the health, safety and well-being of children would not be endangered.

2.12.2.8 (Rule 81) No employee of an Agency shall use or be under the effects of alcohol or illegal drugs during hours of work.

2.12.2.9 (Rule 82) An Agency shall have a written statement establishing and justifying maximum caseload requirements for social workers. These requirements shall be based on actual workload and shall consider:

2.12.2.9.1 The types of children served by the worker and their special needs;

2.12.2.9.2 Types of services to be provided;

2.12.2.9.3 Distances involved in the provision of services;

2.12.2.9.4 Other required functions and responsibilities of the worker.

2.12.2.10 (Rule 83) An Agency shall employ or contract for a sufficient number of qualified staff to meet the Agency's maximum caseload requirement, to meet applicable licensing requirements and to provide the programs and services in the Agency's Program Description.

### 2.12.3 Training

2.12.3.1 (Rule 84) An Agency shall document that each new social work employee receives at least eight (8) hours of orientation training during the first month of employment focusing on the employee's job responsibilities.

2.12.3.2 (Rule 85) An Agency shall document that each Social Work Supervisor and Social Worker receives thirty-two (32) hours of training activities annually, excluding activities related to orientation and routine supervision. Training shall include segments on:

2.12.3.2.1 The principles and practices of the services provided by the Agency;

2.12.3.2.2 Agency philosophy, policy and procedure.

2.12.3.3 (Rule 86) An Agency shall conduct a minimum of one (1) performance evaluation conference per year with each staff member. This conference shall result in a written evaluation report. A copy of the report shall be given to the staff member.

### 2.12.4 Personnel File

2.12.4.1 (Rule 87) An Agency shall have a personnel file for each employee which shall contain:

2.12.4.1.1 The application for employment and/or resume;

2.12.4.1.2 Reference letters from former employer(s) and personal references or telephone notes on such references;

2.12.4.1.3 Any required medical examinations;

2.12.4.1.4 Applicable professional credentials /certifications;

2.12.4.1.5 Documentation of training provided;

2.12.4.1.6 Periodic performance evaluations;

2.12.4.1.7 Personnel actions, commendations, disciplinary reports and other appropriate materials, reports and notes relating to the individual's employment with the Agency;

2.12.4.1.8 Employee's starting and termination dates.

### 2.12.5 Staff Communications

2.12.5.1 (Rule 88) An Agency shall establish written procedures to ensure adequate communication among staff with regard to policy, procedure and practice.

2.12.5.1.1 All employees working with children shall have access to and knowledge of case record material as appropriate to the function performed by the employee.

### 2.12.6 Volunteers

2.12.6.1 (Rule 89) An Agency which uses volunteers shall have a written plan for the orientation, training, supervision and use of volunteers.

2.12.6.1.1 Volunteers shall have personal and professional qualifications commensurate with tasks performed.

2.12.6.1.2 Staff members shall be assigned to supervise volunteers.

2.12.6.1.3 The Agency shall have a written procedure for making background checks of volunteers.

2.12.6.1.4 A copy of the Agency's policy on confidentiality shall be given to each volunteer.

#### 2.12.7 Student Field Placement/internships

2.12.7.1 (Rule 90) An Agency which accepts students for field placements shall have a written plan describing their tasks and functions. Copies of the plan shall be provided to each student and school. The plan shall include:

2.12.7.1.1 Statement of Purpose of a student's involvement, the student's role and responsibilities;

2.12.7.1.2 A procedure for making background checks on students;

2.12.7.1.3 A procedure for evaluating the student's performance;

2.12.7.1.4 A description of arrangements for supervision by a paid staff member;

2.12.7.1.5 Arrangements for orientation and training in the philosophy of the Agency, confidentiality, needs of the children and families and methods of meeting those needs;

2.12.7.1.6 Provision for the students to have input into the service plans for children and families with whom they are working and to be briefed on any special needs or problems.

#### 2.12.8 Child Abuse and Neglect

2.12.8.1 (Rule 91) An Agency shall inform employees of their legal responsibility to report any suspected or alleged incident of child abuse or neglect to the Division of Child Protective Services through the Child Abuse Reporting Number and shall cooperate fully in the investigation of any incident.

### 3.0 Foster Care

#### 3.1 General Policies and Practices

##### 3.1.1 Recruitment

3.1.1.1 (Rule 92) An Agency shall have a written plan describing strategies for recruiting qualified foster parents. The plan shall be flexible in considering the types of foster care provided, ages of the children, developmental needs of children, racial identities of children, sibling relationships and special needs.

##### 3.1.2 Application

3.1.2.1 Rule 93) An Agency shall utilize a standardized form for all foster home applications.

##### 3.1.3 Evaluation

3.1.3.1 (Rule 94) An Agency shall have a written policy on the processing of foster care applications. This policy shall be routinely provided to applicants and shall state:

3.1.3.1.1 An approach to involvement of applicants in a self-evaluation of their own strengths and weaknesses;

3.1.3.1.2 Selection criteria for foster parents including any criteria the Agency uses for rejection of applications;

3.1.3.1.3 Deadlines for Agency decision-making ensuring that any decision relative to foster parent applications is communicated to applicants within a reasonable amount of time, together with the reasons for such decisions;

3.1.3.1.4 Deadlines for the overall approval process ensuring that a final decision on the application is made within a reasonable amount of time;

3.1.3.1.5 An appeal process for applicants whose application has been denied.

3.1.3.2 (Rule 95) An Agency shall conduct at least one (1) home visit and a face-to-face interview with each member of the household during the Agency's initial evaluation of foster care applicants.

3.1.3.2.1 The Agency shall have for the foster parent(s) three (3) written references or telephone notes on such references. At least two (2) of these references shall not be related to foster parent(s) by blood or marriage.

3.1.3.3 (Rule 96) An Agency shall complete a final written evaluation for applicant(s) which addresses:

3.1.3.3.1 Motivation to become foster parent(s);

3.1.3.3.2 Willingness and ability to work with the Agency cooperatively as members of a treatment team;

3.1.3.3.3 Attitudes of members of the household towards accepting foster children;

3.1.3.3.4 Attitudes towards birth parents of foster children;

3.1.3.3.5 Emotional strengths and weaknesses of foster parent(s), how they see themselves and other members of the family;

- 3.1.3.3.6 Ability to communicate and solve problems; philosophies on child rearing, discipline, and parental roles; experience with children; and ways to coping with problems;
- 3.1.3.3.7 State of marital and family relations;
- 3.1.3.3.8 Family history including descriptions of early home life;
- 3.1.3.3.9 Information on medical or health conditions which might affect the foster parent(s)' ability to care for children;
- 3.1.3.3.10 Adjustments of children, if any, within the foster home;
- 3.1.3.3.11 Description of the home;
- 3.1.3.3.12 Type of children desired;
- 3.1.3.3.13 Experience in coping with special needs, if any;
- 3.1.3.3.14 Recommendations concerning types of children most suitable for placement in the home and types of children not suitable for placement;
- 3.1.3.3.15 Assessment of training needs.
- 3.1.3.3.16 The Agency shall have a signed statement from foster parent(s) indicating that they have read the written evaluation.

#### 3.1.4 Approval

- 3.1.4.1 (Rule 97) An Agency shall not approve a foster home unless a final written evaluation, as required by 3.1.3.3, has been completed, including documentation that the foster home meets foster home requirements.
  - 3.1.4.1.1 Exceptions to this requirement may be granted, at the discretion of the Agency, when the Agency documents an emergency requiring immediate placement and grants provisional approval to the home.
- 3.1.4.2 (Rule 98) An Agency shall only grant provisional approval of a foster home when it is in the best interest of children needing placement. An Agency shall ensure that a preliminary written evaluation is completed within ten (10) working days after placement and that the foster home completes the approval process within six (6) months.

#### 3.1.5 Records

- 3.1.5.1 (Rule 99) An Agency shall maintain a record on each approved foster home including:
  - 3.1.5.1.1 The application, as required by 3.1.2.1;
  - 3.1.5.1.2 The final evaluation report, as required by 3.1.3.3;
  - 3.1.5.1.3 References from at least three sources, as required by 3.1.3.2.1;
  - 3.1.5.1.4 Medical reports, as required by 3.2.3.1, 3.2.4.1, 3.2.4.1.1-3.2.4.1.3;
  - 3.1.5.1.5 Complaints and commendations, as required by 3.1.20.1;
  - 3.1.5.1.6 Annual reports on mutual reviews, as required by 3.1.7.1.3;
  - 3.1.5.1.7 History of care given by the foster home including the names of children served, ages, Agency or parent making the placement, dates of placements, and dates and reasons for removal;
  - 3.1.5.1.8 A termination summary for foster homes which are closed including the reasons for closing.
- 3.1.5.2 (Rule 100) An Agency shall obtain the written permission of the foster parent(s) prior to releasing foster home records to any person not employed by the Agency except when such records are released to authorized personnel or such release is by court order.

#### 3.1.6 Foster Care Payment Schedule

- 3.1.6.1 (Rule 101) An Agency shall have a current written payment schedule for foster care services. This schedule shall be routinely provided to applicants.

#### 3.1.7 Foster Parent Orientation, Training and Mutual Review

- 3.1.7.1 (Rule 102) An Agency shall have a written plan for orienting and training foster parent(s).
  - 3.1.7.1.1 Orientation training for each person in a parenting role shall include:
    - 3.1.7.1.1.1 The role of the foster parent as a member of the care and treatment team;
    - 3.1.7.1.1.2 The involvement of birth parent(s) and family in children's lives;
    - 3.1.7.1.1.3 Policy on religious participation and training;
    - 3.1.7.1.1.4 Behavior management policy;
    - 3.1.7.1.1.5 Confidentiality;
    - 3.1.7.1.1.6 Health care procedures;
    - 3.1.7.1.1.7 Emergency procedures;

~~3.1.7.1.1.8 Foster care payment procedures;~~

~~3.1.7.1.1.9 The Agency contact person.~~

~~3.1.7.1.2 The Agency shall ensure that each person involved in a parenting role in a foster home receives at least five (5) hours of training annually.~~

~~3.1.7.1.3 Foster parent(s) shall have an annual mutual review conference with Agency staff to assess strengths, weaknesses, and training needs of the foster home and to analyze the supportive relationships of Agency staff. This conference will result in a brief written plan, including goals and target dates, provided by the Agency to all parties, to improve services and relationships.~~

### ~~3.1.8 Behavior Management~~

~~3.1.8.1 (Rule 103) An Agency shall have a written policy on acceptable behavior management. This policy will be routinely provided to foster parent(s). This policy will stress positive concepts of child management and motivation, rather than punitive measures. The Agency shall prohibit the following:~~

~~3.1.8.1.1 Punishments including any type of physical hitting or any type of physical punishment inflicted in any manner upon the body;~~

~~3.1.8.1.2 Requiring or forcing the child to take a painfully uncomfortable position, such as squatting or bending, or requiring or forcing the child to repeat physical movements when used solely as a means as punishment;~~

~~3.1.8.1.3 Punishment which subjects the child to verbal abuse, ridicule or humiliation;~~

~~3.1.8.1.4 Denial of elements of the service plan;~~

~~3.1.8.1.5 Delegation of discipline to any other person other than a responsible adult made known to the child;~~

~~3.1.8.1.6 Assignment of physically strenuous exercise or physically strenuous work solely as punishment;~~

~~3.1.8.1.7 Denial of visiting or communication privileges with family solely as a means of punishment;~~

~~3.1.8.1.8 Withholding of any meals;~~

~~3.1.8.1.9 Denial of sufficient sleep;~~

~~3.1.8.1.10 Requiring the child to remain silent or be isolated for long periods of time;~~

~~3.1.8.1.11 Denial of shelter, clothing or bedding;~~

~~3.1.8.1.12 Extensive withholding of emotional response or stimulation.~~

### ~~3.1.9 Religion~~

~~3.1.9.1 (Rule 104) An Agency shall have a written policy on religious participation and training of children in care.~~

### ~~3.1.10 Allowance~~

~~3.1.10.1 (Rule 105) An Agency shall have a written policy on children's allowances.~~

~~3.1.10.1.1 If allowances are given, the policy shall address methods of paying and accounting for allowances.~~

### ~~3.1.11 Education~~

~~3.1.11.1 (Rule 106) Within five (5) school days of initial placement, an Agency shall start to enroll a child of school age, as defined by State Law, into an appropriate educational program meeting State legal requirements.~~

~~3.1.11.2 (Rule 107) An Agency shall ensure:~~

~~3.1.11.2.1 That the school administration is notified in writing of the Agency's involvement and is given the name of an Agency contact person;~~

~~3.1.11.2.2 That the child's record contains the current grade placement, school, and type of school program;~~

~~3.1.11.2.3 That Agency personnel maintain ongoing communication and cooperation with the child's school.~~

### ~~3.1.12 Clothing~~

~~3.1.12.1 (Rule 108) An Agency shall ensure that each child in care is provided with adequate, well-fitting, clean clothing appropriate to the season and to the child's age, sex, activities and individual needs. Clothing shall be in good repair.~~

### ~~3.1.13 Health Record~~

~~3.1.13.1 (Rule 109) An Agency shall maintain a health record for each child.~~

3.1.13.1.1 The health record shall include:

3.1.13.1.1.1 Authorization for medical care;

3.1.13.1.1.2 A medical history and copies of required physical examinations;

3.1.13.1.1.3 A record of medical and dental care, treatment and prescribed medication, immunizations, accidents requiring medical treatment and hospitalizations. At the time of termination from foster care, this record shall be provided to the parents or to the next placement if other than parents.

3.1.14 Authorization for Medical Care

3.1.14.1 (Rule 110) Immediately upon initial placement, an Agency shall obtain written authorization to provide medical, dental, anesthesia, immunization, and emergency surgical treatment. Authorization shall be either from the parent(s) or guardian or by court order.

3.1.15 Medical Care

3.1.15.1 (Rule 111) An Agency shall have a written procedure for handling medical emergencies on a 24-hour, 7-day a-week basis. A copy of the procedure shall be routinely provided to foster parent(s).

3.1.15.2 (Rule 112) Upon placement, an Agency shall have a written report on a physical examination of a child. The examination shall have been completed within three (3) months prior to planned placement. In documented emergency situations requiring immediate placement, a physical examination must be conducted within thirty (30) days after placement.

3.1.15.3 (Rule 113) An Agency shall ensure that a child receives medical examinations in accordance with the standards of the American Academy of Pediatrics.

3.1.15.4 (Rule 114) An Agency shall ensure that children receive timely, competent medical care when they are ill and that they continue to receive necessary follow-up medical care.

3.1.15.5 (Rule 115) When a child has not received adequate immunizations as required for the child's age according to the recommendations of the Division of Public Health, an Agency shall obtain a written plan from a physician for bringing the child to the required level of immunization within a reasonable period of time.

3.1.16 Dental Care

3.1.16.1 (Rule 116) An Agency shall ensure that every child over three (3) years of age receives a dental examination in accordance with the guidelines of the Division of Public Health.

3.1.16.2 (Rule 117) An Agency shall make every effort to ensure that a child receives necessary dental work.

3.1.17 The Placement Process

3.1.17.1 (Rule 118) An Agency shall have a written placement policy describing:

3.1.17.1.1 What services are provided to maintain a child in the child's family home, whenever possible, or to place the child with a relative, whenever possible;

3.1.17.1.2 How the Agency ensures that no child is placed until a determination has been made that foster care is an appropriate resource for the child;

3.1.17.1.3 How the Agency matches children and foster homes to ensure that children's needs are met; D. How the Agency addresses the needs of siblings to remain together;

3.1.17.1.4 How the Agency assures that a child is placed in the closest reasonable proximity to the family's home in accordance with the goals of the service plan.

3.1.17.1.5 How the Agency addresses the need of children to preserve their cultural, racial and religious identities.

3.1.18 Placement Agreement

3.1.18.1 (Rule 119) An Agency shall have a signed written agreement outlining the rights and responsibilities of both the Agency and the foster parent(s) regarding placement in an approved or provisionally approve' foster home.

3.1.19 Information to Foster Parents

3.1.19.1 (Rule 120) At the time of placement, an Agency shall ensure that foster parent(s) are informed about the child in a manner consistent with their role as members of the care and treatment team. Information shall include:

3.1.19.1.1 The name of the child, Agency and social service worker;

3.1.19.1.2 Available information about the child's known behavioral characteristics, needs, and current plans to meet those needs, as identified in the service plans for the child and family;

- 3.1.19.1.3 The plan for providing routine and emergency medical care for each child placed in the foster home.
- 3.1.19.2 ~~(Rule 121) An Agency shall have a procedure to ensure that foster parents are informed of the current physical examination and medical history when completed.~~
- 3.1.20 Placement Preparation
  - 3.1.20.1 ~~(Rule 122) An Agency shall document the preparation for each child placed in foster care, replaced, or returned home. Preparation shall be appropriate to the child's age, individual needs, the circumstances necessitating placement, and the special problems presented.~~
- 3.1.21 Agency's Legal Right to Provide Care
  - 3.1.21.1 ~~(Rule 123) At the time of initial placement into foster care and continuously thereafter, the Agency shall maintain, in the child's case record, documentation of the Agency's legal right to provide care for the child.~~
- 3.1.22 Initial Placement Outline
  - 3.1.22.1 ~~(Rule 124) Within five (5) working days after an initial foster care placement, documentation of all of the following shall be entered in the child's case record:~~
    - 3.1.22.1.1 ~~Date of custody, if applicable;~~
    - 3.1.22.1.2 ~~Name, birthdate, sex, race, and other significant identifying physical information;~~
    - 3.1.22.1.3 ~~Date of placement;~~
    - 3.1.22.1.4 ~~Name, address, and marital status of parent or parents and the name and address of the legal guardian, if any;~~
    - 3.1.22.1.5 ~~Names and whereabouts of siblings;~~
    - 3.1.22.1.6 ~~Religious preference;~~
    - 3.1.22.1.7 ~~Immediate and significant health needs;~~
    - 3.1.22.1.8 ~~The child's physical and emotional state at time of placement;~~
    - 3.1.22.1.9 ~~The circumstances leading to the need for foster care;~~
    - 3.1.22.1.10 ~~Known previous out-of-home placements;~~
    - 3.1.22.1.11 ~~The immediate needs of the child and parents and services to be provided to meet those needs;~~
    - 3.1.22.1.12 ~~If known, AFDC eligibility status of birth parents and SSI eligibility of child.~~
- 3.1.23 Parent and Child Visits
  - 3.1.23.1 ~~(Rule 125) An Agency shall make provisions for visits between parents and children except where the parental rights have been terminated or where it is documented that visits are detrimental to the child. The birth parents and the child shall be informed of the visitation plan in a manner consistent with their capacity to understand.~~
- 3.1.24 Service Planning
  - 3.1.24.1 ~~(Rule 126) An Agency shall develop an initial written service plan for each child within thirty (30) working days of placement. The plan shall be developed in consultation with the child, biological family, foster parent(s) and referral source, unless participation by any of these individuals is not possible or is not in the child's interest. When any of these agencies and persons do not participate, the Agency shall document the reason for non-participation.~~
    - 3.1.24.1.1 ~~All persons participating in the development of a service plan shall sign the completed service plan.~~
    - 3.1.24.1.2 ~~Periodically, but not less than every six (6) months, the initial service plan shall be reviewed and updated as necessary. The contents of the review shall be documented in the service plan.~~
- 3.1.25 Content of Service Plan
  - 3.1.25.1 ~~(Rule 127) The service plan shall consider social history information on the child's emotional and physical development, the family situation, and evaluation of the past experiences and problems of the child to determine the placement and services best suited to meet the child's needs. The plan shall include a projection of the expected length of stay in foster care and the anticipated next placement and shall identify the child's needs, specific goals, and projected time frames for meeting the goals. Time frames shall be developed with consideration for the child's perception of time. The service plan shall address the following areas, as appropriate to the individual case:~~
    - 3.1.25.1.1 ~~Social services;~~
    - 3.1.25.1.2 ~~Family visitation;~~

- 3.1.25.1.3 Discipline and child handling techniques;
- 3.1.25.1.4 Education;
- 3.1.25.1.5 Health;
- 3.1.25.1.6 Vocational training;
- 3.1.25.1.7 Psychological, psychiatric, and mental health services.

3.1.25.2 (Rule 128) An Agency shall ensure that each child in care is personally visited by the assigned social worker at least once a month. If monthly visits are inappropriate, the specific reasons shall be documented in the plan, and the plan shall specify the frequency of worker visitation.

3.1.25.3 (Rule 129) If the parental rights have not been terminated, an Agency shall ensure the service plan includes an assessment of the parent's or parents' role while the child is in placement, and goals in respect to return of the child and time frames for meeting the goals.

3.1.25.4 (Rule 130) An Agency shall inform the parent(s) or guardian of the service plan and of their rights or responsibilities in the care of the child. Such information shall be provided to parent(s) in a manner consistent with their ability to understand.

3.1.25.5 (Rule 131) For a child who is legally free and available for adoption, an Agency shall ensure that the plan includes specific services aimed at locating an adoptive placement.

### 3.1.26 Replacement

3.1.26.1 (Rule 132) An Agency shall make every effort to maintain stable foster care placements for each child placed in foster care. When a child is replaced other than to parent(s) or relatives, an Agency shall document:

- 3.1.26.1.1 The reason for replacement;
- 3.1.26.1.2 Evaluation of the appropriateness of continued foster care;
- 3.1.26.1.3 Replacement preparation appropriate to the child's capacity to understand;
- 3.1.26.1.4 Notification to the parent(s) and referral source of the replacement;
- 3.1.26.1.5 Information about the child shared with new caretakers including case plans;
- 3.1.26.1.6 The Agency shall maintain a cumulative list of replacement children.

### 3.1.27 Discharge

3.1.27.1 (Rule 133) When a child is discharged, an Agency shall have all of the following information in the child's record within 30 days:

- 3.1.27.1.1 The reason for termination of the foster care and current location of the child;
- 3.1.27.1.2 A summary of the services provided during care;
- 3.1.27.1.3 An assessment of the child's and the parents' needs which remain to be met;
- 3.1.27.1.4 A statement that the termination plan has been explained to the child in a manner consistent with the child's capacity to understand;
- 3.1.27.1.5 Provisions for follow-up services, if any.

### 3.1.28 Illness, Accident, Death

3.1.28.1 (Rule 134) The Agency shall immediately notify, as appropriate, the child's parent(s), guardian and custodian of any serious illness, incident involving serious bodily injury or any severe psychiatric episode involving a child in care.

3.1.28.2 (Rule 135) The Agency shall immediately notify the child's parent(s) and/or guardian, the Department and the medical examiner in the event of the death of a child in care.

3.1.28.3 (Rule 136) An Agency shall have written procedures to ensure that a child is notified of deaths or serious illnesses in the child's family.

### 3.1.29 Foster Home Complaints/Commendations

3.1.29.1 (Rule 137) An Agency shall have a written policy concerning investigations of foster home complaints. This policy shall provide:

- 3.1.29.1.1 An immediate investigation of any potential danger to children;
- 3.1.29.1.2 Immediate action to protect any child found to be at risk;
- 3.1.29.1.3 Written reports including findings and recommendations;
- 3.1.29.1.4 Foster homes shall be commended by the Agency for outstanding performance.

## 3.2 Requirements for Foster Homes

### 3.2.1 Marital Status

3.2.1.1 (Rule 138) Foster parent(s) shall be a married couple, an unmarried couple or a single person with a stable living arrangement.

### 3.2.2 Age

3.2.2.1 ~~(Rule 139) Foster parent(s) shall be at least twenty-one (21) years of age and may be over sixty-five (65) years of age if Agency observation establishes the ability of the foster parent(s) to provide adequate care.~~

3.2.2.1.1 ~~The Agency may, at its own discretion, make exemptions to the above requirement when the Agency documents that the health, safety and well-being of children would not be endangered.~~

### 3.2.3 Physical Examination

3.2.3.1 ~~(Rule 140) During the time of application, foster parent(s) shall provide a written report from a licensed physician on a physical examination conducted within one (1) year prior to application.~~

### 3.2.4 Health

3.2.4.1 ~~(Rule 141) Foster parent(s) shall, as required by the Agency, provide information on the physical and mental health history of every member of the household.~~

3.2.4.1.1 ~~Members of the household must be free of communicable diseases, specified illnesses or disabilities which would either endanger the health of the children or interfere with the capability of the household to provide care for the child.~~

3.2.4.1.2 ~~Foster parent(s) shall, on request, provide a medical statement from a licensed physician verifying that household members are free of communicable diseases, specific illnesses or disabilities which would either endanger the health of the child or interfere with the capability of the household to provide adequate care for the child.~~

3.2.4.1.3 ~~Disabilities of foster parent(s) or household members are to be considered only as they affect the ability of the household to care for the child.~~

### 3.2.5 Income

3.2.5.1 ~~(Rule 142) Foster parent(s) shall have sufficient income to meet their needs and ensure the security and stability of the household independent of foster care maintenance payments.~~

### 3.2.6 Employment

3.2.6.1 ~~(Rule 143) A single foster parent or a foster parent couple who both work outside the home shall obtain approval for their plan for caring for children during their absence.~~

3.2.6.2 ~~(Rule 144) Foster parent(s) shall obtain approval from the Agency for a business conducted in the home, demonstrating the activities related to this business will not interfere with the care of the children.~~

### 3.2.7 Personal Characteristics

3.2.7.1 ~~(Rule 145) Foster parent(s) shall demonstrate emotional stability, good character, a responsible adult lifestyle, freedom from excessive use of alcohol or use of illegal drugs and the ability to provide nurturing care, appropriate supervision, reasonable discipline and a home-like environment for the children.~~

3.2.7.2 ~~(Rule 146) Foster parent(s) shall demonstrate a capacity for setting realistic expectations for behavior and performance based on the age, abilities and special needs of the children.~~

3.2.7.3 ~~(Rule 147) Foster parent(s) shall demonstrate a willingness and ability to discuss and deal appropriately with their own feelings of anger, frustration, sorrow, conflict and affection and those of others.~~

### 3.2.8 Criminal Record

3.2.8.1 ~~(Rule 148) Foster parent(s) and all other members of the household 18 years of age or older shall be free of convictions, indictment or substantial evidence of involvement in any criminal activity involving violence against a person, child abuse or neglect, sexual misconduct, possession, sale or distribution of illegal drugs, gross irresponsibility or disregard for the safety of others or serious violations of accepted standards of honesty or ethical conduct.~~

3.2.8.1.1 ~~The Agency may, at its own discretion, make exceptions to the above requirement when the Agency documents that the health, safety and well-being of children would not be endangered.~~

### 3.2.9 References

3.2.9.1 ~~(Rule 149) Foster parent(s) shall provide the names, addresses and telephone numbers of three (3) persons who may be contacted by the Agency as personal references.~~

3.2.9.1.1 ~~At least two (2) of the required references shall be persons not related to the foster parent(s) by blood or marriage.~~

### 3.2.10 Informed Consent of Household

- 3.2.10.1 (Rule 150) Foster parent(s) shall ensure that all members of the household are informed of and agree to the acceptance of the child into the home.
  - 3.2.10.1.1 Exceptions to the above requirement shall be made, at the discretion of the placing agency, when the household member involved is incapable of communication or informed decision making and poses no threat to the health, safety or well-being of the child.
- 3.2.11 Relationship with the Placing Agency
  - 3.2.11.1 (Rule 151) Foster parent(s) shall cooperate with the Agency staff in evaluation and in the ongoing supervision of the foster home.
    - 3.2.11.1.1 Foster parent(s) shall provide the Agency any information reasonably related to compliance with these requirements and shall allow representatives of the Agency access to any member of the household and into all rooms within the home.
  - 3.2.11.2 (Rule 152) Foster parent(s) shall notify the Agency in writing prior to allowing any person to take up residence for more than two (2) weeks in the foster home.
  - 3.2.11.3 (Rule 153) Foster parent(s) shall notify the Agency within twelve (12) hours of the occurrence in any of the following circumstances:
    - 3.2.11.3.1 A serious injury or illness involving medical treatment of the child;
    - 3.2.11.3.2 The death of a child;
    - 3.2.11.3.3 Extended and unauthorized absence of the child from the home, as defined by Agency policy;
    - 3.2.11.3.4 Removal of the child from the home by any person or agency other than the placing agency; or attempts at such removal;
    - 3.2.11.3.5 Any fire or other emergency requiring evacuation of the home;
    - 3.2.11.3.6 Extended lack of heat, water or electricity;
    - 3.2.11.3.7 Any involvement of a child with the legal authorities.
  - 3.2.11.4 (Rule 154) Foster parent(s) shall inform the Agency as soon as possible in any of the following circumstances:
    - 3.2.11.4.1 Any serious illness or death in the household;
    - 3.2.11.4.2 The departure of any member of the household;
    - 3.2.11.4.3 Any other circumstances or incident seriously affecting children or child care.
  - 3.2.11.5 (Rule 155) Foster parent(s) shall inform the Agency at least four (4) weeks prior to a planned move of the family home.
- 3.2.12 Annual Mutual Review
  - 3.2.12.1 (Rule 156) Foster parent(s) will participate in an annual mutual review with the Agency to evaluate the strengths and weaknesses of the foster home and of the relationships of Agency representatives with foster parent(s).
- 3.2.13 Training
  - 3.2.13.1 (Rule 157) Foster parent(s) and other persons in a foster parenting role within the home will participate in training activities, as required by the Agency.
- 3.2.14 The Care and Treatment Team
  - 3.2.14.1 (Rule 158) Foster parent(s) shall work cooperatively with Agency representatives as members of a treatment team responsible for planning, providing and discussing the total care and services provided to each child.
    - 3.2.14.1.1 Foster parent(s) shall fully disclose all information related to a child's problems or progress to Agency representatives.
  - 3.2.14.2 (Rule 159) Foster parent(s) shall treat any personal information about a child or the child's family in a confidential manner.
- 3.2.15 Support System
  - 3.2.15.1 (Rule 160) Foster parent(s) shall have an adequate support system for supervising and providing care for children on an ongoing basis while allowing foster parent(s) opportunities for enjoying occasional breaks from the responsibility for caring for children.
    - 3.2.15.1.1 Any person given the responsibility for a child on a regular basis must be identified to and approved by the Agency.
- 3.2.16 The Child's Family
  - 3.2.16.1 (Rule 161) Foster parent(s) shall maintain a working relationship with the child's family in accordance with the service plan and in cooperation with Agency staff. In such circumstances, the

foster parent(s) will participate in planning for and providing visits by the child with family and friends.

3.2.16.2 (Rule 162) Foster parent(s) shall allow the child's family to communicate with the child by mail and by telephone in accordance with the child's service plan.

### 3.2.17 Exploitation and Child Rights

3.2.17.1 (Rule 163) Foster parent(s) shall not subject children to exploitation in any form and shall ensure children are allowed to enjoy the normal rights, freedoms and responsibilities of community life subject only to reasonable household rules, age appropriate restrictions and restrictions in accordance with the child's service plan.

### 3.2.18 Household Tasks

3.2.18.1 (Rule 164) Foster parent(s) shall only expect a child to perform household tasks which are within the child's abilities, are reasonable for the child's age and are similar to those expected of other household members of comparable age and ability.

3.2.18.2 (Rule 165) Foster parent(s) shall, as appropriate, instruct the child in the tasks and skills required for independent life in the community.

### 3.2.19 Food and Nutrition

3.2.19.1 (Rule 166) Foster parent(s) shall ensure that each child is provided with three (3) nutritionally balanced meals a day and shall, in accordance with the child's service plan or on the advice of a licensed physician, provide for special dietary needs of a child.

### 3.2.20 Clothing

3.2.20.1 (Rule 167) Foster parent(s) shall ensure that each child is provided with adequate, well-fitting, clean clothing appropriate to the season and to the child's age, sex, activities and individual needs. Clothing shall be in good repair.

### 3.2.21 Personal Belongings

3.2.21.1 (Rule 168) Foster parent(s) shall allow the child to bring, possess and acquire personal belongings subject only to reasonable household rules and the child's service plan.

3.2.21.1.1 Personal belongings shall be sent with the child when the child leaves the home.

### 3.2.22 Religion

3.2.22.1 (Rule 169) Foster parent(s) shall follow the Agency's policy on religious participation and training of children.

### 3.2.23 Discipline and Control

3.2.23.1 (Rule 170) Foster parent(s) shall provide loving and humane discipline and control for a child as appropriate to the child's age and understanding and in accordance with Agency policy.

3.2.23.1.1 Methods of control shall stress praise and encouragement for good behavior, rather than punishments for bad behavior.

3.2.23.2 (Rule 171) Foster parent(s) shall not allow the child to be subjected to verbal abuse, derogatory remarks about themselves or their families or threats of removal from the foster home.

### 3.2.24 Physical Environment

3.2.24.1 (Rule 172) A foster home shall be reasonably safe, in good repair and comparable in appearance and maintenance to other family homes in the community.

3.2.24.2 (Rule 173) The home and the exterior around the home shall be free from objects, materials and conditions which constitute a danger to the children served.

3.2.24.2.1 A foster home shall be in compliance with state and local standards, ordinances and regulations for residential use

### 3.2.25 Fire Safety

3.2.25.1 (Rule 174) A foster home shall be reasonably free from fire hazards.

3.2.25.1.1 Foster parent(s) shall, at the request of the Agency, submit their home to inspection by a fire safety expert.

3.2.25.2 (Rule 175) A foster home shall be equipped with the appropriate number of operating smoke alarms, as required by the Agency.

3.2.25.3 (Rule 176) Foster parent(s) shall ensure that each child, as appropriate to age and developmental level, knows how to evacuate from the home in the event of a fire and shall conduct periodic evacuation drills.

### 3.2.26 Health and Sanitation

- 3.2.26.1 ~~(Rule 177) Foster parent(s) shall keep the home clean and free of hazards to the health and physical well being of the family.~~
- 3.2.26.2 ~~(Rule 178) The home shall have a continuous supply of drinking water approved by local health authorities.~~

## 4.0 Adoption

### 4.1 General Policies and Practices

#### 4.1.1 Services for Children and Relinquishing Parent(s)

##### 4.1.1.1 Information on Alternatives

- 4.1.1.1.1 ~~(Rule 179) An Agency shall not accept relinquishment of any child without providing relinquishing parents with information regarding alternative plans for their child, the legal result of relinquishing their child and the procedures involved in relinquishing their child for adoption, or without providing relinquishing parents with the assistance to reach an informed decision regarding termination of their parental rights.~~

##### 4.1.1.2 Interim Care

- 4.1.1.2.1 ~~(Rule 180) An Agency shall, as appropriate, have interim care arrangements with approved foster homes to ensure appropriate care for a child between the time of relinquishment and the time of placement.~~

##### 4.1.1.3 Relinquishing Parents' Right to Request Information-

- 4.1.1.3.1 ~~(Rule 181) An Agency shall inform relinquishing parent(s) of their right to receive, on request, the following information prior to relinquishment:~~

- 4.1.1.3.1.1 ~~A description of the adoption Agency's criteria used in selecting adoptive parent applicants if prospective adoptive parents for the child have yet to be identified;~~
- 4.1.1.3.1.2 ~~Non-identifying background information on prospective adoptive parent(s) if prospective adoptive parents have been identified.~~

- 4.1.1.3.2 ~~(Rule 182) An Agency shall, prior to adoptive placement of a child, have documentation on the physical, emotional, social, developmental and educational factors relevant to the child's background and current situation. This evaluation shall include:~~

- 4.1.1.3.2.1 ~~Full names, ages, address and telephone number of relinquishing parent(s);~~
- 4.1.1.3.2.2 ~~Attitudes of relinquishing parent(s) and child, if appropriate, towards adoption;~~
- 4.1.1.3.2.3 ~~Reasons for relinquishing the child;~~
- 4.1.1.3.2.4 ~~Names, ages and addresses of siblings and other available family members including grandparents;~~
- 4.1.1.3.2.5 ~~Social, physical and mental history of the birth parent(s), grandparents and other family members;~~
- 4.1.1.3.2.6 ~~Name, birthdate, sex, religion, race, nationality, height, weight, hair color, eye color and identifying marks of the child;~~
- 4.1.1.3.2.7 ~~Physical, medical, mental and educational history of the child;~~
- 4.1.1.3.2.8 ~~A written report on a medical examination of the child performed within eight (8) weeks prior to placement.~~

- 4.1.1.3.3 ~~(Rule 183) An Agency shall ensure the availability of medical, counseling and social services to the prospective relinquishing parent(s) or legal guardian(s) of the child(ren) to be adopted. Such services shall include:~~

- 4.1.1.3.3.1 ~~Counseling in arriving at a plan that is best for them and the child;~~
- 4.1.1.3.3.2 ~~Counseling in resolving any problems relating to the relinquishment of the child;~~
- 4.1.1.3.3.3 ~~Referral for hospitalization, maternity home care or other community resources, as needed;~~
- 4.1.1.3.3.4 ~~If appropriate, preparation of the child and the parent(s) for the separation.~~

- 4.1.1.3.4 ~~(Rule 184) An Agency shall ensure that services provided to or for prospective relinquishing parents are not contingent upon a decision to place the child for adoption.~~

##### 4.1.1.4 Continuing Contact with Agency

- 4.1.1.4.1 ~~(Rule 185) An Agency shall inform relinquishing parents of their right and responsibility to maintain current information on how they may be contacted and to report to the Agency any hereditary medical condition which may affect the child's health.~~

##### 4.1.1.5 Adoptive Home Recruitment

~~4.1.1.5.1 (Rule 186) An Agency shall have a written plan describing strategies for recruiting or registering qualified adoptive parent(s) for children legally free for adoption. The plan shall consider the ages of the children, developmental needs of children, racial identities of children, sibling relationships and special needs.~~

~~4.1.1.6 Application~~

~~4.1.1.6.1 (Rule 187) An Agency shall utilize a standardized application form for adoptive parent applicants.~~

~~4.1.1.7 Evaluation~~

~~4.1.1.7.1 (Rule 188) An Agency shall have a written policy on the processing and evaluation of adoption applications. This policy shall be routinely provided to applicants and shall state:~~

~~4.1.1.7.1.1 An approach to involvement of applicants in self-evaluation of their own strengths and weaknesses;~~

~~4.1.1.7.1.2 Selection criteria for adoptive parent(s) including any criteria the Agency uses for rejection of applications;~~

~~4.1.1.7.1.3 Procedure for denying an application if adoptive parent(s) or other members of the household have convictions, current indictment or substantial evidence of involvement in any criminal activity involving violence against a person, child abuse or neglect, serious sexual misconduct, gross irresponsibility or disregard for the safety of others or serious violations of accepted standards of honesty or ethical conduct.~~

~~4.1.1.7.1.3.1 The Agency may, at its own discretion, make exemptions to the above requirement when the Agency documents that the health, safety and well-being of children would not be endangered.~~

~~4.1.1.7.1.4 Deadlines for Agency decision making ensuring that any decision relative to adoptive parent applications is communicated to applicants immediately, together with reasons for such decisions;~~

~~4.1.1.7.1.5 Deadlines for the overall approval process ensuring that a final decision on approval of the adoptive applicant is made within a reasonable amount of time;~~

~~4.1.1.7.1.6 An appeal process for applicants whose application has been denied.~~

~~4.1.1.7.2 (Rule 189) An Agency shall have for the adoptive parent(s) three (3) written references or telephone notes on such references. At least two (2) of these references shall be persons not related to the adoptive parent(s) by blood or marriage.~~

~~4.1.1.7.3 (Rule 190) An Agency shall document that adoptive parent(s) have sufficient income to meet the needs of the family.~~

~~4.1.1.7.4 (Rule 191) An Agency shall obtain information on the physical and mental health history of the adoptive parent(s) and all other members of the household.~~

~~4.1.1.7.4.1 Members of the household must be free of communicable diseases, specific illnesses or disabilities which would either endanger the health of the children or interfere with the capability of the household to provide care for the child.~~

~~4.1.1.7.4.2 An Agency shall obtain a written report from a licensed physician of a current physical examination of adoptive parent(s).~~

~~4.1.1.7.4.3 If appropriate, the Agency shall obtain a written report from a licensed physician verifying that other household members are free of communicable diseases, specific illnesses or disabilities which would either endanger the health of the child or interfere with the capability of the household to provide adequate care for the child.~~

~~4.1.1.7.4.4 Disabilities of adoptive parent(s) or household members are to be considered only as they affect the ability of the household to care for the child.~~

~~4.1.1.7.5 (Rule 192) An Agency shall conduct at least one (1) home visit and meet with each person who lives in the adoptive home.~~

~~4.1.1.7.6 (Rule 193) An Agency shall require that a single adoptive parent or an adoptive parent couple who both work outside the home have a plan for caring for children during their absence.~~

~~4.1.1.7.7 (Rule 194) An Agency shall require that adoptive parent(s) who conduct a business in their home demonstrate that the activities related to this business will not interfere with the care of the children.~~

~~4.1.1.7.8 (Rule 195) An Agency shall require that an adoptive home is reasonably safe, in good repair and at least comparable in appearance and maintenance to other family homes in the community.~~

- 4.1.1.7.9 (Rule 196) An Agency shall require that the home and the exterior around the home are free from objects, materials and conditions which constitute a danger to the children served.
- 4.1.1.7.9.1 An adoptive home shall be in compliance with state and local standards, ordinances and regulations for residential use.
- 4.1.1.7.10 (Rule 197) An Agency shall complete a final written evaluation of the applicant(s) which addresses:
- 4.1.1.7.10.1 Motivation for adoption;
  - 4.1.1.7.10.2 Family's attitude toward accepting an adoptive child, and plan for discussing adoption with the child;
  - 4.1.1.7.10.3 The attitude of extended family and significant other people involved with the family;
  - 4.1.1.7.10.4 Attitudes towards relinquishing parent(s) of adoptive children;
  - 4.1.1.7.10.5 Emotional strengths and weaknesses of applicants, how they see themselves and other members of their family;
  - 4.1.1.7.10.6 Ability to communicate and solve problems; philosophies on child rearing, discipline, and parental roles; experience with children; and ways of coping with problems;
  - 4.1.1.7.10.7 Marital relationship;
  - 4.1.1.7.10.8 Family history including descriptions of early home life;
  - 4.1.1.7.10.9 Information on medical or health conditions which might affect the adoptive parents' ability to care for children;
  - 4.1.1.7.10.10 Adjustments of children, if any, within the adoptive home;
  - 4.1.1.7.10.11 Description of the home;
  - 4.1.1.7.10.12 Type of children desired;
  - 4.1.1.7.10.13 Experience in coping with special needs, if applicable;
  - 4.1.1.7.10.14 Recommendations concerning types of children most suitable for adoption in the home and types of children not suitable for adoption in the home;
  - 4.1.1.7.10.15 Attitudes toward eventual contact between child and birth parents.
- 4.1.1.7.11 (Rule 198) An Agency shall document that a copy of the final written evaluation has been provided to adoptive parent(s).
- 4.1.1.7.12 (Rule 199) An Agency shall not approve an adoptive home unless a final written evaluation, as required by 4.1.1.7.10 has been completed.
- 4.1.1.7.12.1 The Agency shall not place a child in a home without a current written evaluation completed within one (1) year prior to the date of placement.

#### 4.1.1.8 The Placement Process

- 4.1.1.8.1 (Rule 200) An Agency shall have a written placement policy describing:
- 4.1.1.8.1.1 How the Agency ensures that no child is placed in an adoptive home until a determination has been made that adoption is an appropriate resource for the child;
  - 4.1.1.8.1.2 How the Agency matches children with adoptive parents to ensure that children's needs are met;
  - 4.1.1.8.1.3 How the Agency addresses the need of siblings to remain together;
  - 4.1.1.8.1.4 How the Agency addresses the need of children to preserve their cultural, racial and religious identities.
- 4.1.1.8.2 (Rule 201) An Agency shall ensure that all members of the adoptive household are informed of and agree to the acceptance of the child into the home.
- 4.1.1.8.2.1 Exceptions to the above requirement shall be made, at the discretion of the Agency, when the household member involved is incapable of communication or informed decision-making and poses no threat to the health, safety or well-being of the child.
- 4.1.1.8.3 (Rule 202) An Agency shall ensure that adoptive parent(s) are aware that any personal information about a child or the child's family must be held in a confidential manner.

#### 4.1.2 Preparation for Adoption

##### 4.1.2.1 Information Given to Adoptive Parent(s)

- 4.1.2.1.1 (Rule 203) When a child has been selected for an adoptive home, an Agency shall provide the adoptive parent(s) all available information about that child's history, including developmental and medical history, personality and temperament, family medical and social history and

reasons for relinquishment. If the child has special needs, the applicant shall be given an assessment of the child's current and long-term needs and referral to appropriate resources.

#### 4.1.2.2 Preparation of Child

4.1.2.2.1 (Rule 204) An Agency shall have a written description of how the Agency prepares the children in its care or supervision for adoption. This description shall include measures to prevent the emotional trauma associated with a sudden separation from familiar surroundings.

#### 4.1.2.3 Post-placement Services

4.1.2.3.1 (Rule 205) An Agency shall provide the following services to adoptive parent(s) after the adoptive child has been placed with them:

4.1.2.3.1.1 An Agency shall assign a social worker to each adoptive family. The social worker shall be responsible for providing direct services to the adoptive family until the adoption is finalized.

4.1.2.3.1.2 An Agency shall assist adoptive parents to integrate the child into the family by giving casework assistance on a continuing basis during the post-placement period.

4.1.2.3.1.3 An Agency shall assist adoptive parents and the child with any problems relating to adoption for which the adoptive family or the child seek help. Such assistance shall include offering services provided by the Agency and/or help in applying for other services.

4.1.2.3.1.4 An Agency shall arrange regular visits to the adoptive family, including home or office contacts. The initial visit shall occur within the first four (4) weeks of placement and a minimum of two (2) subsequent visits shall be made. Each member of the household shall be interviewed during the period of supervision.

#### 4.1.2.4 Post-adoption Services

4.1.2.4.1 (Rule 206) An Agency shall have a written plan for services to be provided to birth parent(s) and the child after the adoption has been finalized. These services shall include:

4.1.2.4.1.1 Referral to counselling services and support groups;

4.1.2.4.1.2 Search services for both birth parent(s) and adoptee(s).

#### 4.1.2.5 Adoptive Records

4.1.2.5.1 (Rule 207) An Agency shall maintain a record on each adoptive family including:

4.1.2.5.1.1 Application;

4.1.2.5.1.2 Written evaluation(s) of the home;

4.1.2.5.1.3 A copy of the information about the child provided to the adoptive family;

4.1.2.5.1.4 Summaries of services, contacts and follow up;

4.1.2.5.1.5 All legal documents related to adoption;

4.1.2.5.1.6 Written documentation on references;

4.1.2.5.1.7 Required medical information.

4.1.2.5.2 (Rule 208) An Agency shall maintain records on each adoptive child and the relinquishing parents including:

4.1.2.5.2.1 The information, as required by 4.1.1.3.2;

4.1.2.5.2.2 Updated information, if available, on the whereabouts of the child and family;

4.1.2.5.2.3 Summary of any services provided to the child and family.

4.1.2.5.3 (Rule 209) An Agency shall have a written policy on the maintenance and security of records assuring the continued accessibility of necessary information through the lifetime of the adoptive child. This policy shall address the disposition of records if the Agency should cease operation.

## 5.0 Supervised Independent Living

### 5.1 General Policies and Practices

#### 5.1.1 Program Description

5.1.1.1 (Rule 210) An Agency shall have a written statement describing:

5.1.1.1.1 The Agency's philosophy on and approach to supervised independent living situations;

5.1.1.1.2 The criteria used to select children for supervised independent living placement;

5.1.1.1.3 The approach used to assess the appropriateness of supervised independent living placement;

5.1.1.1.4 The nature and frequency of supervision provided to supervised independent living children;

5.1.1.1.5 Ongoing programs available to the child during placement;

- 5.1.1.1.6 Any living environments provided by the Agency;
- 5.1.1.1.7 A crisis response system ensuring that children have 24-hour access to Agency personnel.
- 5.1.2 Life Skills Assessment
  - 5.1.2.1 (Rule 211) An Agency shall develop a written assessment of the child's life skills prior to placing the child in a supervised independent living situation. This assessment shall address the following areas, identifying any potential areas of risk to the child associated with independent life in the community:
    - 5.1.2.1.1 Money management, consumer awareness;
    - 5.1.2.1.2 Food management;
    - 5.1.2.1.3 Personal appearance, health and hygiene;
    - 5.1.2.1.4 Housekeeping and personal belongings;
    - 5.1.2.1.5 Housing search skills;
    - 5.1.2.1.6 Skills in using transportation;
    - 5.1.2.1.7 Educational planning, if appropriate;
    - 5.1.2.1.8 Job seeking skills;
    - 5.1.2.1.9 Skills in emergency situations;
    - 5.1.2.1.10 Drug use;
    - 5.1.2.1.11 Sexuality;
    - 5.1.2.1.12 Interpersonal skills;
    - 5.1.2.1.13 Community involvement, knowledge of resources;
    - 5.1.2.1.14 Legal issues, knowledge of legal rights.
- 5.1.3 Supervision and Support
  - 5.1.3.1 (Rule 212) An Agency shall ensure regular contact between Agency personnel and each child as specified in the child's service agreement, as required by 5.1.5.1.
  - 5.1.3.2 (Rule 213) An Agency shall, through routine visits to the living situation, document that:
    - 5.1.3.2.1 There is no reasonable cause for believing that the child's mode of life or living situation presents any unacceptable risks to the child's health or safety;
    - 5.1.3.2.2 The living situation is maintained in a reasonably safe condition;
    - 5.1.3.2.3 The child is receiving any necessary medical care;
    - 5.1.3.2.4 The current program plan provides appropriate and sufficient services to the child.
- 5.1.4 Emergency Procedures
  - 5.1.4.1 (Rule 214) An Agency shall document that all children are trained in emergency procedures within one week of admission. Such training shall include:
    - 5.1.4.1.1 Instruction in evacuation from the living situation;
    - 5.1.4.1.2 Instruction in contacting police, fire and other emergency services;
    - 5.1.4.1.3 Instruction in fire and accident prevention.
- 5.1.5 Service Agreement
  - 5.1.5.1 (Rule 215) An Agency shall ensure that a written service agreement is completed prior to placement. The service agreement shall include:
    - 5.1.5.1.1 A delineation of the respective roles and responsibilities of the Agency, the child and other involved parties;
    - 5.1.5.1.2 Specification of all services to be provided or arranged by the Agency including the plan for contact between the child and Agency staff;
    - 5.1.5.1.3 The Agency's expectations concerning the child;
    - 5.1.5.1.4 Specification of any financial arrangements related to the placement;
    - 5.1.5.1.5 The service agreement shall be signed by the child and a representative of the Agency.
- 5.1.6 Age
  - 5.1.6.1 (Rule 216) An Agency shall not place a child under sixteen (16) years of age in a supervised independent living situation.

## **1.0 Legal Base and Laws**

- 1.1 The legal base for Delacare: Regulations for Child Placing Agencies is in the **Delaware Code**, Title 31, Welfare, Chapter 3 Child Welfare, Subchapter III, The Delaware Child Care Act, Subsections 341 through 347.

- 1.2 The laws pertaining to the placement of a child for foster care and adoption are found in:
- 1.2.1 Title 13 Domestic Relations, Chapter 9 Adoption, Subchapters I Minors and II Persons 18 Years of Age or Over, Subsections 901 through 956;
  - 1.2.2 Title 13 Domestic Relations, Chapter 11 Termination and Transfer of Parental Rights in Adoption Proceedings, Subsections 1101 through 1115
  - 1.2.3 Title 31 Welfare, Chapter 3 Child Welfare, Subchapter IV Placement of Dependent Children, Subsections 351 through 356; and
  - 1.2.4 Title 31 Welfare, Chapter 3 Child Welfare, Subchapter VI Interstate Compact on the Placement of Children, Subsections 381 through 389.

## **2.0 Purpose**

- 2.1 The overall purpose of the Delacare: Regulations for Child Placing Agencies is to:
- 2.1.1 Protect the rights of a child in foster care, a child who is in the process of being adopted, and the child's birth parent or guardian;
  - 2.1.2 Establish standards to approve a foster or adoptive parent and any other household member, and a foster or adoptive home; and
  - 2.1.3 Ensure effective foster care and adoption services resulting in humane placement for each child.

## **PART I GENERAL PROVISIONS**

### **3.0 Definition Of Regulated Service**

- 3.1 "Child Placing Agency" (Agency) means an organization established for the purpose of providing or arranging placement for a child in the home of an approved foster or adoptive parent.
- 3.2 The Regulations are divided into the following parts:
- Part I General Provisions
  - Part II Foster Care
  - Part III Adoption

### **4.0 Regulated Service**

- 4.1 To be licensed as a Child Placing Agency, the General Provisions of Part I shall be met. In addition, an Agency shall meet the following Regulations during the course of providing the following:
- 4.1.1 Foster Care - for placement of a child in a foster home, assistance for the child's birth parent or guardian, and to investigate and approve a foster parent, any other household member, and a foster home, an Agency shall also meet Part II Regulations.
  - 4.1.2 Adoption - for placement of a child in a private home for adoption, assistance to the child's relinquishing birth parent or guardian, and to investigate and approve an adoptive parent, any other household member, and an adoptive home, an Agency shall also meet Part III Regulations.

### **5.0 Definition of Terms**

"Addendum" means adding to a home study or home study update based on a significant change or new information.

"Administrator" means a staff member responsible for the supervision and administration of the Office of Child Care Licensing.

"Adoption" means termination of previously held parental rights over a child and creation of a new legal parent-child relationship is finalized.

"Adoptive Home" means a private residence in which an adoptive parent lives, and meets the requirements of these Regulations to accept a child for adoption.

"Adoptive Parent" means a person approved by an Agency to adopt a child and create a new legal parent-child relationship.

"Adult" means a person who has reached his or her eighteenth (18th) birthday.

"Agency" means any Child Placing Agency.

"Agreement of Understanding" means a formal written document that is part of an administrative action, part of a corrective action plan, or used when a formal agreement is deemed necessary between a Licensee and

the Office of Child Care Licensing which clearly explains and memorializes what actions a Licensee shall take in order to maintain licensure.

“**Applicant**” means a person applying to provide foster care or to adopt a child and can also be an individual, agency, corporation, or partnership applying for a license that is obtained from the Office of Child Care Licensing.

“**Birth Parent**” means the biological mother or father of a child.

“**Business Day**” means any weekday Monday through Friday but not including the weekend (Saturday and Sunday) or an official holiday that occurs on a weekday.

“**Calendar Day**” means every consecutive day of a week including weekends and holidays.

“**Case Worker**” means a staff member of an Agency who works directly with a child, his or her birth parent or guardian, foster or adoptive parent, and any other relevant person and is primarily responsible for the development, implementation, and review of a service plan for a child and his or her birth parent or guardian; performs placement or home finding service for a child, and conducts an assessment study for a foster or adoptive parent and meets the qualifications as specified in these Regulations.

“**Case Work Supervisor**” means a staff member of an Agency who is assigned responsibility by a Licensee for the supervision of one or more case workers and meets the qualifications specified in these Regulations.

“**Chief Administrator**” means a staff member of an Agency designated by a Licensee or by a governing body, as having day-to-day responsibilities for the overall administration and operation of an Agency and for assuring the care, treatment, safety, and protection of a child who is a client of an Agency and meets the qualifications specified in these Regulations.

“**Child**” means a person who for the purposes of these Regulations, has not reached the age of eighteen (18) years and is being placed, or has been placed in foster care, or is in the process of being adopted or has been adopted.

“**Child Abuse**” means the abuse of a child as defined in 16 Del.C. Ch. 9.

“**Child Care Licensing Specialist**” means an employee of the Department of Services for Children, Youth, and their Families, Division of Family Services, Office of Child Care Licensing who is responsible for performing regulatory activities including monitoring, investigation, enforcement actions, and decisions for licensure as set forth in Delaware Code and these Regulations.

“**Child Care Licensing Supervisor**” means an employee of the Department of Services for Children, Youth, and their Families, Division of Family Services, Office of Child Care Licensing who is responsible for performing supervisory and regulatory activity including monitoring, investigation, enforcement actions, and decisions for licensure as set forth in Delaware Code and these Regulations.

“**Child Neglect**” means neglect of a child as defined in 16 Del.C. Ch. 9.

“**Child Sex Abuse**” means any act against a child that is described as a sex offense as defined in Delaware Code, Title 11, Subsection 761 (d) or in subpart D. “sexual offenses” of Subchapter I of Chapter 5 of Title 11 of the Delaware Code.

“**Clock Hour**” means the actual number of hours a Licensee, Agency staff member, and foster and adoptive parent spends attending the instructional portion of a training to develop or enhance knowledge and skills.

“**Complaint Investigation**” means the process followed by the Office of Child Care Licensing to effectively investigate accusations that a Licensee is not in compliance with these Regulations or any other applicable local, State, Federal and International code, regulation, law, treaty, and agreement, including the Hague Convention. A Licensee is notified of a complaint generally at the time of an unannounced visit regarding the complaint and a written report is created stating the results of an investigation and provided to a Licensee.

“**Corrective Action Plan**” means a written document developed with a Licensee by the Office of Child Care Licensing which specifies any non-compliance that must be corrected, how they must be corrected, and the date by which they must be corrected.

“**Court Appointed Special Advocate (CASA)**” means a volunteer appointed by a Family Court Judge for an abused, neglected or dependent child who comes before the Court to provide advocacy and independent factual information. The CASA is charged with representing the best interests of a child, is a full party to court proceedings, and monitors a case until the terms of a court order have been fulfilled and/or a safe and permanent home has been achieved for a child.

“**Criminal History Record Check**” means the State (Delaware or other State) and Federal (National) report of a person’s entire criminal history, a search of the Department’s child abuse and neglect records, and when applicable, a search of the Department of Health and Social Services’ adult abuse registry or any other check as required by State or Federal Law.

**“Denial”** means the refusal by the Office of Child Care Licensing to issue a License after the receipt of an original or renewal application and the completion of an investigation. This constitutes refusal of official permission for an Applicant or Licensee to provide regulated service.

**“Department”** means the Department of Services for Children, Youth and Their Families.

**“Developmentally Appropriate”** means offering a child an opportunity for learning that is suitable to his or her individual developmental age and stage, is consistent with the child’s special needs, and encourages development to the next stage.

**“Direct Voice Contact”** means a Licensee speaking directly with a Child Care Licensing Specialist, Child Care Licensing Supervisor, or the Administrator from the Office of Child Care Licensing through a telephone call or face-to-face contact. A voice mail message is not acceptable and does not constitute direct voice contact.

**“Disability”** means a physical, intellectual, emotional, developmental or chronic medical condition or impairment.

**“Division”** means the Division of Family Services within the Department of Services for Children, Youth and Their Families.

**“Division Director”** means the Director of the Division of Family Services.

**“Family”** means biological or adoptive father or birth or adoptive mother, brother and sister, but may be interpreted broadly to include any person, whether related to a child by blood or not, who resides in a child’s home, takes part in a child’s family life, or also may have responsibility for or legal custody of a child.

**“Family Service Plan”** means a comprehensive individualized program of action developed by the Agency in cooperation with a child and his or her birth parent or guardian and any other family member that establishes any goal, objective, and deadline based on resolving any problem that necessitated the placement of the child, any referred service, and if determined to be in the best interests of the child, visitation and reunification plan.

**“Foster Care”** means the temporary care of a child who has been placed in a foster home with a foster parent as approved by an Agency.

**“Foster Home”** means a private residence in which a foster parent lives, and meets the requirements of these Regulations for foster care placement of a child.

**“Foster Parent”** means a person approved by an Agency to provide foster care for a child.

**“Governing Body”** means a group of people with the ultimate responsibility for and authority over the operation of an Agency as, for example, a Board of Directors.

**“Guardian”** means a person appointed by a family court judge pursuant to 13 **Delaware Code**, Chapter 23.

**“Guardian ad litem (GAL)”** means a person appointed by the Court to represent the best interests of a child whether or not that reflects the wishes of the child, and who by his or her appointment, shall be a party to child welfare proceedings. The GAL is charged with obtaining a clear understanding of the situation and needs of a child and making recommendations to the Court as to what is in the best interests of the child.

**“Health Appraisal”** means a medical assessment of a person by a health care provider that may include but is not limited to a physical examination; physical, mental and behavioral health history; progression and assessment of growth and development; current medication; restriction or modification of activity, diet and care; documentation of any recommended or required screening and testing; immunization status with a listing of month and year of administration; and specifically for an adoptive and foster parent applicant, evidence of the lack of a communicable disease, specific illness, disability, and mental condition which would either interfere with the ability to provide care for a child or pose a threat to the health, safety or well-being of a child.

**“Health Care Provider”** means an individual licensed, certified, or otherwise authorized or permitted by law to provide health care in the ordinary course of business or practice of a profession.

**“Hearing”** means due process provided to an Applicant or Licensee when the Applicant or Licensee has requested an appeal of the Division’s decision to deny an application, suspend, or revoke a license, or place a facility on an enforcement action.

**“Home Study”** means assessment of a foster or adoptive parent applicant, any other household member, and the physical environment of his or her home to determine suitability as a foster or adoptive parent. A home study must be updated at least yearly or whenever a significant change occurs in the household.

**“Home Study Update”** means a home study has been reviewed at least annually to ensure all information is current and valid and updated through an addendum.

**“Household Member”** means a person living permanently or temporarily in a home with a foster or adoptive parent applicant or approved foster or adoptive parent without regard to whether he or she is related by marriage/civil union or blood and without regard to the length of time or continuity of such residence, and may include a person who previously lived in the home as a member of the household.

**“Infant”** means a child who is less than one (1) year old.

**“Institutional Abuse Unit”** means a section within the Division of Family Services, Department of Service for Children, Youth and their Families that investigates child abuse or neglect which has occurred to a child in the Department’s custody and while placed in a facility, center or home operated, contracted or licensed by the Department.

**“Institutional Child Abuse or Neglect”** means the injury, maltreatment, or mistreatment of a child by a person or persons responsible for a child’s care in an out-of-home setting, jeopardizing the well-being of a child as defined in 11 **Del.C.** §468 and 16 **Del.C.** §902 including but not limited to the physical injury through unjustified force, emotional abuse, torture, criminally negligent treatment, sexual abuse, or exploitation.

**“International Adoption”** means the adoption of a child who resides in a country other than the United States of America, or resides in the United States and is being adopted by a person from another country.

**“License”** means a formal written document issued by the Office of Child Care Licensing permitting the operation of a Child Placing Agency and verifying that a Licensee has demonstrated compliance with the Delacare: Regulations for Child Placing Agencies and any other applicable local, State, Federal and International code, regulation, law, treaty, and agreement, including the Hague Convention.

**“Licensee”** means a person or entity legally responsible for a licensed Child Placing Agency.

**“Licensure”** means the Office of Child Care Licensing issuing a license to a Licensee when in compliance with Delacare: Regulations for Child Placing Agencies and any other applicable local, State, Federal and International code, regulation, law, treaty, and agreement, including the Hague Convention.

**“Medical Care”** means any type of medical, dental, and behavioral health care of a child including treatment, prescribed medication and immunization. Behavioral health includes mental and chemical dependency care.

**“Mixing”** means placement by the Department of Services for Children, Youth and Their Families of a child charged with or adjudicated of a felony level juvenile offense, or adjudicated of a serious misdemeanor level juvenile offense, in the same foster home with a dependent or neglected child who has not committed or has been charged with a delinquent act.

**“Office of Child Care Licensing”** means the governmental organization within the Department authorized under 31 **Del.C.** Ch. 3, Subchapter III, to prescribe, by regulation or otherwise, any reasonable standard for the conduct of a child care facility, institution, agency, association, and organization and to license this entity to conform to the standard.

**“Parent”** means a birth or adoptive mother or biological or adoptive father, guardian, named father or a person named in a sworn statement or consent who has responsibility for or legal custody of a child.

**“Personal Belongings”** means those items, including clothing, toys, photos, mementos brought with a foster child into the foster or adoptive home or accumulated by the child during placement.

**“Post-finalization Services”** means services provided after an adoption is finalized.

**“Post-placement Services”** means services provided after a child is placed for adoption or prior to the finalization of adoption.

**“Pre-adoptive”** means after placement of a child but prior to the finalization of an adoption.

**“Preschool-Age Child”** means a child three (3) through five (5) years of age who is not yet attending a public or private kindergarten program. If a child is older than five (5) years of age and is not yet attending a public or private kindergarten program, that child shall be considered in the pre-school age group until attending kindergarten or first grade, whichever comes first.

**“Regular Basis”** or **“Regularly”** means occurring or scheduled at specific intervals of time for the purpose of monitoring a situation, gathering required information, or providing routine access to an activity or event.

**“Regulation”** means a baseline or minimum standard as established by the Office of Child Care Licensing and required for licensure. A Licensee of an Agency may and is encouraged to exceed a baseline or minimum standard required by Delacare: Regulations for Child Placing Agencies.

**“Relative”** means a person having any of the following relationships by blood, marriage/civil union, or adoption to a child including parent, grandparent, great-grandparent, brother, sister, aunt, uncle, stepparent, stepbrother, and stepsister.

**“Respite Care”** means alternate care provided for 14 days or less for a foster child placed by an Agency.

**“Revocation”** means a process of rescinding a License during the effective dates of the License. If the process concludes with a decision by the Secretary of the Department to revoke a License, a Licensee shall cease operation of a Child Placing Agency within thirty (30) days of the decision.

**“School-Age Child”** means a child five (5) years of age or older or who is attending kindergarten or higher grade. A child shall be considered school-age beginning the first day attending kindergarten or first grade whichever comes first.

**“Secretary”** means the Cabinet Secretary of the Department of Services for Children, Youth and Their Families.

**“Service Plan”** means a comprehensive individualized program of action for a child and his/her family developed by the Agency in cooperation with the child, biological family, foster parent(s), and referral source to establish specific goals and objectives, and deadlines for meeting these goals and objectives based on the child's age, functioning level, and perception of time and on the family's ability to understand and participate.

**“Snack”** means supplemental food served between meals.

**“Social Worker”** means a person holding the appropriate credentials who works directly with children, their families, and other relevant individuals and who is primarily responsible for the development, implementation, and review of service plans for the child and family; or performs home finding and assessment studies related to foster home and adoptive services.

**“Special Needs”** means a diagnosed physical disability, chronic disease requiring medical attention, or a mental, educational, or emotional condition requiring treatment.

**“Staff or Staff Member”** means any full- or part-time employee of an Agency including a Volunteer working over five (5) days or 40 hours a year.

**“Suspension Hearing”** means an informal hearing between the Division Director or his/her designee, the Office of Child Care Licensing, and a Licensee in order to determine whether a License remains suspended.

**“Suspension Order”** means a notice issued by the Office of Child Care Licensing to a Licensee directing that services be discontinued on a specified date. A Licensee shall not provide services during the term of a Suspension Order.

**“Toddler”** means a child who is between the age of twelve (12) months and less than thirty-six (36) months of age.

**“Training”** means successful participation and completion in an organized professional development activity that is approved or accepted by the Office of Child Care Licensing in order to develop or enhance competencies of an Agency staff member, and foster and adoptive parent.

**“Variance”** means the non-transferable written authorization issued by the Division granting the Provider approval to use the specifically approved alternative means to meet the intent of the specific licensing regulation(s) in a manner other than originally prescribed in regulation which maintains the health, safety, and well-being of a child or client of an Agency

**“Volunteer”** means a person who provides an unpaid service or support to an Agency.

**“Young Adult”** means a person who, for the purposes of these Regulations, has turned eighteen (18) years of age but remains in foster care pursuant to a board extension approved by the Division of Family Services and is not yet living independently.

## **6.0 Child Placing Agency Licensure**

- 6.1 A corporation, partnership or individual shall not operate or maintain a Child Placing Agency unless issued a license to do so by the Office of Child Care Licensing.
- 6.1.1 Anyone who violates 31 Del.C. Ch. 3, Subchapter III, The Delaware Child Care Act shall be fined not more than \$100 or imprisoned not more than three (3) months, or both.

## **7.0 Application Process**

- 7.1 An Applicant shall obtain information on the Delaware: Regulations for Child Placing Agencies, and the licensure process by contacting the Office of Child Care Licensing to schedule a meeting.
- 7.2 An Applicant shall apply for a License on a form provided by the Office of Child Care Licensing and in a manner prescribed by the Office of Child Care Licensing which includes a signed statement which certifies that he or she:
- 7.2.1 Has read and understands these Regulations;
- 7.2.2 Intends to maintain compliance with these Regulations and any other applicable local, State, Federal and International code, regulation, law, treaty, and agreement, including the Hague Convention;
- 7.2.3 Intends to provide service throughout the majority of a licensure period;
- 7.2.4 Has provided information that is true to the best of his or her knowledge; and
- 7.2.5 Will not discriminate on the basis of sex, sexual orientation, race, religion, cultural heritage, disability, marital status, or economic status.
- 7.3 An Applicant shall submit a completed and signed application including any other required information to the Office of Child Care Licensing.

7.3.1 Other information may include, when applicable, any other authorization, inspection, or document that states any limitation on the use of Agency property through a deed restriction, lease or rental agreement, or as required by a code, regulation, or law such as, but not limited to, the Division of Public Health, City or State Fire Marshal, Division of Revenue, Department of Natural Resources and Environmental Control, Land Use, or Zoning.

7.4 An Applicant shall demonstrate to the satisfaction of the Office of Child Care Licensing that he or she and an Agency is in compliance with any applicable provision of these Regulations, and any other applicable local, State, Federal and International code, regulation, law, treaty, and agreement, including the Hague Convention, before a License may be issued.

## **8.0 License and Initial License**

8.1 A Licensee shall be issued a license only for an Agency for which application is made and for the address of the Agency's actual site where services are being provided.

8.2 A Licensee shall be issued a license that is not transferable, assignable, or subject to sale.

8.3 When an initial application is received, an Office of Child Care Licensing representative shall review the application, confer with the applicant, review the policy and procedures manual for staff and clients, and inspect the premises to determine whether the applicant has complied with applicable provisions of these regulations.

8.4 If an initial license to operate is granted, the initial provisional license shall be issued for six (6) months.

8.4.1 Upon expiration of the initial provisional license, an annual license shall be issued for the balance of the initial twelve (12) month period if the Licensee meets the applicable provisions of these regulations.

8.4.2 A provisional license may be issued or extended (as stated in these Regulations) when the Office of Child Care Licensing determines that a Licensee has demonstrated good faith efforts to achieve compliance but requires additional time to achieve compliance with applicable provisions of these regulations.

8.5 If an initial license to operate is denied, the Office of Child Care Licensing shall notify the applicant in writing of the reason(s) for denial and set forth the applicant's rights to appeal the decision.

8.6 The license shall contain the approved regulated service and display the status of the license (initial provisional, annual, provisional, or extension); effective date of the license; and expiration date of the license.

## **9.0 Annual License**

9.1 An Agency shall request from the Office of Child Care Licensing a license application form at least ninety (90) days before the expiration of the Agency's current license and submit the completed application at least sixty (60) days before expiration of the current license. Upon receipt of a completed application, an Office of Child Care Licensing representative shall review the application, confer with the applicant, and inspect the premises, files, policy manuals, and other relevant documentation to determine whether the applicant has complied with applicable provisions of these regulations.

9.2 An annual license may be issued only to the Child Placing Agency for which application is made and for the address of the Child Placing Agency's actual site when the Office of Child Care Licensing has made a thorough investigation and has determined in accordance with reasonable standards:

9.2.1 The good character and intention of the applicant or applicants;

9.2.2 The present and prospective need of the service rendered;

9.2.3 The employment of capable, trained and experienced workers;

9.2.4 Sufficient financial backing to ensure effective work;

9.2.5 The probability of the service being continued for a reasonable period of time;

9.2.6 Whether the methods used and disposition made of the children served will be to their best interests and that of society;

9.2.7 Whether the Regulations and requirements of the Office of Child Care Licensing are properly met;

9.2.8 The required criminal background checks are completed and approved; and

9.2.9 The Licensee is in compliance with applicable provisions of these Regulations and any other applicable local, State, Federal, and international code, regulation, law, treaty, and agreement including the Hague Convention, throughout an annual licensure period.

9.3 A Licensee shall be issued an annual license that is effective for one (1) year from the date of issuance, unless it is:

9.3.1 Modified to a provisional license or license extension;

9.3.2 Denied;

9.3.3 Revoked;

9.3.4 Surrendered prior to an expiration date;

9.3.5 Nullified; or

9.3.6 Suspended.

9.4 A Licensee shall maintain compliance with applicable provisions of these Regulations and any other applicable local, State, Federal, and international code, regulation, law, treaty, and agreement including the Hague Convention, throughout an annual licensure period.

9.5 When a Licensee makes timely and sufficient application for renewal of an annual license, the existing license shall not expire until the Office of Child Care Licensing makes a decision on the renewal application.

## **10.0 Provisional License**

10.1 A Licensee may be issued a provisional license when temporarily unable to comply with requirements of these Regulations and the Office of Child Care Licensing has determined that:

10.1.1 There is no serious risk to the health, safety and well-being of a child;

10.1.2 A Licensee has agreed to fulfill and operate under conditions as stated in a written corrective action plan or agreement of understanding as developed by the Office of Child Care Licensing and the Licensee;

10.1.3 A Licensee demonstrates to the Office of Child Care Licensing the intent to comply with a corrective action plan or agreement of understanding; and

10.1.4 A Licensee demonstrates at the time of issuance and continues throughout the period of a provisional license to demonstrate a good faith effort to achieve compliance but requires additional time to achieve compliance.

10.2 A provisional license may be extended to a maximum of (6) months (or longer with the permission of the Office of Child Care Licensing Administrator), when the Office of Child Care Licensing determines that a Licensee has demonstrated good faith efforts to achieve compliance but requires additional time to achieve full compliance with applicable provisions of these regulations.

10.3 A Licensee may request a provisional license be replaced with an annual license in advance of the provisional license's expiration date through a written request to the Office of Child Care Licensing and the Licensee demonstrates that a corrective action plan or agreement of understanding is completed and the Agency is in full compliance.

10.4 A Provisional License shall be replaced with an annual license for the remainder of the twelve (12) month licensing period once the Licensee is in full compliance with these Regulations.

## **11.0 License Renewal**

11.1 A Licensee shall be required to renew a license annually.

11.2 A Licensee shall make a request to the Office of Child Care Licensing by direct voice contact or in writing to obtain a license renewal application material at least ninety (90) calendar days before the expiration of a current license.

11.3 A Licensee shall submit a fully completed, signed, and notarized license application form and all required material and as specified in these Regulations to the Office of Child Care Licensing at least sixty (60) calendar days prior to the expiration of a current license.

## **12.0 Posting A License**

A Licensee shall post a license to operate in a place conspicuous to the public at the address of the Agency's actual site where services are being provided.

## **13.0 Changes Affecting A License**

13.1 A Licensee shall notify the Office of Child Care Licensing in writing at least ninety (90) days calendar days prior to any of the follow planned changes:

13.1.1 Relocation of an Agency's office in which service is provided;

13.1.2 Name of an Agency;

13.1.3 A Chief Administrator leaves;

13.1.4 A new Chief Administrator is appointed; and

13.1.5 Applicable type of regulated service authorized.

## **14.0 Nullification of License**

- 14.1 The license of an Agency shall immediately become null and void and be returned to the Office of Child when:
  - 14.1.1 An Agency is leased or sold to another corporation, partnership or person;
  - 14.1.2 An Agency's office in which regulated services are provided is relocated outside of the State of Delaware or moved to another location within the State of Delaware;
  - 14.1.3 Operation of an Agency is discontinued;
  - 14.1.4 A license has been surrendered to the Office of Child Care Licensing;
  - 14.1.5 A license has been denied;
  - 14.1.6 A License has been revoked; or
  - 14.1.7 A License has expired.

## **15.0 Suspension, Denial or Revocation of a License**

- 15.1 An Applicant or Licensee shall have the application for a license denied or have a license suspended or revoked by the Division for reasons including but not limited to the following:
  - 15.1.1 Failure to comply with these Regulations and any other applicable local, State, Federal, and International code, regulation, law, treaty, and agreement, including the Hague Convention;
  - 15.1.2 Violation of any term or condition of a License, corrective action plan, or agreement of understanding;
  - 15.1.3 Use of fraud or misrepresentation in obtaining a License or in the subsequent operation of an Agency;
  - 15.1.4 Refusal to furnish any information, file, or record to a representative of the Office of Child Care Licensing and any other local, State, Federal and International official for the purpose of determining compliance and investigating a complaint of non-conformity with these Regulations, and any other applicable local, State, Federal, and International code, regulation, law, treaty, and agreement, including the Hague Convention;
  - 15.1.5 Refusal to permit access to an Agency during the hours of operation by a representative of the Office of Child Care Licensing and other local, State, Federal, and International officials with responsibility for monitoring, approving, or authorizing the use or safety of the Agency, or provides payment for service provided at the Agency;
  - 15.1.6 Refusal to respond to and cooperate with a request from a representative of the Office of Child Care Licensing, and any other authorized local, State, Federal and International official and allow for an announced or unannounced inspection of any area or aspect of the operation of an Agency which affects or potentially affects a child or any other client of the Agency including access to unlicensed space of the Agency for the purposes of determining compliance or investigating a complaint of non-compliance with these Regulations, or any other applicable local, State, Federal, and International code, regulation, law, treaty, and agreement, including the Hague Convention, and suspected child abuse and neglect;
  - 15.1.7 Engagement in any activity, policy, practice or conduct that adversely affects or presents a serious or imminent danger, or risk thereof to the health, safety or well-being to a child or any other client of an Agency;
  - 15.1.8 Conduct that otherwise demonstrates unfitness by a Licensee or an Agency staff member to operate an Agency; or
  - 15.1.9 Operation of any activity at an Agency not permitted under these Regulations or any other applicable local, State, Federal and International code, regulation, law, treaty, and agreement, including the Hague Convention.
- 15.2 A Licensee shall immediately cease operation of an Agency upon receiving a verbal or written suspension order from the Office of Child Care Licensing.
  - 15.2.1 A verbal suspension order will be followed by a written suspension order.
- 15.3 A Licensee shall relinquish a license to the Office of Child Care Licensing, or may request a hearing to appeal a suspension order within ten (10) business days after the receiving the written suspension order.
- 15.4 A Licensee not requesting a hearing shall have an Agency remain under suspension until:
  - 15.4.1 Forty-five (45) days have lapsed since a written suspension order was issued;
  - 15.4.2 Any term agreed upon between a Licensee, Agency and Office of Child Care Licensing in a corrective action plan or agreement of understanding has been met;
  - 15.4.3 A determination has been made by the Office of Child Care Licensing that a Licensee or Agency has not engaged in an activity, policy, practice, or conduct that adversely affected or presented a serious or imminent danger, or risk to the health, safety or well-being of a child or any other client of an Agency; or
  - 15.4.4 A determination has been made by the Office of Child Care Licensing to revoke a license or deny a renewal application based on a decision issued by the Secretary of the Department or his or her designee.

- 15.5 An Applicant or Licensee shall receive a notice from the Office of Child Care Licensing of intent to deny an application or revoke a license.
- 15.6 An Applicant or Licensee may make a request for a hearing to appeal the Office of Child Care Licensing's intent to deny or revoke a license within ten (10) business days after a receipt of a notice.
- 15.7 An Applicant or Licensee not making a request for a hearing shall be informed by the Office of Child Care Licensing that a denial or revocation is final thirty (30) calendar days after the receipt of a notice of intent to deny or revoke.

## **16.0 Regulation Variance**

- 16.1 An Applicant or Licensee shall submit a written request to the Division when requesting a variance from a specific Regulation in a format set forth by the Office of Child Care Licensing.
- 16.2 An Applicant or Licensee shall, at a minimum, describe how an intent of a Regulation can be satisfactorily achieved in a manner other than originally prescribed in a Regulation and provide an explanation how the health, safety, and well-being of any child or client of an Agency will be maintained.
- 16.3 An Applicant or Licensee shall be notified in writing of the Division's decision to grant or not grant a variance, including any specific condition required by the Division to satisfactorily meet intent of a Regulation and whether a variance is considered time-limited or indefinite.
- 16.4 A Licensee shall be required to maintain a copy of the Division's decision on file at the Agency.
- 16.5 A Licensee shall be monitored by the Office of Child Care Licensing for continuous compliance with any specific condition of a variance. Failure to comply will lead to enforcement action and revocation of the variance.

## **17.0 Authority To Inspect**

- 17.1 A Licensee shall allow access to an Agency during the hours of operation by a representative of the Office of Child Care Licensing and other local, State, Federal and International official with responsibility for monitoring, approving, or authorizing service, prescribing under what condition such service may be provided by the Agency, or provides payment for service provided by the Agency.
- 17.2 A Licensee shall respond to and cooperate with any request from a representative of the Office of Child Care Licensing, and other authorized local, State, Federal and International official and allow for an announced or unannounced inspection of an Agency or any aspect of the operation of the Child Placing Agency which affects or potentially affects children when clients of the Agency including access to and request for any information and requests for any information, files and records for the purposes of determining compliance and/or investigating complaints of suspected abuse and neglect, or non-conformity with applicable provisions of these Regulations, or any other applicable local, State, Federal, and International code, regulation, law, treaty, and agreement, including the Hague Convention.
- 17.3 A Licensee shall not impede and shall permit an interview of him or herself, a staff member, a child as a client, and the birth, foster and adoptive parent of the child by a representative of the Office of Child Care Licensing, and any other authorized local, State, Federal and International official for the purpose of determining compliance and investigating a complaint of non-conformity with applicable provisions of these Regulations, or any other applicable local, State, Federal, and International code, regulation, law, treaty, and agreement, including the Hague Convention.

## **18.0 Complaint Investigation**

- 18.1 A Licensee and Agency shall be investigated when the Office of Child Care Licensing receives a complaint regarding possible violations of Delacare: Regulations for Child Placing Agencies.
- 18.2 A Licensee and Agency shall be investigated by the Department's Institutional Abuse Investigation Unit for a complaint regarding the abuse or neglect of a child while a client of the Agency.
- 18.3 A Licensee and Agency shall be notified that a complaint is being investigated. This notification may be in the form of an unannounced visit to investigate the complaint.
- 18.4 A Licensee and Agency shall receive a result of the Office of Child Care Licensing's investigation in writing via a letter or email to the Agency.
- 18.5 A Licensee and Agency shall be required to correct any violation and come into compliance with these Regulations and any applicable local, State, Federal, and International code, regulation, law, treaty, and agreement, including the Hague Convention, if a complaint is substantiated or if any other violation is found as a result of an investigation.

- 18.6 A Licensee and Agency shall be referred to another local, State, Federal and International agency for investigation of a complaint under its jurisdiction or authority relating to its specific code, regulation, law, treaty, and agreement, including the Hague Convention.
- 18.6.1 A report on investigation findings from another local, State, Federal and International agency shall be requested by the Office of Child Care Licensing at the time of a referral to determine compliance with Delacare: Regulations for Child Placing Agencies.
- 18.7 A Licensee and Agency shall be referred to Law Enforcement for an investigation of any complaint that may constitute a crime.
- 18.8 A Licensee shall not discourage, inhibit, penalize or otherwise impede any staff member from reporting any suspected or alleged incident of child abuse or neglect.

## **ADMINISTRATION AND ORGANIZATION**

### **19.0 Notification to the Office of Child Care Licensing**

- 19.1 A licensee shall immediately notify the Office of Child Care Licensing by direct voice contact during the Office of Child Care Licensing's business hours of a death of a child while a client of an Agency. If the death occurs after such business hours, a Licensee shall immediately call the 24-Hour Child Abuse/Neglect Hotline (currently listed as 1-800-292-9582).
- 19.2 A licensee shall notify the Office of Child Care Licensing within one (1) business day by direct voice contact during the Office of Child Care Licensing's business hours if any of the following occur:
- 19.2.1 Any fire; any flood; or any other serious damage due to any natural or man-made disaster that impacts an Agency's ability to operate safely;
- 19.2.2 Injury of a child who is a client of an Agency that requires inpatient or out-patient treatment. The direct voice contact shall be followed by a written report within five (5) business days on a form provided by the Office of Child Care Licensing;
- 19.2.3 Suspected abuse or neglect of a child as defined in 10 Delaware Code, Section 901 (1) while a client of an Agency after immediately calling the 24-hour Child Abuse/Neglect Hotline (currently listed as 1-800-292-9582) to report the suspected abuse or neglect;
- 19.2.4 A subsequent charge, arrest, or conviction of a Licensee or Agency staff member;
- 19.2.5 Involvement of a Licensee or Agency staff member with the Department due to child abuse or neglect;
- 19.2.6 A breakdown of equipment at an Agency that could pose a threat to the health and safety of a client especially a child who is present at the Agency including but not limited to the lack of an operating toilet, interruption of running water, loss of telephone service, failure of smoke/fire alarm system, and failure of heating system (inability to maintain a minimum temperature of sixty-five (65) degrees) and cooling system (inability to maintain a maximum temperature of eighty-five (85) degrees); and
- 19.2.7 Suspension or loss of a license to provide services for children in another State or Country.
- 19.3 A licensee shall notify the Office of Child Care Licensing within five (5) business days by direct voice contact and follow-up in writing within five (5) business days to the assigned Licensing Specialist of the following:
- 19.3.1 Resignation, dismissal, or hiring of a Chief Administrator; or
- 19.3.2 Change in telephone number of an Agency.
- 19.4 A Licensee shall report to the Office of Child Care Licensing in writing or by direct voice contact at least sixty (60) days in advance of a change in address of an Agency. A new License shall be required at the new address prior to providing services at that new location.
- 19.5 A licensee shall notify the Office of Child Care Licensing in writing at least ninety (90) calendar days before any of the following changes:
- 19.5.1 Ownership or sponsorship;
- 19.5.2 Name of an Agency;
- 19.5.3 Applicable type of regulated service being provided or authorized; or
- 19.5.4 Anticipated closing of an Agency.

### **20.0 Documentation Of Authority To Operate**

- 20.1 A licensee shall have on file or readily available documentary evidence of a source of authority to operate.
- 20.1.1 A licensee of a privately-owned Agency shall have documents identifying the name and address of an owner.

20.1.2 A licensee shall ensure that a corporation, partnership or association identifies the name and address of each officer and director.

20.1.3 A licensee shall provide, when applicable, a charter, partnership agreement, constitution, articles of association and by-laws.

## **21.0 Governing Body**

21.1 A licensee shall have an identifiable owner and functioning governing body with responsibility for and authority over the operation of an Agency.

21.1.1 A corporation, partnership or association shall have, when applicable, documents identifying any member and officer of a governing body; his or her address; and term of membership;

21.1.2 When a governing body is composed of more than one (1) person, the governing body shall hold a formal meeting at least annually.

21.1.3 A licensee shall have written minutes of each governing body meeting.

## **22.0 Responsibilities Of A Governing Body**

22.1 A licensee shall ensure a governing body of an Agency performs the following duties:

22.1.1 Requires a Licensee and Agency's continual compliance and conformity with the provisions of an Agency's charter;

22.1.2 Requires a Licensee and Agency's continual compliance and conformity with these Regulations, and any applicable local, State, Federal, and International code, regulation, law, treaty, and agreement, including the Hague Convention, governing the operation of an Agency;

22.1.3 Requires that an Agency is adequately funded and fiscally sound;

22.1.4 Reviews and approves an Agency's annual budget and program;

22.1.5 Appoints a Chief Administrator of an Agency, along with the delineation of the responsibilities of the position, and delegates sufficient authority to the person to manage the Agency;

22.1.6 Completes an annual written evaluation of a Chief Administrator based on a job description and standards of performance; and

22.1.7 Meets with a representative of the Office of Child Care Licensing whenever required to do so.

## **23.0 Accessibility of Chief Administrator**

A licensee shall have a written policy to ensure a Chief Administrator or designated person with executive authority is accessible to an Agency staff member and a representative of the Office of Child Care Licensing at all times.

## **24.0 Program Description**

A licensee shall have a written description of an Agency's philosophy, purpose and program. This description shall outline all services provided by an Agency, each method of service delivery, and made available to referral sources and members of the public upon request.

## **25.0 Location and Office**

25.1 A licensee shall have a permanently staffed office located within the State of Delaware.

25.2 A licensee shall have space and equipment necessary to provide any service as described in an Agency's Program Description and to ensure privacy during a client interview.

25.3 A licensee shall have an operating telephone at each Agency location and an Agency phone number in a public telephone directory.

## **26.0 Accounting**

26.1 A licensee shall annually develop and implement a plan of financing to ensure continued operation of any program and service, proper care for a child and fulfillment of any applicable licensing regulation.

26.2 A licensee shall obtain an annual audit of all financial accounts. A non-governmental agency audit shall be conducted by an independent certified public accountant. An Agency operated by a governmental unit shall have an audit conducted as required by statute.

## **27.0 Record Maintenance**

27.1 A licensee shall ensure a record is maintained as property of an Agency.

- 27.2 A licensee shall maintain any current or active record for clients within the State of Delaware.
- 27.3 A licensee shall maintain each record in a standardized order and format to facilitate efficient access to information by any authorized Agency staff member.
- 27.4 A licensee shall have a written policy for record security, maintenance, and disposal that addresses:
  - 27.4.1 Assigning the responsibility of supervising record maintenance and custody;
  - 27.4.2 Securing a record against loss, damage, tampering, accessibility and unauthorized use;
  - 27.4.3 Determining to whom a record may be released;
  - 27.4.4 Protecting of any tangible record such as a paper record, microfilm or microfiche from damage by storing it in locked metal files in a secure location which may be off-site storage;
  - 27.4.5 Protecting of any record stored on a computer by duplicating the record through an appropriate back-up system or storing a duplicate at a secure location off-site;
  - 27.4.6 Determining what type of record or portion of a record must be kept permanently;
  - 27.4.7 Creating a storage system for any permanent record that ensures certain information is protected and retained indefinitely;
  - 27.4.8 Determining what type of record or portion of the record may be destroyed and when disposal is appropriate; and
  - 27.4.9 Transferring and retaining a record in the event the Agency closes.

## **28.0 Confidentiality**

- 28.1 A licensee shall maintain the confidentiality of each client case record.
- 28.2 A licensee shall ensure and document that any Agency staff member and volunteer with access to client information, including any clerical and administrative personnel, is aware of a responsibility to safeguard against the disclosure of client information to an unauthorized person.
- 28.3 A licensee shall not, without the voluntary, written consent of a parent or guardian or order of the court, release any information concerning a child except to the child, his or her parent or guardian, their respective legal counsel or an authorized public official in the performance of mandated duties.
  - 28.3.1 A licensee shall be able to release information necessary for the purpose of adoption and foster care planning and recruitment or post-placement and post-finalization services.
- 28.4 A licensee shall, upon request, make available information in a case record of a child to the child, his or her parent or guardian and their respective legal counsel when the information being released does not contain material which violates the right of privacy of another person or material that should be withheld from release according to other laws or by order of the court.
  - 28.4.1 A licensee may, at its own discretion, withhold information from a child or a parent or guardian when the information is considered, in the opinion of an authorized and informed professional, potentially damaging to the child.
  - 28.4.2 A licensee shall have a procedure whereby a child or a parent or guardian can appeal any decision to withhold information.
- 28.5 A licensee may use material from a case record for teaching or research purposes, development of the governing body's understanding and knowledge of the Agency's services or similar educational purposes provided that any name is deleted and other identifying information is disguised or deleted.

## **29.0 Administrative File**

- 29.1 A licensee shall assemble an administrative file containing the following information and documents:
  - 29.1.1 Governing structure including the charter, articles of incorporation;
  - 29.1.2 By-laws or other legal basis for its existence;
  - 29.1.3 An organizational chart of an Agency including the name and position of each staff member;
  - 29.1.4 Name and position of any person authorized to sign agreements and submit official documentation to the appropriate government agency;
  - 29.1.5 Board structure and composition with each member's name and address and term of membership;
  - 29.1.6 Proof of current liability insurance coverage or other applicable insurance; and
  - 29.1.7 Procedure for notifying any interested party of any change in Agency policy and program.

## **30.0 Misleading Information**

- A licensee shall not knowingly or intentionally use any document known to be false, make any statement known to be

false or conceal any material fact in the process of placing a child.

### **31.0 Fund Raising And Agency Publicity**

31.1 A licensee shall have a written policy regarding the involvement of a child in fund raising and a public relations activity. This policy shall protect a child's rights to privacy and dignity.

31.1.1 A photograph, videotape, film or recording which would result in a child's identification shall not be used for research or for the purpose of an Agency's fund raising or public relations without the written consent of the child's parent or guardian and notification of the child's custodian and GAL.

### **32.0 Research**

A licensee shall have a written policy regarding the participation of a child in any research project. The policy shall conform to the National Institute of Mental Health Standards on Protection of Human Subjects.

### **33.0 Interstate Compact**

A licensee shall comply with the terms of the Interstate Compact for Juveniles, Interstate Compact on the Placement of Children and Interstate Compact on Adoption and Medical Assistance when accepting a child for placement who resides in another State or placing a child in another State.

### **34.0 Mixing Law**

A licensee shall comply with the Delaware Mixing Law, 10 Del.C. §1009(j) when accepting a child for placement in a foster home.

### **35.0 International Adoption**

A licensee participating in an international adoption shall abide by any applicable local, State, Federal, and International code, regulation, law, treaty, and agreement, including the Hague Convention.

### **36.0 Intake**

36.1 A licensee shall have a written policy including a time period for handling a foster or adoptive parent application, public inquiry and request for service. This policy shall include a procedure for documenting:

36.1.1 Referral assistance for a person requiring a service not provided by an Agency;

36.1.2 Request for service and reason for acceptance or denial of a service; and

36.1.3 A foster or adoptive parent application and the disposition of the application.

### **37.0 Fees**

37.1 A licensee shall ensure when a fee is charged, an Agency has a policy, clearly written in common language, describing the fee structure. This policy shall include a description of any fee for service and of any condition under which the fee is charged, reduced, waived or refunded.

37.1.1 A licensee shall make this policy available to any person accepted for a service for which a fee is charged and to any member of the public upon request.

### **38.0 Appeal Procedure**

38.1 A licensee shall have a written appeal procedure for a client such as a child, a birth parent or guardian of a child, an adoptive or foster parent applicant, or an approved foster or adoptive parent who wants to appeal a decision made by an Agency. This policy shall be provided to a client as soon as service begins and ensures that:

38.1.1 A time period is established for each aspect of an appeal process.

38.1.2 A staff member who is not directly involved with a client and the decision being appealed is made available to gather factual information from the client regarding the appeal of a decision; and

38.1.3 The appeal process offers the opportunity to have a decision reviewed at a higher administrative level than the original decision.

### **39.0 Procedure for Investigating a Complaint Against a Foster and/or Pre-Adoptive Parent**

39.1 A Licensee shall ensure there is a written procedure describing a process for investigating a complaint against a foster and/or pre-adoptive parent.

- 39.2 A Licensee shall ensure an Agency staff member promptly responds to a person making a complaint through the following steps:
  - 39.2.1 Gathering factual information regarding the complaint;
  - 39.2.2 Sharing information on the investigative process;
  - 39.2.3 Advising that his or her name shall be kept confidential unless the Agency is ordered by an appropriate authority to release his or her name, or he or she authorizes such release; and
  - 39.2.4 Informing of the possibility to follow-up on any information provided.
  - 39.2.5 Creating a corrective action plan if needed.
- 39.3 A licensee shall ensure a Chief Administrator is informed of a receipt and nature of a complaint and a degree of risk to a child is immediately determined.
  - 39.3.1 The Department's Institutional Abuse Unit shall be immediately contacted whenever a complaint is received regarding suspected abuse or neglect of a child.
- 39.4 A licensee shall ensure the following time periods are implemented when investigating a complaint:
  - 39.4.1 Begin an investigation and notify a foster or pre-adoptive parent of a complaint by making an unannounced visit to the foster or adoptive home no later than one (1) business day if an allegation poses an immediate or potential threat to the health, safety or well-being of a child;
  - 39.4.2 Contact the Division of Public Health within one (1) business day if an allegation involves a serious environmental hazard;
  - 39.4.3 Contact the State Fire Marshal's Office within one (1) business day if an allegation involves fire safety;
  - 39.4.4 Begin an investigation no later than five (5) business days if an allegation has been made that pose a potential threat to the health, safety or well-being of a child;
  - 39.4.5 Contact the Division's Foster Care Administrator within five (5) business days if an allegation has been made against contracted foster care;
  - 39.4.6 Contact the Division's Adoption Administrator within five (5) business days if an allegation has been made involving a pre-adoptive home.
- 39.5 A licensee shall ensure the following steps are used to investigate a complaint:
  - 39.5.1 Provide an opportunity in a private setting for a foster or pre-adoptive parent or child to thoroughly respond to an allegation;
  - 39.5.2 Record all information and findings obtained in the course of an investigation;
  - 39.5.3 Make any contact as necessary to gain appropriate information for an investigation;
  - 39.5.4 Report to a foster or pre-adoptive parent that a complaint investigation report will serve as a method for conveying an official finding of an investigation;
  - 39.5.5 Create a complaint investigation report utilizing a format provided by the Office of Child Care Licensing that documents a complaint investigation finding and any recommended corrective action stated in an improvement plan. The report shall contain:
    - 39.5.5.1 Identification of a foster or pre-adoptive parent and his or her complete home address;
    - 39.5.5.2 Summary of a complaint allegation;
    - 39.5.5.3 Any regulation allegedly in noncompliance;
    - 39.5.5.4 Method(s) used in conducting a complaint investigation including dates and persons interviewed;
    - 39.5.5.5 A description of any finding including condition of a child in a foster or pre-adoptive home;
    - 39.5.5.6 Conclusion and any improvement plan, and;
    - 39.5.5.7 Signature and date signed of an investigating staff member and initialed by the staff member's supervisor or Chief Administrator.
  - 39.5.6 Create a coding system to protect the name of complainant, witness, birth parent or guardian, foster or pre-adoptive parent, and a child from disclosure unless so ordered by an appropriate legal authority or by appropriate written consent:
    - 39.5.6.1 The coding sheet shall be solely for the use of a licensee and shall only be released by order of appropriate legal authority.
- 39.6 A licensee shall ensure a complaint investigation is completed no later than thirty (30) business days from the date a complaint was received and the following occur:
  - 39.6.1 A copy of a complaint investigation report is mailed to the assigned Licensing Specialist from the Office of Child Care Licensing assigned to an Agency;

- 39.6.2 Approval of a complaint investigation report and corrective action plan or improvement plan is received from the Office of Child Care Licensing, and reviewed by an investigating staff member's supervisor or Agency's chief administrator;
- 39.6.3 An approved, coded complaint investigation report (without coding sheet) is mailed to the foster or pre-adoptive parent;
- 39.6.4 A filing system is created and maintained for completed investigation reports; and
- 39.6.5 The foster or pre-adoptive parent is monitored by the Agency for compliance with any corrective action/recommendation of an improvement plan as stated in a complaint investigation report.

#### **40.0 Personnel Policies and Practices**

A licensee shall have written personnel policies and practices and make them available to all staff and to prospective staff upon request.

#### **41.0 General**

- 41.1 A licensee shall have a written personnel policy governing an Agency's approach to recruit, screen, hire, supervise, orient, train, evaluate, promote and develop a staff member.
  - 41.1.1 The policy shall include a clear, written grievance procedure for a staff member and a written procedure for hiring, discipline, dismissal, suspension and lay-off of a staff member in accordance with applicable laws.
- 41.2 A licensee shall have a written job description for each position within an Agency. Each job description shall specify any responsibility, make reference to any acceptable standard of performance and detail any qualification required for the position.

#### **42.0 General Qualifications**

- 42.1 A licensee shall obtain at least two (2) written letters of reference or a written telephone note from a reference prior to employing any person to work directly with children. The reference shall be from an adult who is familiar with, but not related to, the staff member.
  - 42.1.1 A written letter of reference shall verify that a prospective staff member is of good character and reputation, respects and understands children and families, and is sensitive to the individual needs of each child and his or her family.
- 42.2 A licensee shall require a prospective staff member to sign a release of employment history form provided by the Office of Child Care Licensing that permits the Agency to obtain a service letter as per 19 Del.C. §708 from a current or most recent previous employer, and any health care, child care and child welfare facility for which the staff member was employed with the past five (5) years.
  - 42.2.1 If a prospective staff member has no prior employment history, two (2) additional written letters of reference or a total of four (4) as specified in these Regulations shall be required.
- 42.3 A licensee shall require a staff member to be fingerprinted by the Delaware State Police prior to the first day of employment. A staff member shall be required to provide a fingerprint verification form to an Agency before beginning employment.
  - 42.3.1 A staff member shall have no unsupervised contact with a child until results of fingerprinting have been provided to the Agency.
- 42.4 A licensee shall obtain results of an adult abuse registry check through the Department of Health and Social Services website for a staff member as soon as he or she is hired. The results are to be printed and added to the staff member's file.
- 42.5 A licensee shall not employ or retain in any capacity any person convicted of a sexually related offense or other offenses against a child.
- 42.6 A licensee shall not employ or retain in any capacity any person whose child(ren) are currently removed from his/her custody because of abuse or neglect.
- 42.7 A licensee shall not employ or retain in any capacity a person who has any conviction, current indictment, outstanding warrant, or substantial evidence of involvement in:
  - 42.7.1 Any activity involving violence against a person;
  - 42.7.2 Child abuse or neglect;
  - 42.7.3 Possession, sale or distribution of an illegal drug;
  - 42.7.4 Sale or distribution of a controlled substance;
  - 42.7.5 Sexual misconduct;
  - 42.7.6 Gross irresponsibility or disregard for the safety of another; or

42.7.7 Serious violation of accepted standard of honesty or ethical conduct.

42.8 A licensee may, at its own discretion, make exceptions to the above Regulations when the licensee documents that the health, safety and well-being of a child would not be endangered except as prohibited by the Child Protection Registry law as defined by 16 Del.C. §923 and prohibited by the Criminal Background Check law as defined by 31 Del.C. §309.

**43.0 Health**

43.1 A licensee shall have a written health appraisal for each staff member on file and readily available within the first month of employment. A health appraisal shall be conducted by a health care provider within one (1) year prior to the date of employment at an Agency and attest to a staff member's physical and emotional ability to work with a child.

43.2 A licensee shall require written evidence of freedom from communicable tuberculosis verified within one (1) year prior to the date of employment at an Agency and on file with the Agency prior to the date of initial employment. A staff member shall have further testing according to the Delaware Division of Public Health guidelines.

43.3 A licensee shall require a staff member with a known health problem that poses or potentially poses a risk to a child's health or safety, or affects the staff member's ability to work with a child, to provide prior to returning to work, a written follow-up from a health care provider stating the problem is resolved or no longer poses a risk and does not affect the staff member's job performance or ability to work with children.

43.4 A licensee shall inform a staff member that alcohol or other drug use that adversely affects an essential job function is unacceptable and the unlawful use, possession, manufacture, distribution of controlled substances or alcoholic beverages is prohibited in the workplace.

**44.0 Child Abuse and Neglect**

44.1 A licensee shall develop, adopt, follow and maintain on file written policies and procedures for handling any incident of suspected child abuse or neglect which occurs while a child is in or out of the Agency's care. A licensee shall provide each staff member of the Agency written instruction governing the reporting provision of the Delaware child abuse and neglect law(s) and regulations, and Agency policies and procedures for reporting and documenting suspected abuse and neglect as a part of orientation. A staff member shall have the opportunity to ask questions and obtain clarification on the policies and procedures. A copy of the written documentation of their receipt of this information shall be kept in the staff member's file.

44.2 A licensee shall inform a staff member of his or her legal responsibility to report any suspected or alleged incident of child abuse or neglect to the Division of Family Services through the Child Abuse Reporting Number and shall cooperate fully in an investigation of any incident.

44.2.1 The licensee or staff person who knows or reasonably suspects child abuse or neglect, shall immediately make an oral report to the toll-free Child Abuse Reporting Hot Line, that operates 24/7 (1-800-292-9582). The licensee or staff person should also share the names and contact information for every person at the facility (entity) who has information regarding the report/incident. The Division may contact the reporter or other staff members with knowledge of the situation, to provide additional first-hand information. In addition to an oral report, a written report shall be mailed to the Report Line address on the form or faxed within 72 hours for documentation purposes. (See Appendix - Mandatory Reporting Form). If necessary, a Center designee may be assigned by the Administrator to make the oral report and complete the written report.

44.3 A licensee shall not discourage, inhibit, penalize or otherwise impede any staff member from reporting any suspected or alleged incident of child abuse or neglect.

44.4 Staff should not interview or probe a child to obtain details about the alleged abuse or neglect. A Staff member should ask questions of the child only to obtain basic information needed to make a report: such as how the child was allegedly abused or neglected (type such as physical or sexual), why the child is afraid he or she will be abused or neglected, who is the alleged perpetrator, and when the alleged abuse/neglect occurred. Also, the child should not be questioned more than once. Staff shall follow the protocol(s) of the investigating agency regarding informing the parent/guardian of a child who is the alleged subject victim that either a report has been made or that the Division or law enforcement officer is conducting an investigation of an allegation of abuse or neglect is being conducted.

44.5 A licensee shall develop, adopt, follow and maintain on file a written policy and procedure for handling any incident of suspected child abuse or neglect that occurs while a child is a client of an Agency. The policy and procedure shall contain provisions specifying that:

44.5.1 A licensee shall report an incidence to the Division of Family Services, Department of Services for Children, Youth and their Families;

- 44.5.2 A licensee immediately shall take remedial action to protect a child from harm;
  - 44.5.3 A licensee shall take long-term corrective action such as an internal evaluation to identify and eliminate any factor or circumstance that may have caused or may have otherwise resulted in a continuing risk of abuse or neglect to a child;
  - 44.5.4 Any staff member alleged to have perpetrated an incident of child abuse or neglect shall be removed or suspended from having direct contact with any child, or shall be reassigned to other duties that do not involve contact with a child until the investigation of the incident has been completed;
  - 44.5.5 A licensee shall take disciplinary action against any staff member who committed an act of child abuse or neglect; and
  - 44.5.6 A licensee shall conduct an evaluation of incidents overall and create a system for identifying serious/critical patterns occurring at an Agency.
- 44.6 In cases where it is found that a licensee has failed to report suspected abuse or neglect a report will be filed with the Office of the Attorney General.

#### **45.0 Staff Member Qualifications**

- 45.1 A staff member appointed to a job position prior to the effective date of these Regulations shall be deemed qualified for the position if the staff member's appointment to the position is in accordance with the Regulations in force at the time of an appointment. A person appointed to a position after these Regulations become effective shall meet the qualifications as required in these Regulations for the position.
- 45.2 A licensee shall have evidence that any person providing a service directly to a child is qualified, supervised, certified or licensed as appropriate to the nature of the service provided.
- 45.3 A licensee shall employ a Chief Administrator who meets the following qualifications:
  - 45.3.1 At least a Master's degree from an accredited program in social work or a related human services field such as child welfare, counseling, psychology, child psychology, family studies, or sociology; and
  - 45.3.2 At least four (4) years post-graduate experience in human services or child welfare with at least two (2) years in administration.
- 45.4 A Chief Administrator may also function as a Casework Supervisor.
- 45.5 A licensee shall ensure that a Case Work Supervisor of an Agency has:
  - 45.5.1 At least a Master's degree from an accredited college/university in social work or a related human services field such as child welfare, counseling, psychology, child psychology, family studies or sociology; and
  - 45.5.2 At least two (2) years of post-graduate experience in child welfare or four (4) years child welfare experience.
- 45.6 A licensee shall employ and ensure all Case Workers meet the following qualification:
  - 45.6.1 At least a Bachelor's degree from an accredited college/university in social work or a related human services field such as child welfare, counseling, psychology, child psychology, family studies, or sociology.

#### **46.0 Staffing Policies**

- 46.1 A licensee shall have a written statement establishing and justifying a maximum caseload requirement for a Case Worker. The requirement shall be based on actual workload and shall consider:
  - 46.1.1 Any type of child served by a Case Worker and his or her special needs;
  - 46.1.2 Any type of service to be provided;
  - 46.1.3 Any distance involved in a provision of service; and
  - 46.1.4 Any other required function and responsibility of a Case Worker.
- 46.2 A licensee shall employ or contract for a chief administrator and for a sufficient number of qualified staff members to meet an Agency's maximum caseload requirement, to meet applicable licensing Regulations, and to provide a program or service in the Agency's Program Description.

#### **47.0 Training**

- 47.1 A licensee shall document that each new staff member receives at least eight (8) hours of orientation training during the first month of employment focusing on the staff member's job responsibilities and Agency policies and include an opportunity to ask questions and receive clarification and receive periodic updates as information is revised. Topics shall include but not be limited to:
  - 47.1.1 Information on any other Federal or State laws or regulations applicable to children and families who are clients of the Agency including non-discrimination;

- 47.1.2 Child abuse and neglect laws and reporting requirements and the Agency's procedures to report abuse and neglect;
- 47.1.3 Applicable licensing regulations and the location of a copy of the complete regulations which shall be made available at the Agency for Staff review whenever requested; and
- 47.1.4 Procedures for complaint investigation.
- 47.2 A licensee shall document that a Chief Administrator, each Case Work Supervisor and Case Worker receives thirty-two (32) hours of training annually, excluding orientation and an Agency's philosophy, policies, and procedures. A training session shall be within a topic or core area essential to working with a child and his or her foster, adoptive or birth family; and improving job performance in the child welfare or related human services field.
  - 47.2.1 A Case Work Supervisor or Case Worker working twenty-five (25) hours or less shall be required to receive sixteen (16) hours annually excluding orientation and training regarding an Agency's philosophy, policies, and procedures.
  - 47.2.2 In-service training provided by an Agency staff member, a webinar, on-line training, a college/university credit course, a continuing education unit (CEU), conference, seminar, and workshop within a topic or core areas essential to working with a child and his or her foster, adoptive or birth family; and improving job performance shall be acceptable for annual training.

#### **48.0 Evaluation**

- 48.1 A licensee shall conduct a minimum of one (1) performance evaluation conference per year with each staff member. This conference shall result in a written evaluation report signed and dated by the staff member and supervisor. A copy of the report shall be given to the staff member and a copy maintained in the staff member's personnel file.
- 48.2 A licensee shall provide an opportunity for a staff member to give feedback on his or her evaluation.

#### **49.0 Personnel File**

- 49.1 A licensee shall have a personnel file for each staff member that contains:
  - 49.1.1 Name, home address, telephone number and emergency contact information;
  - 49.1.2 An application for employment or resume;
  - 49.1.3 At least three (3) reference letters or telephone notes on such references from adults who are familiar with but not related to the staff member;
  - 49.1.4 Release of employment history form, service letters obtained and pertinent documentation;
  - 49.1.5 A statement signed by a staff member stating the staff member's status relative to conviction, current indictment or involvement in any criminal activity involving violence against a person, child abuse or neglect; possession, sale or distribution of any illegal drug; sexual misconduct; gross irresponsibility or disregard for the safety of another; or serious violations of accepted standards of honesty or ethical behavior;
  - 49.1.6 Verification of fingerprinting form;
  - 49.1.7 Verification of orientation;
  - 49.1.8 Verification of adult abuse registry check;
  - 49.1.9 If transporting a child, a copy of a current driver's license and proof of car insurance;
  - 49.1.10 Verification of receiving training on mandatory reporting for child abuse and neglect;
  - 49.1.11 Health appraisal, tuberculosis testing result, and when applicable, written follow-up for a health problem;
  - 49.1.12 Any document attesting to a qualification, education and any applicable professional credential/certification;
  - 49.1.13 Copy of job description;
  - 49.1.14 Documentation of training provided and any copy of a certificate of attendance, when applicable;
  - 49.1.15 Documentation of periodic performance evaluation;
  - 49.1.16 Personnel action, commendation, disciplinary report and any other appropriate material, report and note relating to a staff member's employment with an Agency;
  - 49.1.17 Written documentation on the receipt of an Agency's policy manual including verification of client and Agency confidentiality policies and the Agency's policy on a drug-free and alcohol-free work environment; and
  - 49.1.18 The start and termination date of a staff member.

## **50.0 Staff Member Communication**

- 50.1 A licensee shall establish a written procedure for on-going staff communication strategies to ensure compliance with Agency policy, procedure and practice.
- 50.1.1 A staff member working with a child shall have access to and knowledge of case record material as appropriate to the function performed by the staff member.

## **51.0 Volunteers**

- 51.1 A licensee that uses a volunteer shall have a written plan for an orientation, training, supervision and use of a volunteer including a differentiation between a volunteer that has direct contact with a child and those that do not.
- 51.1.1 A volunteer shall have personal and professional qualifications that correspond to tasks performed.
- 51.1.2 A volunteer shall have a written job description and evaluation.
- 51.1.3 A staff member shall be assigned to supervise a volunteer.
- 51.1.4 A volunteer who has direct access to a child and who offers unpaid service or support five (5) or more days or more than forty (40) hours in a one (1) year period shall be required to follow all Regulations pertaining to sections, GENERAL QUALIFICATIONS, HEALTH, AND CHILD ABUSE AND NEGLECT.
- 51.1.5 A volunteer who offers unpaid service or support that lasts less than five (5) days or forty (40) hours in a one (1) year period shall be under direct observation and supervision of a staff member at all times when having direct contact with a child.
- 51.1.6 A copy of an Agency's policy on confidentiality shall be given to each volunteer.

## **52.0 Student Field Placement/internships**

- 52.1 A licensee that accepts a student for field placement or internship with an Agency shall have a written plan describing any task and function assigned to a student. A copy of a plan shall be provided to the student and his/her school. A plan shall include:
- 52.1.1 A Statement of Purpose of a student's involvement, the student's role, and any responsibility;
- 52.1.2 A procedure for a criminal history record check on a student;
- 52.1.3 A procedure for evaluating a student's performance;
- 52.1.4 A description of an arrangement for supervision by a paid staff member;
- 52.1.5 An arrangement for orientation and training in the philosophy of an Agency, confidentiality, needs of a child and any family served, and any method of meeting those needs; and
- 52.1.6 Provision for a student to have input into a service plan for a child and any family with whom he or she is working and to be informed of any special need or problem.
- 52.2 A licensee shall ensure that a student at an Agency for field placement or internship that has direct access to a child and lasts for five (5) or more days or more than forty (40) hours in a one (1) year period shall be required to follow all Regulations pertaining to sections, GENERAL QUALIFICATIONS, HEALTH, and CHILD ABUSE AND NEGLECT.
- 52.3 A licensee shall ensure that a student at an Agency for field placement or internship that lasts less than five (5) days or forty (40) hours in a one (1) year period and has not had a Criminal History Record Check completed, shall be under direct observation and supervision of a staff member at all times when having direct contact with a child.

## **PART II FOSTER CARE**

### **53.0 General Policies and Practices**

### **54.0 The Child**

### **55.0 The Placement Process**

- 55.1 A licensee shall have a written placement policy for foster care that:
- 55.1.1 Matches a child and a foster parent to ensure a child's needs are met;
- 55.1.2 Addresses the needs of biological siblings to remain together;
- 55.1.3 Assures a child is placed in the closest reasonable proximity to the child's birth parent or guardian's home in accordance with the goals of a family service plan; and

55.1.4 Addresses the need of a child to preserve his or her cultural, racial, and religious identities.

## **56.0 Placement Agreement**

A licensee shall have a signed and dated written agreement outlining the rights and responsibilities of both the Agency and a foster parent regarding placement of a child.

## **57.0 Placement Preparation**

A licensee shall document the preparation for each child placed in foster care, replaced, or returned home. Preparation shall be appropriate to a child's age, individual needs, the circumstances necessitating placement, and any special problem presented.

## **58.0 Agency's Legal Right to Provide Care**

A licensee shall maintain documentation of the Agency's legal right to provide care for a child in the child's case record at the time of initial placement into foster care and continuously thereafter.

## **59.0 Initial Placement Outline**

59.1 A licensee shall ensure that the following information be gathered for a child's case record within five (5) days after an initial foster care placement, or the case record contains documentation such as any progress note, email, letter, or fax showing any continuous effort made to gather any missing information:

59.1.1 Date of custody, if applicable;

59.1.2 Birth certificate;

59.1.3 Name, birth date, sex, race, and other significant identifying physical information;

59.1.4 Date of placement;

59.1.5 Name, address, and marital status of a birth parent or name and address of a guardian;

59.1.6 Names and whereabouts of biological siblings;

59.1.7 Religious preference;

59.1.8 Immediate and significant medical care need;

59.1.9 If known, immediate and significant educational need and school;

59.1.10 A child's physical and emotional state at time of placement;

59.1.11 Any circumstance leading to the need for foster care;

59.1.12 Any known previous out-of-home placement;

59.1.13 Any immediate need of a child and birth parent or guardian and any service to be provided to meet the need;

59.1.14 If known, AFDC/TANF eligibility status of a birth parent or guardian;

59.1.15 SSI and SSA eligibility of a child; and

59.1.16 Any contact person such as GAL, CASA, and Division of Family Services representative.

## **60.0 Care And Treatment Team**

60.1 A licensee shall ensure that at the time of an initial placement, a foster parent is informed about a child in a manner consistent with being a member of a care and treatment team. The information shall include:

60.1.1 The name of a child and any member of a care and treatment team;

60.1.2 Any available information about a child's known psychological, behavioral, or mental health characteristic, strength, need, and educational status;

60.1.3 Any current plan to meet a child's needs, as identified in a service plan for the child and the birth parent or guardian;

60.1.4 If known, the name of the GAL, and date and time of court hearing; and

60.1.5 A plan for providing routine and emergency medical care for a child being placed in foster care.

## **61.0 Service Plans**

61.1 A licensee shall develop a service plan for a child and his or her birth parent or guardian.

61.1.1 The plan shall be developed in consultation with a child, his or her birth parent or guardian, foster parent and referral source, unless participation by any of these people is not possible or is not in the child's best interest.

- 61.1.2 A licensee shall document any reason for non-participation of a person or agency.
- 61.1.3 Any person participating in the development of a service plan shall sign and date the completed service plan or include a statement explaining why any information is missing or not included.

## **62.0 Child's Service Plan**

- 62.1 A licensee shall ensure that prior to or within five (5) business days of placement, a service plan for a child is developed to identify the child's immediate needs and contains the following information as applicable:
  - 62.1.1 School registration need;
  - 62.1.2 Current Individual Education Plan in place and in a child's case record;
  - 62.1.3 Physical characteristics including a description of child that includes height, weight, hair and eye color, and any significant scar/body marking;
  - 62.1.4 Physical disability or chronic medical condition;
  - 62.1.5 Current medication;
  - 62.1.6 Description of the situation which led to current/pending placement - include statement explaining basis for the abuse/neglect/dependency;
  - 62.1.7 Identification of any immediate needs of a child;
  - 62.1.8 Mixing approval for placement;
  - 62.1.9 Financial support for placement of a child; and
  - 62.1.10 Signature section that includes signature, date signed, address and phone number of each party involved.
- 62.2 A licensee shall ensure that within thirty (30) business days of placement, a service plan for a child is further developed to identify the needs of the child for the next twelve (12) months and contains the following information:
  - 62.2.1 Physical health;
  - 62.2.2 Dental need;
  - 62.2.3 Educational/vocational need;
  - 62.2.4 Social/emotional need;
  - 62.2.5 Any behavioral issue;
  - 62.2.6 Preparation for independent living, if applicable;
  - 62.2.7 Any court requirement;
  - 62.2.8 Any extracurricular activity;
  - 62.2.9 Any effort to locate a permanent home;
  - 62.2.10 Adoption recruitment, if applicable;
  - 62.2.11 Support services offered to the birth parent or guardian and foster parent;
  - 62.2.12 Visitation arrangement;
  - 62.2.13 Any goal established for the birth parent or guardian and foster parent to help correct any condition that necessitated State intervention and removal;
  - 62.2.14 Biological sibling information including location, placement (together or separated and the reason), and steps taken to maintain regular contact and reunification; and
  - 62.2.15 Signature section including signature, address and phone number of each party involved.
- 62.3 A licensee shall ensure a service plan for a child is reviewed every six (6) month, or for a child in specialized foster care, every three (3) months, and contains information on the progress made in all aspects of the plan.

## **63.0 Child's Family Service Plan**

- 63.1 A licensee shall ensure that a family service plan is developed by an Agency in cooperation with a child and his or her birth parent or guardian that contains the following information:
  - 63.1.1 Any specific goal, objective and deadline for a child's birth parent or guardian for based on resolving any problem that necessitated the placement of the child;
  - 63.1.2 Any referred service; and
  - 63.1.3 Visitation and reunification plans when determined to be in the best interests of a child.

## **64.0 Family Engagement**

- 64.1 A licensee shall ensure that a foster parent develops a working relationship with a child's birth parent or guardian in accordance with a family service plan and in cooperation with an Agency staff member.

- 64.2 A licensee shall ensure that a foster parent allows a child to communicate with a birth parent or guardian and any other family member in accordance with the child's family service plan.
- 64.3 A licensee shall arrange for a visit between a child and birth parent or guardian, and any other family member in accordance with a family service plan.
- 64.4 A licensee shall keep a record of any visit or an effort made to have visitation between a child and a birth parent or guardian and any other family member.

#### **65.0 Child Visits In The Foster Home**

- 65.1 A licensee shall ensure that each child is personally visited in a foster home by the Case Worker assigned to the child at least once a month.
- 65.2 A licensee shall ensure that a foster parent keeps a record documenting whenever a child is visited in a foster home. The documentation shall include the name of the person, relationship to the child, the time, date, and duration of and reason for a visit.

#### **66.0 Legal Name Of Child**

- 66.1 A licensee shall ensure a child's legal name is used by an Agency and foster parent for any document and record such as but not limited to a service plan, registering for child care, school registration, receiving medical care, and any court record.
- 66.2 A licensee shall ensure that a foster parent is informed to call a child by his or her legal name or familiar nickname.
- 66.3 A licensee shall ensure that a foster parent is informed that using or calling a child by a different name is not acceptable until an adoption is finalized unless written permission is granted by a child's birth parent or guardian and documented in the child's service plan.

#### **67.0 Health Record**

- 67.1 A licensee shall maintain a health record for each child. The health record shall include:
  - 67.1.1 Authorization for medical care;
  - 67.1.2 A medical history and copy of any required health appraisal; and
  - 67.1.3 A record of any medical care and accident requiring medical treatment and hospitalization.

#### **68.0 Authorization For Medical Care**

A licensee shall obtain written authorization for both routine medical care and non-routine or emergency care immediately upon initial placement. Authorization shall be either from a birth parent, guardian, or by court order.

#### **69.0 Medical Care**

- 69.1 A licensee shall have a written procedure for handling a medical emergency on a 24-hour, 7-day-a-week basis. A copy of the procedure shall be routinely provided to a foster parent.
- 69.2 A licensee shall have on file a written report on a health appraisal of a child certified by a health care provider upon placement. A health appraisal shall have been completed within the last twelve (12) months prior to a planned placement. In a documented emergency situation requiring immediate placement, a health appraisal certified by a health care provider shall be conducted within thirty (30) days after placement.
- 69.3 A licensee shall ensure that a child receives a health appraisal in accordance with the standards of the American Academy of Pediatrics.
- 69.4 A licensee shall have a procedure to ensure that a foster parent is informed of a child's health appraisal when completed.
  - 69.4.1 A health appraisal shall include a health (physical, mental and behavioral) history; a physical examination, growth and development; recommendation regarding medication, restriction or modification of a child's activities, diet or care; medical information pertinent to treatment in case of an emergency, documentation of an immunization status with a listing of day, month and year of administration for each immunization; and documentation of any recommended or required screening or testing such as for blood-lead or tuberculosis.
- 69.5 A licensee shall ensure that a child receives timely, competent medical care when he or she is ill, receives necessary follow-up medical care and medication, treatment and therapy as directed by a health care provider.
- 69.6 A licensee shall obtain a written plan from a health care provider for bringing a child to the required level of immunization and to have a child tested or screened when the child has not received adequate immunizations

as required for a child's age according to the most recent directive from the Division of Public Health or has not received recommended or required screening or testing.

## **70.0 Dental Care**

- 70.1 A licensee shall ensure that a child over three (3) years of age receives an annual dental examination in accordance with the guidelines of the Division of Public Health.
- 70.2 A licensee shall ensure that a child receives dental work as necessary to maintain or improve dental health.

## **71.0 Illness, Accident, and Death**

- 71.1 A licensee shall immediately notify a child's birth parent or guardian, the Office of Child Care Licensing, and the Department of any serious illness, incident involving serious bodily injury or any severe psychiatric episode involving the child.
- 71.2 A licensee shall immediately notify a child's birth parent or guardian and the Department in the event of the death of the child.
- 71.3 A licensee shall have a written procedure to ensure a child is notified of any death or serious illness of the child's birth parent or guardian and any other known significant family member.

## **72.0 Care of Infants and Toddlers**

- 72.1 A licensee shall ensure that a foster parent who cares for an infant has training on issues specific to infant care including but not limited to infant nutrition, reducing the risk of sudden infant death syndrome (SIDS), safe sleeping practices, and preventing shaken baby syndrome.
- 72.2 A licensee shall ensure that a foster parent limits the time an infant or toddler spends, while awake, in any confining equipment such as a crib, infant seat, swing, high chair, or play pen to less than one-half (1/2) hour immediately after which opportunities for freedom of movement in a sanitary area protected from foot traffic are provided.

## **73.0 Developmentally Appropriate Equipment, Material and Interactions**

A licensee shall ensure that a foster parent interacts with a child and provides developmentally appropriate equipment and material such as a book, game, and toy for a variety of indoor and outdoor activities. Any activity, equipment and material shall promote a variety of experiences that support a child's social, emotional, language/literacy, intellectual, and physical development.

## **74.0 Education**

- 74.1 A licensee shall request all necessary information and facilitate the enrollment of a school age child, as defined by State Law, into an appropriate educational program meeting State legal requirements within two (2) school days of initial placement.
- 74.2 A licensee shall inform a foster parent that home schooling is not permitted for a foster child.
- 74.3 A licensee shall ensure that a child's school administration is notified in writing within five (5) business days of an Agency's involvement and is given the name and contact information of the Agency contact person.
- 74.4 A licensee shall ensure the following information is documented in a child's record:
  - 74.4.1 Name of school;
  - 74.4.2 Date the child started school;
  - 74.4.3 Child's current grade placement and classification;
  - 74.4.4 Type of school program such as special needs, vocational, alternative or AP/Honors; and
  - 74.4.5 School report card and current IEP and IFSP, if applicable.
- 74.5 A licensee shall ensure ongoing communication and cooperation with a child's school is maintained by an Agency and a foster parent.

## **75.0 Child's Rights**

- 75.1 A licensee shall ensure a child is allowed to have any right, freedom, responsibility, and restriction that is typical for a child of the same age and any specific restriction is in accordance with the child's service plan.
- 75.2 A licensee shall ensure that a case manager and any legal or court-appointed advocate are able to communicate with a child on a regular basis or as needed.

## **76.0 Nutrition**

### **76.1 Infants**

76.1.1 A licensee shall ensure that a foster parent feeds an infant in accordance with any instructions from the infant's health care provider.

### **76.2 Child One (1) Year And Older**

76.2.1 A licensee shall ensure that a foster parent provides a child food based on the food groups as follows:

76.2.1.1 Group A, Milk: fluid pasteurized cow's milk;

76.2.1.1.1 A child one (1) to two (2) years of age shall have whole pasteurized cow's milk when not on formula or breast milk.

76.2.1.2 Group B, Proteins: meat, fish, poultry, yogurt, cheese, eggs, peanut butter, dried beans and peas, and nuts;

76.2.1.3 Group C, Fruits and vegetables: include a variety of fresh fruits and vegetables, 100% unsweetened fruit juice, or 100% vegetable juice; and

76.2.1.4 Group D, Grains: whole grains and enriched products such as breads, cereals, pastas, crackers, and rice.

76.3 A licensee shall ensure that a foster parent serves a child varied and nutritionally balanced, meals and snacks containing food group items as follows:

76.3.1 Breakfast including one (1) item each from the milk (A), fruits and vegetables (C), and grain (D) food groups;

76.3.2 Snack including one (1) item from two (2) different food groups; and

76.3.3 Lunch and Dinner each including one (1) item each from the milk (A), protein (B), and grain (D) and two (2) items from the fruit and vegetable (C) food groups.

76.4 A licensee shall ensure that a foster parent serves a portion-size for a meal or snack based on a child's age and nutritional needs.

76.4.1 A child's health care provider shall be consulted, or the Recommended Dietary Allowance (RDA) of the National Research Council or other nationally recognized organization shall be referenced by a foster parent if needing specific information on recommended portion sizes for a child.

76.5 A licensee shall ensure that a foster parent has written documentation from a child's health care provider permitting the modification of a required food group item due to a child's:

76.5.1 Individual food preference or eating schedule;

76.5.2 Medical need such as food allergy or food intolerance; or

76.5.3 Food preference or religious belief of a foster parent.

76.5.4 The written documentation shall contain information on what food is disliked or unacceptable and the food being substituted that also meets the particular food group.

## **77.0 Behavior Management**

77.1 A licensee shall have a written policy on positive behavior management that stresses a positive, developmentally appropriate method of behavior management which encourages self-control, self-direction, positive self-esteem, social responsibility and cooperation and including but not limited to the following information:

77.1.1 Prevention of a behavioral problem shall be emphasized. Any prevention strategy shall include praise and encouragement for positive behavior, and redirection or guidance of inappropriate behavior into a more positive action, rather than relying on punishment.

77.1.2 A response to a child's behavior shall be appropriate to the child's level of development and understanding.

77.1.3 Delegation of behavior management to any other person other than a responsible adult made known to a child is prohibited.

77.1.4 Requiring a child to remain silent, locking a child in a room, isolating a child for a long period of time or the inappropriate use of "time-out" is prohibited.

77.1.5 "Time-out", if used, shall be employed as a supplement to, not a substitute for, another developmentally appropriate, positive method of behavior management. "Time-out" shall be limited to a brief period of no more than one (1) minute for each year of a child's age. Before using "time-out", a foster parent shall discuss the reason for a "time-out" in language appropriate to a child's level of development and understanding.

77.1.6 Corporal punishment inflicted in any way on a child's body is prohibited.

- 77.1.7 A child shall not be physically or chemically restrained as a consequence of inappropriate behavior or in play.
- 77.1.8 Requiring or forcing a child to take a painfully uncomfortable position, such as squatting or bending, or requiring or forcing a child to repeat a physical movement when used solely as a means of punishment is prohibited.
- 77.1.9 Assignment of physically strenuous exercise or work solely as punishment is prohibited.
- 77.1.10 A child shall not be humiliated, frightened or verbally, physically or sexually abused.
- 77.1.11 Extensive withholding of emotional response or stimulation is prohibited.
- 77.1.12 Any disparaging comment about a child's appearance, ability, disability, ethnicity, family and other personal characteristics is prohibited.
- 77.1.13 Denial of any element of a service plan is prohibited.
- 77.1.14 Any threat of removal from a foster home is prohibited.
- 77.1.15 Denial of any visiting or communication privilege with a birth parent or guardian or any other family member solely as a means of punishment is prohibited.
- 77.1.16 Denial of shelter, clothing or bedding is prohibited.
- 77.1.17 A child shall not be deprived of food, sleep, or toilet use as a consequence of inappropriate behavior.
- 77.1.18 No punitive action shall be taken with a child for not going to sleep, a toileting accident or failure to eat all or part of food, or failure to complete a prescribed activity.
- 77.2 A licensee shall provide documentation that the Agency's positive behavior management policy has been given to a foster parent and require adherence to the policy.

## **78.0 Religion**

- 78.1 A licensee shall have a written policy on religious participation and education of a child that states a foster parent shall:
  - 78.1.1 Provide a child a regular opportunity to practice his or her faith or denomination such as enabling him or her to regularly participate in a religious activity such as a service, ceremony, rite, ritual, or receive a sacrament;
  - 78.1.2 Seek written permission from a child's birth parent or guardian prior to having the child enroll in a religious or faith-based school and participate in a religious activity such as service, ceremony, rite, ritual, or receive a sacrament that is based on a different faith or denomination other than the one practiced by the child or his or her birth parent or guardian;
  - 78.1.3 Not require or coerce a child into participating in a religious activity;
  - 78.1.4 Not discipline, discriminate against, or deny a privilege to a child who chooses not to participate in a religious activity; and
  - 78.1.5 Not reward a child as a means to influence his or her participation in a religious activity.

## **79.0 Sleeping and Bathing Arrangements**

- 79.1 A licensee shall ensure that an infant naps and sleeps in a crib by him or herself in the foster home.
- 79.2 A licensee shall ensure a foster parent uses safe sleep practices and places an infant on his or her back when putting him or her down to nap or sleep.
- 79.3 A licensee shall ensure a foster parent has written documentation from an infant's health care provider explaining a medical or physical condition that necessitates not placing the infant on his or her back for napping or sleeping and what other position the infant needs to nap or sleep in and what other accommodation needs to be made for the infant.
- 79.4 A licensee shall ensure that a child one (1) year and older does not share a bedroom with an adult or has written documentation from the child's health care provider explaining a medical or physical condition that necessitates having an adult sleep in the same room.
- 79.5 A licensee shall ensure a separate crib or bed is provided for each child in the foster home.
  - 79.5.1 Cribs must meet the current standards of the U.S. Consumer Product Safety Commission or other safety authority recognized by the Office of Child Care Licensing. Crib mattresses shall be firm and tight-fitting. Soft surfaces such as soft mattresses, pillows, sofas, and waterbeds are prohibited as infant and toddler sleeping surfaces. Sheets shall be tight-fitting and all pillows, bumper pads, quilts, blankets, comforters, sheepskins, stuffed toys, and any other soft products shall be removed from cribs while an infant is in the crib. Toys or objects hung over an infant in a crib are prohibited.
  - 79.5.2 A child under the age of three (3) years may sleep in a crib as long as he or she fits comfortably; and

79.5.3 Protective bed rails shall be used for a child transitioning out of a crib into a bed.

79.6 A licensee shall ensure that a child over the age of three (3) years may share a bedroom only with a child of the same sex.

79.6.1 Siblings of the same sex and under the age of five (5) years may temporarily share a bed that comfortably accommodates each child.

79.6.2 A licensee shall ensure that a foster parent has a plan approved by the Agency for supervision of children sharing a room or bed to prevent inappropriate physical contact between the children.

79.7 A licensee shall ensure there is a supply of clean mattress covers, sheets, seasonably appropriate blankets, pillows, pillow cases and towels for each person living in the foster home.

79.8 A licensee shall ensure each child has privacy in a foster home as appropriate to his or her age and development when changing his or her clothes, bathing, and toileting.

79.9 A licensee shall ensure a child has his or her own toothbrush and comb and/or hair brush.

## **80.0 Personal Belongings**

80.1 A licensee shall ensure that a child is allowed to bring, possess and acquire personal belongings while in foster care.

80.1.1 A personal belonging shall include any item that a child owns.

80.2 A licensee shall ensure that a record of a child's personal belongings, brought with the child and acquired by the child while at the foster home, is kept by an Agency and a foster parent.

80.2.1 A record of personal belongings shall be reviewed as determined in a child's service plan to ensure items are accounted for and remain in the child's possession.

80.3 A licensee shall ensure that a gift given to a child while in foster care shall be considered a personal belonging.

80.4 A licensee shall ensure that a child is provided storage space that accommodates his or her personal belongings and enables him or her to keep items identified by the child as "special" such as but not limited to a life book, any physical memory, keepsake, photograph, and letter/note in a manner that allows the child to personally control/limit access to these items.

80.5 A licensee shall ensure that when a child leaves a foster home, all of the child's personal belongings are given to the child upon leaving or transferred to the child's new location no later than five (5) business days.

80.5.1 If a foster parent fails to give a child all of his or her personal belongings within five (5) business days, a foster care payment may be withheld until all the personal belongings are in the child's possession.

## **81.0 Clothing**

81.1 A licensee shall ensure that a child is provided with properly-fitting, clean clothing in good repair appropriate to the season and to the child's age, sex, activities, and individual needs.

81.1.1 Clothing brought with a child or acquired while at a foster home shall be considered the child's personal belongings and not shared with or given to another child.

81.2 A licensee shall have and follow a written policy approved by the Agency regarding replacing and retaining a child's clothing.

## **82.0 Household Tasks**

82.1 A licensee shall ensure that a foster parent only requires a child to perform household tasks which are within the child's abilities and are similar to those expected of any other household member of a comparable age.

82.2 A licensee shall ensure that a foster parent teaches a child skills required and shares knowledge needed to eventually live independently in a community.

## **83.0 Allowance**

83.1 A licensee shall have a written policy on a child's allowance, provide the policy to a foster parent, and require adherence to the policy.

83.1.1 If an allowance is given, a policy shall address any method of paying and accounting for the allowance.

## **84.0 Re-Placement**

84.1 A licensee shall make every effort to maintain a stable placement for each child placed in foster care. When a child is re-placed other than to a birth parent, guardian, or any other family member, the licensee shall document:

- 84.1.1 Explanation of re-placement;
- 84.1.2 Evaluation of the appropriateness of continued foster care;
- 84.1.3 Re-placement preparation appropriate to a child's capacity to understand;
- 84.1.4 Notification to a birth parent or guardian and referral source of the re-placement;
- 84.1.5 Information about a child shared with a new foster parent including any case plan; and
- 84.1.6 Placement history of a child while a client of an Agency that includes foster parent's name, any date of care, and reason for re-placement.

84.2 A licensee shall maintain a cumulative list of each child who is re-placed.

## **85.0 Discharge Summary**

- 85.1 A licensee shall create a written discharge summary in a child's record within thirty (30) days of the child being discharged that includes all of the following information:
  - 85.1.1 The reason for termination of the foster care and current location of a child;
  - 85.1.2 A summary of any service provided during care including dates of admission and discharge;
  - 85.1.3 An assessment of a child's and the birth parent's or guardian's needs which remain to be met;
  - 85.1.4 A statement that a termination plan or plan to continue to stay at a foster home has been explained to a child in a manner consistent with the child's capacity to understand;
  - 85.1.5 Provisions for any follow-up service, if any; and
  - 85.1.6 Name and signature of person preparing discharge summary and date signed.
- 85.2 A licensee shall ensure that a child's service plan includes any specific service aimed at locating an adoptive placement for the child who is legally free and available for adoption.
- 85.3 A licensee shall ensure that a child who is nearing his or her eighteenth (18th) birthday and plans to exit foster care has received information, service, and preparation for independent living.
- 85.4 A licensee shall ensure that a young adult who is approaching eighteen (18) years of age receives the following documentation and information when discharged from foster care:
  - 85.4.1 Birth certificate;
  - 85.4.2 Social security card;
  - 85.4.3 Educational record;
  - 85.4.4 Medical information and history and information on how to execute a health care proxy;
  - 85.4.5 Listing of community service or other agency that can provide assistance;
  - 85.4.6 An understanding of the use and misuse of handling credit and credit cards; and
  - 85.4.7 If applicable, obtaining a driver's license or state identification card.

## **86.0 Foster Parent Applicant**

- 86.1 Foster Care Recruitment
  - 86.1.1 A licensee shall have a written plan describing a strategy for recruiting a foster parent. A plan shall be flexible in considering the type of foster care provided, the age, developmental needs, and racial identity of a child, biological sibling relationships, and special needs.
- 86.2 Foster Parent Applicant Information Session
  - 86.2.1 A licensee shall have a written plan for providing basic information to a foster parent applicant and have written verification that this information was received. The informational session shall include the following:
    - 86.2.1.1 Role of a foster parent as a team member charged with responsibility for a child's care, education, and legal rights;
    - 86.2.1.2 Review of an accompanying placement packet/materials for a child;
    - 86.2.1.3 Involvement of a birth parent or guardian and any other family member in a child's life;
    - 86.2.1.4 Review of safety procedures including the need for first aid and CPR training, proper installation and safe use of a car seat and use of fire extinguisher training prior to approval;
    - 86.2.1.5 Explanation of the Regulations regarding the physical environment of a foster home and steps necessary for compliance;
    - 86.2.1.6 Policy on religious participation and education;
    - 86.2.1.7 Cultural competence and diversity awareness;
    - 86.2.1.8 Positive behavior management policy;
    - 86.2.1.9 Confidentiality and all applicable Federal and State laws;

- 86.2.1.10 Child and adolescent development;
- 86.2.1.11 Health care and sanitation procedures including standard precautions, proper hand washing, and diapering;
- 86.2.1.12 Emergency planning and procedures and crisis management and intervention;
- 86.2.1.13 Nutrition and food safety;
- 86.2.1.14 Foster care payment procedure; and
- 86.2.1.15 Agency contact person.

## **87.0 Application**

A licensee shall use a standardized form for a foster care application.

## **88.0 Evaluation of Application**

- 88.1 At the time of initial inquiry, a licensee shall have a written policy on the evaluation of a foster care application. This policy shall be provided to a foster parent applicant and state:
  - 88.1.1 An approach to involvement of a foster parent applicant in a self-evaluation of strengths and weaknesses;
  - 88.1.2 Information on a complete consecutive history of any care provided in the past such as foster care, elder care, and child care, including in other States, and any reason for discontinuing care;
  - 88.1.3 Selection criteria for a foster parent applicant including any criteria an Agency uses for rejection of an application;
  - 88.1.4 Standardized approach to processing an application including a timeline for notifying an applicant of a decision regarding the application; and
  - 88.1.5 A written procedure on an appeal process provided to a foster parent applicant whose application has been denied explaining the appeal process, how and when an appeal can be heard, and when a denial decision is final.

## **89.0 Criminal History Record Check**

- 89.1 A licensee shall ensure that a person whose child has been removed from his/her custody because of substantiated abuse or neglect is prohibited as a foster parent.
- 89.2 A licensee shall ensure that a foster parent applicant and any other household member eighteen (18) years of age or older is fingerprinted for processing by the Delaware State Police prior to approval. A foster parent applicant and any other household member eighteen (18) years of age or older shall be required to provide to an Agency the fingerprint verification form as proof of being fingerprinted.
- 89.3 A licensee shall ensure that a foster parent applicant and any other adult household member shall obtain a child abuse and neglect check from any State(s) in which he or she resided over the past five (5) years in accordance with the Adam Walsh Child Protection Safety Act of 2006 as amended.
- 89.4 A licensee shall ensure that a foster parent applicant and any other household member eighteen (18) years of age or older is free of a conviction, indictment, or substantial evidence of involvement in any criminal activity involving violence against a person, child abuse or neglect, sexual misconduct, possession, sale or distribution of any illegal drug, gross irresponsibility or disregard for the safety of another, or any serious violation of accepted standard of honesty or ethical conduct.
- 89.5 A licensee may make exceptions to Sections 89.1 through 89.4 when the licensee documents that the health, safety, and well-being of a child would not be endangered except as prohibited by the Criminal History Record Check law as defined in 31 **Del.C.** §309 and The Adoption and Safe Families Act of 1997.
- 89.6 A licensee shall ensure that a foster parent applicant is informed of the requirement to report to an Agency any subsequent arrest or criminal charge and any child abuse and neglect allegations and substantiations of him or herself and any other household member while approved for foster care and of the need for a household member turning eighteen (18) years of age to be fingerprinted by Delaware State Police within five (5) business days of reaching this age.

## **90.0 References**

- 90.1 A licensee shall have four (4) written references or telephone notes on such references for each foster parent applicant. At least three (3) of these references shall be from persons not related to a foster parent applicant by blood or marriage/civil union. The information gathered shall cover the following issues:
  - 90.1.1 Explanation of how long, how well and under what circumstances (i.e. neighbor, co-worker) a person knows a foster parent applicant;

- 90.1.2 Observations on a foster parent applicant's interactions with a child;
- 90.1.3 Description of the foster parent applicant's character;
- 90.1.4 Indications of any risk factors (i.e. substance abuse, anger issues, poor judgment);
- 90.1.5 Any concerns about any household member that will also be involved with the care or have an effect on the care of a child; and
- 90.1.6 Explanation of why foster care should or should not be recommended.

## **91.0 Health**

- 91.1 A licensee shall ensure that a foster parent applicant and any other household member provides a written health appraisal from a health care provider conducted within one (1) year prior to the initial application approval date containing evidence of lack of any communicable disease, specific illness, or disability which would either interfere with the ability to provide care for a child or pose a threat to the health, safety or well-being of a child and information on any prescribed medication.
- 91.2 A licensee shall ensure that a foster parent applicant is informed of the requirement to provide an Agency with the following while providing foster care:
  - 91.2.1 A health appraisal for him or herself and any other household member conducted every two (2) years based on the date of the first health appraisal provided to an Agency; and
  - 91.2.2 Written documentation from a health care provider of any subsequent health problem of him/herself and any other household member explaining how the health problem affects the foster parent or any other household member's ability to care for a child and does or does not pose a threat to the health, safety, or well-being of a child.
- 91.3 A licensee shall ensure that a foster parent applicant and any other household member provides written evidence of freedom from communicable tuberculosis verified within in one (1) year prior to the time of initial approval date, with further screening or testing required according to the Delaware Division of Public Health guidelines.
- 91.4 A licensee shall ensure that a disability of a foster parent applicant and any other household member is only considered as it affects the ability to care for a child.

## **92.0 Informed Consent Of Household**

- 92.1 A licensee shall ensure that a foster parent applicant and any other adult household member is in agreement with, and aware of, a decision to provide foster care.
  - 92.1.1 Exceptions to the above Regulation shall be made at the discretion of a licensee when the household member involved is incapable of communication or informed decision making and poses no threat to the health, safety, or well-being of a child.

## **93.0 Personal Characteristics of a Foster Parent Applicant**

- 93.1 A licensee shall ensure that a foster parent applicant demonstrates emotional stability, good character, a responsible adult lifestyle, freedom from abuse of alcohol or medications, or use of any illegal drug, and has the ability to provide nurturing care, supervision, reasonable positive behavior management, and a home-like environment that is free from domestic violence for a child.
- 93.2 A licensee shall ensure that a foster parent applicant demonstrates a capacity for setting realistic expectations for behavior and performance based on the age, ability, and special needs of a child.
- 93.3 A licensee shall ensure that a foster parent applicant demonstrates a willingness and ability to discuss and deal appropriately with his or her own feelings of anger, frustration, sorrow, conflict, and affection and those of others.

## **94.0 Evidence of Stability**

A licensee shall require that a foster parent applicant or approved foster parent shows evidence of a stable living arrangement for at least one (1) year. Evidence may include length of relationship, any community connection, and support system.

## **95.0 Age**

- 95.1 A licensee shall require that a foster parent applicant or approved foster parent is between twenty-one (21) years and sixty-five (65) years of age.

95.1.1 A licensee may, at his or her own discretion, make exceptions to the above Regulation when the licensee documents that the health, safety and well-being of a child would not be endangered.

## **96.0 Income**

A licensee shall document that a foster parent applicant or approved foster parent has income to meet the needs of a household and ensure the security and stability of the household independent of foster care maintenance payments.

## **97.0 Child Care Plans**

A licensee shall ensure that a foster parent applicant or approved foster parent who works outside the foster home obtains approval for a plan to care for a child while working.

## **98.0 Home Business**

A licensee shall ensure that a foster parent applicant or approved foster parent obtains approval from an Agency for a business conducted in a foster home, demonstrating any activity related to the business will not interfere with the care of a child.

## **99.0 Dual Service Agreement - Foster Care And Licensed Family Child Care**

99.1 A licensee shall ensure that a foster parent applicant or approved foster parent that also has a family child care or large family child care license shows proof of approval to provide both foster care and child care by obtaining a written dual service agreement as follows:

99.1.1 The Department, Child Care Licensing Specialist, and Agency shall create a written recommendation stating that a foster parent applicant or approved foster parent has the ability to meet the simultaneous needs of children present or living in the home for foster care, child care, and as household members;

99.1.2 The recommendation shall be used to create a dual service agreement which includes a limit on the number and ages of children to be cared in each service in accordance with Delacare Regulations and Rules pertaining to providing foster care and child care;

99.1.3 The Office of Child Care Licensing's Administrator shall approve a dual service agreement; and

99.1.4 A dual service agreement shall be reviewed by the Department, Child Care Licensing Specialist, and Agency at least annually or whenever there is a complaint involving either foster care or child care; and re-approved by the Office of Child Care Licensing's Administrator.

## **100.0 Condition of Home and Safety**

100.1 A licensee shall visit a home of a foster parent applicant or approved foster parent and inspect all rooms and the grounds to observe if the home is maintained in such a manner that it does not present a threat to the health and safety of any occupant.

100.1.1 A licensee may require that a foster parent applicant or approved foster parent provides written verification that a home is in compliance with any local, State and Federal code, regulation, law, standard, and ordinance for residential use.

100.2 A licensee shall ensure the walls, floor and ceilings of a foster home are intact and there is no exposed wiring, falling plaster or dangerous holes.

100.3 A licensee shall ensure that any container of poisonous, toxic, or hazardous material in a foster home is stored out of access to a child, prominently and distinctly marked or labeled for easy identification as to any content, and used only in such manner and under such condition as it will not contaminate food or constitute a hazard to a child.

100.4 A licensee shall ensure any painted surface in a foster home is intact and not peeling.

100.5 A licensee shall ensure that garbage is kept in containers in an area of the foster home inaccessible to a child and securely covered.

100.5.1 Garbage and rubbish shall be removed daily from any room occupied by a child.

100.5.2 Garbage and rubbish shall be removed from the premises of a foster home on a regular basis but not less than once a week.

100.6 A licensee shall ensure a foster home is free of rodent and insect infestation.

100.7 A licensee shall ensure that a protective cover is installed on any electrical receptacle in any area of a foster home accessible to a child.

- 100.8 A licensee shall ensure that any cord especially in a child's bedroom or play area such as those that are part of a drapery, blind, shade, appliance, and telephone is inaccessible to a child or of a short length that reduces the risk of entanglement and strangulation.
- 100.9 A licensee shall ensure that heating and cooling equipment in a foster home, including any portable appliance, is stable, properly installed, cleaned and maintained to operate efficiently and effectively, and is safely shielded to prevent the injury of a child.
- 100.9.1 A fireplace shall be securely screened or equipped with a protective guard while in use.
- 100.10 A licensee shall ensure that room temperature in rooms of the foster home used by a child are maintained at a minimum temperature of at least sixty-five (65) degrees F and a maximum of eighty-five (85) degrees F at floor level unless there is a conflict with Federal and State energy laws.
- 100.11 A licensee shall ensure that a foster home has a working carbon monoxide detector if any heating equipment burns fuel with a flame or the home has an attached garage.
- 100.12 A licensee shall ensure that a foster home has a safe drinkable water supply and the plumbing is kept in good working condition.
- 100.13 A licensee shall ensure that a foster home has an indoor bathroom with a working toilet, sink, and tub or shower.
- 100.14 A licensee shall ensure there is a hot water heater in a foster home that is in good working condition and the water temperature does not exceed 120 degrees F.
- 100.15 A licensee shall ensure all windows and outside doorways that are used for ventilation have screens in good repair.
- 100.16 A licensee shall ensure that any exit in a foster home is accessible and unblocked.
- 100.17 A licensee shall ensure a foster home has two (2) or more exits from any area used for sleeping or play including in a basement.
- 100.18 A licensee shall ensure a foster home as closable doors for each bedroom and bathroom.
- 100.18.1 When a lock is on a bedroom or bathroom door, the lock shall be of the type that can be easily unlatched by a foster parent from the outside of the door.
- 100.19 A licensee shall ensure each open stairwell in a foster home is lighted and has a railing when there are four (4) or more steps or risers.
- 100.20 A licensee shall ensure a safety guard (barrier or gate) approved by the American Society for Testing and Materials (ASTM) is used in a foster home for a stairway with four (4) or more steps or risers when a child under the age of three (3) years is in foster care.
- 100.21 A licensee shall ensure a foster home has lighting for safety and comfort.
- 100.22 A licensee shall ensure a foster home has an operable telephone.

### **101.0 Kitchen and Food Preparation**

- 101.1 A licensee shall ensure that a kitchen and all food preparation, storage and serving areas, and utensil are kept clean.
- 101.2 A licensee shall ensure that food in a foster home is clean, wholesome, and free from spoilage and adulteration, and safe for human consumption.
- 101.3 A licensee shall ensure a foster home has a refrigerator and stove in good working condition.
- 101.4 A licensee shall ensure the dining area in a foster home is furnished to accommodate all persons living in the foster home at mealtime with seating at a table or counter designed for meal service.

### **102.0 Outdoor Area and Play Space**

- 102.1 A licensee shall ensure a foster home has outdoor space for play where a child is protected from traffic and free of any hazard such as, but not limited to, broken glass, animal excrement, trash, toxic plants, lawn mower, cooking grill, an open or running vehicle (car, van, or truck), and any tool.
- 102.1.1 A surface of an outdoor play area is to be made of material that does not present a safety or choking hazard, is free of any unsafe contaminant such as steel wire, and any unhealthy residue from deterioration of any material used.
- 102.2 A licensee shall ensure any outdoor play equipment is in safe condition, sturdy, clean, free from any rough edge, sharp corner, pinch and crush point, splinter, and exposed bolt.
- 102.2.1 Large outdoor play equipment shall be anchored firmly and not located on a concrete or asphalt surface.
- 102.2.2 An outdoor sandbox shall be covered when not in use.

102.2.3 A bicycle, tricycle, scooter, and any other riding toy shall be of a size appropriate to the child using the toy, in good condition, and free of any sharp edge or protrusion that may injure the child.

102.2.4 A child shall wear an approved safety helmet while riding outside on a bicycle or tricycle with foot pedals according to State Law.

102.2.4.1 A helmet shall not be shared unless the helmet is made with a nonporous interior lining and easily cleanable strap.

102.2.4.2 All interior and exterior surfaces of a helmet shall be wiped clean between users.

102.2.4.3 A helmet shall be removed before allowing a child to use playground equipment unless a helmet has been medically prescribed by a health care provider for the safety of a particular child.

102.3 A licensee shall ensure the outside stairs of a foster home have railings when there are four (4) or more steps or risers.

102.4 A licensee shall ensure an outside stairwell of a foster home is inaccessible to a child under five (5) years of age.

102.5 A licensee shall ensure a fence, sidewalk, and outside steps are in safe condition.

### **103.0 Pool and Water Safety**

103.1 A Licensee shall ensure that when a foster home has a permanent or built-in swimming pool, the pool shall be fenced in compliance with any local, State and Federal code, regulation, law, standard, and ordinance and inaccessible to a child when not being used.

103.1.1 Water in a pool shall be treated, cleaned, and maintained in accordance with any health practice and regulation as determined by the Division of Public Health.

103.1.2 A pool structure and associated equipment shall be maintained in a safe manner and free of any hazard.

103.2 A licensee shall ensure that a foster parent thoroughly cleans and disinfects a small portable wading pool after each use.

103.3 A licensee shall ensure that a foster parent requires a child who is wading or swimming in a pool or body of water to be under the direct observation and supervision of an adult while wading or swimming.

103.4 A licensee shall ensure that a foster parent requires a child who is under three (3) years of age or does not know how to swim to be within arm's length of an adult while wading or swimming.

### **104.0 Firearms Safety**

104.1 A licensee shall ensure that a foster parent owning a firearm has a current permit and valid registration as required by Law.

104.1.1 A firearm shall be stored unloaded in a locked cabinet that is inaccessible to a child; and

104.1.2 Any ammunition for a firearm shall be kept separate from the firearm and stored in another locked cabinet that is also inaccessible to a child.

### **105.0 Smoking Prohibited**

A licensee shall ensure that smoking is prohibited in the presence of a child, in a vehicle used to transport children, and in a foster care home.

### **106.0 Fire Safety**

106.1 A licensee shall ensure that a foster home is free from any fire hazard.

106.1.1 At the request of an Agency, a licensee shall ensure that a foster parent applicant submits to a home inspection by a fire safety expert.

106.2 A Licensee shall ensure that a foster home is equipped with a tagged, portable dry chemical fire extinguisher with a rating approved by the State Fire Marshal (currently 3A:40B:C) located in the kitchen and also near a functional fireplace, wood stove or kerosene heater.

106.2.1 Prior to approval, a foster parent applicant shall provide proof of training by a certified trainer from an organization such as a local fire department or licensed firm specializing in fire extinguishers on the use of a fire extinguisher.

106.2.2 The extinguisher shall be stored out of the manufacturer's container from which it was purchased and used and maintained in accordance with the manufacturer's instructions including receiving any recommended routine maintenance certification by a licensed firm specializing in fire extinguishers.

- 106.3 A licensee shall ensure that a foster home has a hard-wired smoke detection system or working battery operated smoke alarm that is listed by a nationally recognized testing laboratory and properly installed as per the product's instructions.
- 106.4 A licensee shall ensure a smoke detection system or any smoke detector is tested monthly and documented in a log. Any smoke detector battery shall be replaced at least every six (6) months.

### **107.0 Evacuation Drill And Emergency Planning**

- 107.1 A licensee shall ensure that a foster parent applicant develops an evacuation plan that includes showing a child, as appropriate to his or her age and developmental level, how to evacuate from a foster home in the event of a fire or emergency situation and conducts a practice drill at least twice a year.
- 107.1.1 Each drill shall be documented and include information on the date and time of day of the drill, names of the persons who participated, and the total amount of time necessary to evacuate a foster home.
- 107.2 A licensee shall ensure that a foster parent applicant creates and uses an emergency plan that includes:
- 107.2.1 A procedure for contacting any appropriate emergency response agency such as fire, police, and emergency medical assistance that includes a list of emergency phone numbers that is kept near a telephone;
- 107.2.2 Information from a reliable source such as local, State or Federal emergency management agencies regarding safety and survival during various natural and man-made disasters and emergency situations;
- 107.2.2.1 A reliable source may include an agency such as American Red Cross, United States Department of Homeland Security, and Delaware Emergency Management Agency.
- 107.2.3 Emergency supplies for an extended stay in a foster home due to a disaster or emergency situation. At a minimum, the supplies shall consist of enough food, water and equipment as described below to sustain a household for at least three (3) days or seventy-two (72) hours; and
- 107.2.3.1 Food consisting of canned goods and non-perishable food items;
- 107.2.3.2 Water consisting of one (1) gallon of water per day per person for drinking and hygiene (washing and toileting). Water may come from sources such as bottled water, water remaining in a hot water heater, or clean water stored in a tub or sink; and
- 107.2.3.3 Equipment consisting of a battery or crank radio, working flashlight, extra batteries, manual can opener, blankets and/or sleeping bags, and first aid kit.
- 107.2.4 If relocating due to disaster or emergency situation, a process to notify an Agency of a child's whereabouts as soon as such communication is established.

### **108.0 First Aid Kits**

- 108.1 A licensee shall ensure that a foster home has and uses a first aid kit that contains, but not limited to, the following items:
- 108.1.1 Disposable nonporous gloves;
- 108.1.2 Scissors;
- 108.1.3 Tweezers;
- 108.1.4 A non-glass thermometer to measure a child's temperature;
- 108.1.5 Bandage tape;
- 108.1.6 Sterile gauze pads;
- 108.1.7 Flexible roller gauze;
- 108.1.8 Triangular bandage or sling;
- 108.1.9 Safety pins;
- 108.1.10 Eye dressing;
- 108.1.11 Pen/pencil and note pad;
- 108.1.12 Instant cold pack;
- 108.1.13 Current American Academy of Pediatrics (AAP) standard first aid chart or equivalent first aid guide;
- 108.1.14 Small plastic or metal splints;
- 108.1.15 Non-medicated adhesive strip bandages; and
- 108.1.16 Plastic bags for cloths, gauze, and other materials used in handling blood.

### **109.0 Medication**

109.1 A licensee shall ensure that a foster parent applicant creates and uses a plan regarding giving medication to a child that includes the following procedures:

109.1.1 All medication in a foster home is stored in a secure manner and inaccessible to a child;

109.1.2 Medication requiring refrigeration is kept in closed containers separate from food;

109.1.3 Prescription medication in its original container with the original label indicating directions for its administration as authorized by a child's health care provider;

109.1.4 Prescription medication is only given to a child whose name appears on a prescription and only in a dosage and time as directed on a label of a container;

109.1.5 A child's non-prescription medication is kept in its original container and properly labeled with directions for its administration;

109.1.6 Any deviations from a labeled instruction of a non-prescription medication requires a written authorization from a child's health care provider;

109.1.7 Information on possible side effects or adverse reactions to a medication is obtained and available for quick reference;

109.1.8 A record of any medication given to a child is kept including medication dosage, time given, who gave the medication, and any side effect or adverse reaction observed;

109.1.9 Side effects or adverse reactions to any medication are immediately reported to a child's health care provider; and

109.1.10 Any medication that has expired is not given to a child.

109.1.11 A written plan to ensure that any time a child is placed for respite care or any other type of visit or re-placement that medication is sent in its original container with instructions for dispensing the medication.

## **110.0 Hygiene and Sanitation**

A licensee shall ensure that a foster parent applicant receives information on and is required to follow proper hygiene and sanitation procedures such as hand washing, standard (universal) precautions and diapering techniques for a child.

## **111.0 Pets**

A licensee shall ensure that a foster home pet is cared for in a safe and sanitary manner and that any cat and dog has proof of current rabies vaccinations as required by State Law.

## **112.0 Transportation**

112.1 A licensee shall ensure that a foster parent applicant or approved foster parent who plans to transport a child in a vehicle has a valid driver's license and effective vehicle insurance coverage.

112.2 A licensee shall ensure that a foster parent applicant or approved foster parent is informed of and follows the requirement to secure a child in an individual safety restraint system appropriate to the age, weight, and height of the child at all times while a vehicle, other than a school bus, is in motion. A safety restraint shall be federally approved and so labeled according to the current applicable Federal Motor Vehicle Safety Standard. A child safety restraint shall be installed and used in accordance with the manufacturer's and vehicle's instructions and maintained in a safe working condition and free of any recall.

112.2.1 A foster parent applicant or approved foster parent shall be informed of and comply with all applicable provisions of any Federal and State laws or regulations regarding transportation.

## **113.0 First Aid and CPR Training**

113.1 A licensee shall ensure that a foster parent applicant or approved foster parent has proof of completing a current First Aid course (such as a card or certificate with an expiration date) and receives current certification in cardiopulmonary resuscitation (CPR) before approval.

113.1.1 A foster parent applicant or approved foster parent who plans to care for a child eight (8) years of age or younger shall have proof of completing a current First Aid course applicable to an infant and a child and receive current certification in CPR for an infant and a child.

113.1.2 A foster parent applicant or approved foster parent who plans to care for a child nine (9) years of age or older shall have proof of completing a current First Aid course applicable to a child and an adult and receive current certification in CPR for an adult.

113.1.3 To remain approved as a foster parent, certification in CPR and training in First Aid shall be kept current and renewed before an expiration date or every three (3) years if there is no expiration date listed.

#### **114.0 Pre-approval Foster Home Visits**

- 114.1 A licensee shall meet in a home of a foster parent applicant at least two (2) times with one (1) of these meetings including face-to-face interviews with each household member.
- 114.1.1 A visit shall not be considered training for a foster parent applicant.

#### **115.0 Home Study**

- 115.1 A licensee shall conduct a home study on a foster parent applicant and any other household member providing a written evaluation which addresses the following issues:
- 115.1.1 Motivation to provide foster care;
- 115.1.2 Willingness and ability to work cooperatively with an Agency in the best interest of a child;
- 115.1.3 A plan to integrate a child into the household, and a plan for discussing foster care with the child;
- 115.1.4 Description of the attitude of each household member and any other significant person involved with a foster parent applicant toward accepting a child;
- 115.1.5 Description of a foster parent applicant's attitude toward a birth parent or guardian of a child;
- 115.1.6 Description of a foster parent applicant's attitude toward and a plan for a child's visitation with a birth parent or guardian, biological sibling, and any other family member if in the best interests of the child;
- 115.1.7 Emotional strengths and weaknesses of a foster parent applicant and how he or she sees him or herself and any other household member;
- 115.1.8 Philosophy on child rearing, positive behavior management, parental role, and experience with a child;
- 115.1.9 Communication and problem-solving skills including willingness to seek help and resources;
- 115.1.10 Proof of income;
- 115.1.11 State of marital and family relationships;
- 115.1.12 Family history including a description of early home life;
- 115.1.13 Description and documentation of any private custody arrangement/order and any involvement in Family Court regarding custody issues;
- 115.1.14 Information on any medical condition including physical and mental health issues which might affect a foster parent applicant's ability to care for a child;
- 115.1.15 Adjustments of a child, if any, already living within the home of a foster parent applicant;
- 115.1.16 Description of a child care plan when the foster parent works inside or outside his or her home;
- 115.1.17 Description of a home including an assessment of the home's physical environment;
- 115.1.18 Type of child sought for foster care;
- 115.1.19 Determination of the type of child a foster parent applicant and any other household member is able and willing to accommodate such as a certain age group (infant, toddler, preschool-age, school-age, and teenager), biological siblings in foster care together, or a child with special needs including the accessibility of a home;
- 115.1.20 If applicable, experience in coping with special needs;
- 115.1.21 If applicable, a foster parent applicant's motivation to care for a child who is of a different race, dealing with the child's possible transitions to a new lifestyle and culture, and efforts to preserve the child's heritage;
- 115.1.22 Recommendations concerning the type of child suitable or not suitable for placement with a foster parent applicant;
- 115.1.23 Assessment of training needs and documentation of training received; and
- 115.1.24 Documentation of any home visit and interview with a foster parent applicant and any other household member.

#### **116.0 Initial Approval**

A licensee shall provide an initial approval letter or certificate of approval that is effective for no more than one (1) year stating a foster parent applicant has met the requirements for foster care established in these Regulations, received a satisfactory evaluation based on a home study conducted by an Agency licensed to perform foster care home studies, and is approved for foster care throughout a certain time period as indicated by a start and end date on the letter/certificate.

#### **117.0 Annual Compliance Review**

117.1 A licensee shall ensure that a foster parent has an annual compliance review with an Agency staff member to determine continued approval by assessing compliance with requirements for foster care established in these Regulations. The review shall also:

117.1.1 Involve any other household member;

117.1.2 Evaluate strengths and weaknesses;

117.1.3 Determine any training need;

117.1.4 Assess the relationship between a foster parent, any other household member, a child and Agency staff member that affects the child in care;

117.1.5 Include a written plan addressing any reason for continued approval; and

117.1.6 Include any corrective action with a target date and goal to come into compliance and to improve service and relationship with an Agency.

## **118.0 Annual Approval**

A licensee shall ensure that upon successful completion of each annual compliance review, a foster parent is provided written documentation of approval that is effective for no more than one (1) year.

## **119.0 Annual Training**

119.1 A licensee shall ensure that each person involved in a parenting role in a foster care home receives at least twelve (12) hours of training annually as accepted or approved by the Office of Child Care Licensing. Training shall be in at least three (3) different core areas based on the needs of children served.

119.1.1 Child development such as typical and atypical physical, social/emotional development, cognitive (learning ability) development, and language development based on the age and developmental level of a child;

119.1.2 Positive behavior management such as problem solving skills, relationship building, peer pressure, anger management, self-control, and positive self-esteem;

119.1.3 Child life issue such as effects of trauma, child abuse and neglect, prenatal substance abuse exposure, and stress

119.1.4 Nutrition such as food safety, eating properly, healthy recipes, dieting issues, and preventing obesity;

119.1.5 Health such as wellness strategies such as staying healthy and preventing illness, reducing the spread of germs, medication administration, caring for a sick child, illness signs and symptoms, First Aid, CPR, physical activity, exercise, and sports;

119.1.6 Safety such as childproofing (creating a safe home environment), pets, emergency planning, and reducing the risk of sudden infant death syndrome including information on back to sleep for infants;

119.1.7 Communication such as creating an open, supportive and positive relationship, good listening skills, grief and loss, bonding and attachment, and any counseling need;

119.1.8 Education such as strengthening literacy skills by reading books, preparing a child for school success, homework help/tutoring, strategies to stay in school, and developing a creative interest, talent, or hobby in areas such as music, dance, and fine arts;

119.1.9 Special needs such as meeting the needs of a child with a disability, specifically diagnosed condition/illness, and respite care; and

119.1.10 Any family/community issue such as a child's visitation with a birth parent or guardian and any other family member, transition and adjustment, separation issues, and respecting and preserving the tradition and culture of the child.

## **120.0 Records**

120.1 A licensee shall maintain a foster care record containing the following information:

120.1.1 Application and evaluation of application, as required in these Regulations;

120.1.2 Home study final evaluation report, addendum, or update as required by these Regulations;

120.1.3 References as required by these Regulations;

120.1.4 Verification form from the Delaware State Police that fingerprinting was completed and the Consent to Release Criminal History and Child Protection Registry Information form for all adult household members;

120.1.5 Verification of completed criminal history record, child protection registry checks, and adult abuse registry checks;

120.1.6 Health appraisal, test and screening, as required by these Regulations;

120.1.7 Any commendation and complaint record as referred to in these Regulations and documentation of any disciplinary action and history;

- 120.1.8 Report on annual compliance review, as required by these Regulations;
- 120.1.9 History of care provided by a foster parent including the name and age of each child served, who made the placement, date of placement, and date and reason for removal;
- 120.1.10 A copy of any dual service agreement and documentation of annual review by the Office of Child Care Licensing; and
- 120.1.11 Termination summary when foster care is no longer provided and reason for ending foster care.
- 120.2 A licensee shall obtain the written permission from a foster parent prior to releasing his or her foster care record to any person not employed by an Agency except when such record is released to authorized personnel or pursuant to court order.

### **121.0 Foster Care Payment Schedule**

A licensee shall have a current written payment schedule for foster care service. A current schedule shall be provided to each foster parent.

### **122.0 Relationship With The Child Placing Agency**

- 122.1 A licensee shall ensure that a foster parent as a member of a child's treatment team is consulted by an Agency when planning, implementing, evaluating, and modifying, if necessary, the total care and service provided to the child.
- 122.2 A licensee shall ensure that a foster parent is interviewed by an Agency on a regularly scheduled basis to gain information on a child's progress or problems.
- 122.3 A Licensee shall ensure that a foster parent and any other household member is made aware of the requirement to cooperate with and the consequence of not cooperating with an Agency staff member or any other authorized local and State official when requesting information; and grants access to any part of the foster home, structure on the foster home's property, any other household member and child as related to compliance with these Regulations during the following:
  - 122.3.1 Evaluation;
  - 122.3.2 On-going supervision;
  - 122.3.3 Inspection; and
  - 122.3.4 Investigation.
- 122.4 A licensee shall ensure a foster parent treats any personal information about a child or the child's family in a confidential manner.

### **123.0 Notification to an Agency**

- 123.1 A licensee shall ensure that a foster parent notifies an Agency prior to allowing any person to visit in a foster home for more than forty-eight (48) hours consecutive hours or take up residence in the foster home.
  - 123.1.1 The licensee shall document that a foster parent notifies an Agency and applies any requirement applicable to a household member to the new household member.
- 123.2 A licensee shall provide a foster parent with information on a procedure to contact an Agency after business hours for emergency situations requiring immediate notification of the Agency.
- 123.3 A licensee shall require a foster parent to immediately notify an Agency of any of the following circumstances involving a child in care:
  - 123.3.1 Death of the child;
  - 123.3.2 Serious injury or illness involving inpatient or outpatient treatment of the child;
  - 123.3.3 Unknown whereabouts of the child;
  - 123.3.4 Removal or an attempt to remove the child from the foster home by any person or other agency without proper authority or authorization; and
  - 123.3.5 Involvement of the child with law enforcement authorities.
- 123.4 A licensee shall ensure a foster parent notifies an Agency within twenty-four (24) hours of any of the following circumstances that affects or involves a child in care:
  - 123.4.1 Serious incident, illness or death in a household;
  - 123.4.2 Departure of a household member that impacts the child;
  - 123.4.3 Breakdown of equipment, or loss of utilities in a foster home such as, but not limited to, the lack of heat, water, or electricity that lasts long enough to pose a threat to the health, safety, and well-being of the child; and

123.4.4 Damage to a home due to an emergency event such as, but not limited to, a fire, flood, storm, or other natural or man-made disaster that impacts the ability to stay or live safely in the foster home.

123.5 A licensee shall ensure a foster parent notifies an Agency at least four (4) weeks prior to a planned move from the foster home.

#### **124.0 Respite Care**

124.1 A licensee shall ensure that a foster parent has an opportunity for respite from the responsibility for caring for a child.

124.2 A licensee shall ensure a foster parent notifies an Agency in advance of using respite care and receives approval from the Agency for any person or place providing the respite care.

#### **125.0 Foster Care Commendations**

A licensee shall create and maintain a system for commending a foster parent who consistently maintains compliance with these Regulations, and goes beyond the baseline requirements of these Regulations and provides a superior level of foster care.

### **PART III ADOPTION**

#### **126.0 General Policies and Practices**

126.1 Services for a relinquishing birth parent or guardian and child including alternatives

126.1.1 A licensee shall provide documentation that a relinquishing birth parent or guardian has been provided the following information regarding terminating parental rights:

126.1.1.1 Assistance with reaching an informed decision regarding termination of parental or guardian rights such as counseling in arriving at a plan that is best for him or herself and the child including available alternative plans;

126.1.1.2 The legal results of relinquishing a child;

126.1.1.3 Procedures involved in relinquishing a child for adoption;

126.1.1.4 Counseling in resolving any problems relating to the relinquishment of a child;

126.1.1.5 Referral for hospitalization, maternity home care, or any other community resource, as needed; and

126.1.1.6 If appropriate, preparation of a child and relinquishing birth parent or guardian for the separation.

126.1.1.7 Search service for both a relinquishing birth parent or guardian and a child as provided by Law.

#### **127.0 Relinquishing Birth Parent's Or Guardian's Right To Request Information**

127.1 A licensee shall inform a relinquishing birth parent or guardian of his or her right to receive, on request, the following information prior to relinquishment:

127.1.1 A description of an Agency's criteria used in selecting an adoptive parent applicant if not already identified; and

127.1.2 Non-identifying background information on an adoptive parent applicant if already identified.

127.2 A licensee shall, prior to the placement of a child, have documentation on the physical, emotional, and social developmental and educational factors relevant to the child's background and current situation to the extent the information has been made available. This documentation shall include:

127.2.1 Full name, age, address, telephone number and Social Security number, as appropriate, of a relinquishing birth parent or guardian;

127.2.2 Attitudes of relinquishing birth parent or guardian and child, if appropriate, toward adoption;

127.2.3 Reasons for relinquishing a child;

127.2.4 Name, age, and address of any sibling and any other known family member;

127.2.5 Social, physical and mental history of a birth parent, and any other known family member;

127.2.6 Name, birth date, sex, religion, race, nationality, height, weight, hair color, eye color, and identifying marks of a child;

127.2.7 Social Security number of the child;

127.2.8 Physical, medical, mental, and educational history of a child; and

127.2.9 A written health appraisal of a child performed within eight (8) weeks prior to placement.

127.3 A licensee shall ensure that any service, including financial, provided to or for a relinquishing birth parent or guardian is not contingent upon a decision to place a child for adoption.

### **128.0 Record for Relinquishing Birth Parent or Guardian and Child**

128.1 A Licensee shall maintain a record for a relinquishing birth parent or guardian and child that includes:

- 128.1.1 Information, as required by these Regulations;
- 128.1.2 Updated information, if available, on the whereabouts of the child; and
- 128.1.3 Summary of any services provided.

### **129.0 Continuing Contact With An Agency**

A licensee shall inform a relinquishing birth parent or guardian of his or her right and responsibility to maintain current information on how he or she may be contacted and to report to an Agency any hereditary or other medical condition which may affect a child's health.

### **130.0 Interim Care**

An Agency shall have an interim care arrangement with an approved foster parent to ensure care for a child between the time of relinquishment and the time of placement.

### **131.0 Adoptive Parent Applicant Recruitment**

A licensee shall have a written plan describing strategies for recruiting an adoptive parent applicant.

### **132.0 Adoption Informational Session**

132.1 A licensee shall have a written plan for providing basic information to an adoptive parent applicant at an informational or orientation session. The adoption process shall include a training for adoptive parent applicants that contains but is not limited to the following:

- 132.1.1 How the adoption process works;
- 132.1.2 Children available for adoption;
- 132.1.3 Issues specific to the type of adoption planned and child sought;
- 132.1.4 Abuse and neglect;
- 132.1.5 Prenatal substance abuse exposure;
- 132.1.6 Adoption resources;
- 132.1.7 Grief and loss;
- 132.1.8 Attachment and bonding;
- 132.1.9 Child development;
- 132.1.10 Positive behavior management;
- 132.1.11 Birth parent or former guardian; and
- 132.1.12 Lifelong adoptions issues.

### **133.0 Application**

A licensee shall use a standardized application form for an adoptive parent applicant.

### **134.0 Evaluation**

134.1 At the time of initial inquiry, a licensee shall have a written policy on the evaluation of adoption applications. This policy shall be provided to an adoptive parent applicant and state:

- 134.1.1 An approach to involvement of an adoptive parent applicant in a self-evaluation of strengths and weaknesses;
- 134.1.2 Selection criteria for an adoptive parent applicant including any criteria an Agency uses for rejection of an application;
- 134.1.3 Standardized approach to processing an application including a timeline for notifying an adoptive parent applicant of a decision regarding the application; and
- 134.1.4 A written procedure on an appeal process provided to an adoptive parent applicant whose application has been denied explaining the appeal process including when an appeal is possible, how and when an appeal can be heard, and when a denial decision is final.

### **135.0 Criminal History Record Check**

- 135.1 A licensee shall ensure that a person whose child has been removed from his or her custody because of substantiated abuse or neglect is prohibited as an adoptive parent.
- 135.2 A licensee shall ensure that an adoptive parent applicant and any other household member eighteen (18) years of age or older be fingerprinted for processing by the Delaware State Police prior to approval. An adoptive parent applicant and any other household member eighteen (18) years of age or older shall be required to provide to an Agency a fingerprint verification form as proof of being fingerprinted.
- 135.2.1 Any adoptive family applicant household member turning eighteen (18) years of age or any individual who is eighteen (18) years of age or older becoming a new household member must be fingerprinted by the Delaware State Police. The fingerprint verification form must be provided to an Agency as proof of being fingerprinted within five (5) business days of an individual turning eighteen (18) years of age or becoming a new household member.
- 135.3 A licensee shall ensure that an adoptive parent applicant and any other adult household member shall obtain a child abuse and neglect check from any State(s) in which he or she resided over the past five (5) years in accordance with the Adam Walsh Child Protection Safety Act of 2006, as amended.
- 135.4 A licensee shall ensure that an adoptive parent applicant and any other household member eighteen (18) years of age or older is free of conviction, indictment or substantial evidence of involvement in any criminal activity involving violence against a person, child abuse or neglect, sexual misconduct, possession, sale or distribution of any illegal drug, gross irresponsibility or disregard for the safety of another or serious violations of accepted standard of honesty or ethical conduct.
- 135.5 A licensee may make exceptions to the above Regulation when the licensee documents that the health, safety, and well-being of a child would not be endangered except as prohibited by the Criminal History Record Check law as defined in 31 Del.C. §309 and The Adoption and Safe Families Act of 1997.
- 135.6 A licensee shall ensure that an adoptive parent applicant is informed of the requirement to report to an Agency any subsequent arrest or criminal charge and any child abuse and neglect allegations and substantiations of him or herself and any other household member throughout an adoption process.

### **136.0 References**

- 136.1 A licensee shall have four (4) written references or telephone notes on such references for an adoptive parent applicant. At least three (3) of these references shall be from a person not related to the adoptive parent applicant by blood or marriage/civil union. The information gathered shall cover the following issues:
- 136.1.1 Explanation of how long and how well the person knows an adoptive parent applicant, under what circumstance (i.e. neighbor, co-worker) the reference knows the adoptive parent applicant;
- 136.1.2 Observations on an adoptive parent applicant's interactions with a child;
- 136.1.3 Description of the quality of an adoptive parent applicant's character;
- 136.1.4 Indications of any risk factors (i.e. substance abuse, anger issues, poor judgment);
- 136.1.5 Any concerns about any other household member that will also be involved with the care or have an effect on the care of a child; and
- 136.1.6 Explanation of why adoption should or should not be recommended.

### **137.0 Health**

- 137.1 A licensee shall ensure that an adoptive parent applicant and any other household member provide a written health appraisal from a health care provider conducted within one (1) year prior to the initial application approval date containing evidence of lack of any communicable disease, specific illness, or disability which would either interfere with the ability to provide care for a child or pose a threat to the health, safety or well-being of a child, and information on any prescribed medication.
- 137.1.1 Written documentation from a health care provider of any subsequent health problem of the adoptive parent applicant and any other household member explaining how the health problem affects the adoptive parent applicant or any other household member's ability to care for a child and does or does not pose a threat to the health, safety, or well-being of a child.
- 137.2 A licensee shall ensure that an adoptive parent applicant and any other household member provides written evidence of freedom from communicable tuberculosis verified within one (1) year prior to the time of initial approval date, with further screening or testing required according to the Delaware Division of Public Health guidelines.
- 137.3 A licensee shall ensure that a disability of an adoptive parent applicant and any other household member is only considered as it affects the ability to care for a child.

### **138.0 Informed Consent of Household**

138.1 A licensee shall ensure that an adoptive parent applicant and any other household member are in agreement with, and are aware of, a decision to adopt.

138.1.1 Exceptions to the above Regulation shall be made, at the discretion of the licensee, when a household member involved is incapable of communication or informed decision-making and poses no threat to the health, safety or well-being of a child.

### **139.0 Personal Characteristics Of Adoptive Parent Applicant(s)**

139.1 A licensee shall ensure that an adoptive parent applicant demonstrates emotional stability, good character, a responsible adult lifestyle, freedom from abuse of alcohol or any legal drug, or use of any illegal drug, and has an ability to provide nurturing care, supervision, reasonable positive behavior management, and a home-like environment that is free from domestic violence.

139.2 A licensee shall ensure that an adoptive parent applicant demonstrates a capacity for setting a realistic expectation for behavior and performance based on the age, abilities, and special needs of a child.

139.3 A licensee shall ensure that an adoptive parent applicant demonstrates a willingness and ability to discuss and deal appropriately with his or her own feelings of anger, frustration, sorrow, conflict, and affection and those of others.

### **140.0 Evidence of Stability**

A licensee shall require that an adoptive parent applicant shows evidence of a stable living arrangement for at least one (1) year. Evidence may include length of a relationship, community connection, and support system.

### **141.0 Income**

A licensee shall document that an adoptive parent applicant has income to meet the needs of a household.

### **142.0 Child Care Plan**

A licensee shall require that an adoptive parent applicant who works inside or outside his or her home obtains approval from the Agency for a plan to care for a child while working.

### **143.0 Home Business**

A licensee shall ensure that an adoptive parent applicant obtains approval from an Agency for a business conducted in his or her home demonstrating any activity related to the business will not interfere with the care of a child.

### **144.0 Condition of Home's Physical Environment**

144.1 A licensee shall visit an adoptive parent applicant's home and inspect all rooms and the grounds to observe if the home is maintained in such a manner that it does not present a threat to the health and safety of all occupants.

144.1.1 The licensee may require that an adoptive parent applicant to provide written verification that his or her home is in compliance with any local, State and Federal code, regulation, law, standard, and ordinance for residential use.

### **145.0 Meetings, Home Visit and Interviews**

145.1 A licensee shall meet with an adoptive parent applicant at least three (3) times. The location of the meetings shall include:

145.1.1 At least one (1) meeting in a home of an adoptive parent applicant that includes meeting with any other household member; and

145.1.2 Two (2) more meetings at an Agency or a location where an adoptive parent applicant can be provided the space to be privately and individually interviewed.

### **146.0 Home Study**

146.1 A licensee shall conduct a home study of an adoptive parent applicant and all other household members that includes a written evaluation which addresses the following:

146.1.1 Motivation for adoption;

146.1.2 Willingness and ability to work cooperatively with an Agency in the best interests of a child;

- 146.1.3 A plan for an adoptive parent applicant to help integrate a child into a household, and plan for discussing adoption with the child;
- 146.1.4 Description of attitudes of any household member and significant other person involved with the adoptive parent applicant toward accepting a child;
- 146.1.5 Description of feelings about a birth parent or guardian relinquishing of a child for adoption;
- 146.1.6 Description of feelings about the possible contact between a child and a biological sibling, relinquishing birth parent, or guardian;
- 146.1.7 Emotional strengths and weaknesses of an adoptive parent applicant, how he or she sees him or herself and any other household member;
- 146.1.8 Any philosophy on child rearing, positive behavior management, parental role, and experience with a child;
- 146.1.9 Communication and problem-solving skills including willingness to seek help and resources;
- 146.1.10 Proof of income;
- 146.1.11 State of marital and family relationships;
- 146.1.12 Family history including a description of early home life;
- 146.1.13 Description and documentation of any private custody arrangement/order and any involvement in Family Court regarding a custody issue;
- 146.1.14 Information on any medical condition including physical and mental health issues which might affect an adoptive parent applicant's ability to care for a child;
- 146.1.15 Guardianship plan for a child in the event of an adoptive parent applicant's incapacitation or untimely death;
- 146.1.16 Adjustment of any child already living within a home of an adoptive parent applicant;
- 146.1.17 Description of a child care plan when the adoptive parent applicant works inside or outside his or her home;
- 146.1.18 Description of an adoptive parent applicant's home including an assessment of the home's physical environment;
- 146.1.19 Nature of request: description of an adoptive parent applicant's thoughts on type of child initially sought for adoption;
- 146.1.20 Determination of the type of child an adoptive parent applicant and any other household member are able and willing to adopt such as of a certain age group (infant, toddler, preschool-age, school-age, teenager), biological siblings, or a child with special needs including the accessibility of a home;
- 146.1.21 If applicable, experience in caring for a child with special needs;
- 146.1.22 If applicable, an adoptive parent applicant's motivation to adopt a child who is of a different race or from a different country (international adoption), dealing with the child's possible transitions to a new lifestyle and culture, and any effort to preserve the child's heritage;
- 146.1.23 A recommendation concerning the type of child suitable or not suitable for adoption by the an adoptive parent applicant;
- 146.1.24 Assessment of any training needed and documentation of training received; and
- 146.1.25 Documentation of each visit to the adoptive applicant's home and interview with an adoptive parent applicant and any other household member.
- 146.2 A licensee shall ensure a copy of a home study, addendum, or update as applicable is signed and dated, and provided by an Agency to an adoptive parent applicant.
- 146.3 A licensee shall ensure a written explanation is provided to an adoptive parent applicant describing how an Agency made a decision of approval or denial for adoption as based on the information gathered from a home study and meeting or not meeting any other requirements for adoption established in these Regulations.
- 146.4 A licensee shall ensure an Agency provides a certificate of approval to an adoptive parent applicant who is approved for adoption stating the approval is valid for no more than thirty-six (36) months as indicated by a start and end date on the certificate.
  - 146.4.1 The home study must be updated prior to the end of year one (1) and year two (2).
  - 146.4.2 A new home study must be completed prior to the end of year three (3).
- 146.5 A licensee shall ensure that a home study contains all required items and is kept current and accurate. A licensee shall prepare an update when there is a significant change and no less frequently than one (1) year from the date the home study was approved.
- 146.6 A licensee shall create an addendum to a home study during an approval period if there is a change in family circumstance such as a marital separation, divorce, change of household composition, loss of job, serious illness, or death.

146.7 A licensee shall ensure a home study update has been conducted within one (1) year prior to a date of placement.

#### **147.0 Record For Adoptive Parent Applicant**

147.1 A licensee shall maintain a record for an adoptive parent applicant containing the following information:

147.1.1 Application and evaluation of application, as required by these Regulations;

147.1.2 Home study final evaluation report, as required by these Regulations;

147.1.3 References as required by these Regulations;

147.1.4 Verification form from the Delaware State Police that fingerprinting was completed for all adult household members;

147.1.5 Verification of completed criminal history record check, child protection registry check, and adult abuse registry check;

147.1.6 Health appraisal, testing, and screening, as required by these Regulations;

147.1.7 Written evaluation of a home's physical environment;

147.1.8 Summary of any service, visit, and contact;

147.1.9 Any legal document obtained during an adoption process; and

147.1.10 Information provided about a child based on these Regulations.

#### **148.0 The Placement Process**

148.1 A licensee shall have a written placement policy that:

148.1.1 Matches a child with an adoptive parent applicant to ensure the child's needs are met;

148.1.2 Addresses the need of siblings to remain together; and

148.1.3 Addresses the need of a child to preserve his or her cultural, racial, and religious identities.

148.2 A licensee shall ensure that an adoptive parent applicant is aware that any personal information about a child or the child's birth parent or guardian, or any other family member shall be held in a confidential manner except as authorized by Law.

#### **149.0 Preparation for Adoption**

A licensee shall have a written description of how an Agency prepares a child in its care or supervision for adoption.

#### **150.0 Information Given to an Adoptive Parent Applicant**

150.1 A licensee shall provide an adoptive parent applicant with all available information about a child when selected for adoption. The information shall include, but not be limited to, the following, as applicable:

150.1.1 Date of custody;

150.1.2 Name, birth date, sex, race, and other significant identifying physical information;

150.1.3 Any photograph, videotape, or other media representation of a child;

150.1.4 Any date of placement, current caretaker, and current living condition;

150.1.5 Existence of and information about a birth parent, former guardian, any other family member and significant other, and nature of a relationship, as permitted by Law;

150.1.6 Religious preference;

150.1.7 Immediate and significant medical care need;

150.1.8 Immediate and significant educational need;

150.1.9 A child's physical and emotional state;

150.1.10 The circumstance leading to availability for adoption;

150.1.11 Any physical and emotional trauma experienced by a child;

150.1.12 Any known previous out-of-home placement;

150.1.13 For a child with special needs, an assessment of the child's long term need, adoption subsidy information, and community resources;

150.1.14 4E, SSI, and SSA eligibility of a child;

150.1.15 Current international adoption situation;

150.1.16 Adoption requirements of a country of origin;

150.1.17 Health issues of a country of origin;

- 150.1.18 Any institutional disorder such as those relevant to a child in an orphanage including any possible developmental delay;
- 150.1.19 Attachment issue;
- 150.1.20 Adoption risk especially pertaining to international adoption;
- 150.1.21 Travel information and assistance in a country of origin;
- 150.1.22 Available cultural support system, and
- 150.1.23 Finalization information.
- 150.2 A licensee shall keep written documentation on a process of how an Agency has gathered or has made an effort to gather any information required while preparing for an adoption.
- 150.3 A licensee shall readily share adoption preparation information with an adoptive parent applicant as it is made available, or explain any difficulty or failure to obtain information and provide a record of efforts made to obtain such information.
- 150.4 A licensee shall promptly disclose to an adoptive parent applicant any information that affects the adoption placement, including but not limited, to any suspension of an adoption program.
- 150.5 A licensee shall provide an adoptive parent applicant with any policy governing a refund when an adoption service that has been promised has not been rendered or when a situation may prevent or disrupt an adoption.
- 150.6 A licensee participating in international adoption placements where the United States is the country of origin shall document that the following process has occurred before a child leaves Delaware:
  - 150.6.1 There has been a termination of parental rights pursuant to statute;
  - 150.6.2 There has been a determination of legal responsibility for a child in a new country; and
  - 150.6.3 There has been validation that all the requirements for an adoption to occur in a foreign country can be satisfied.
- 150.7 A licensee shall require an adoptive parent applicant to comply with foster care requirements until an adoption is final.

#### **151.0 Post-placement Services**

- 151.1 A licensee shall assist a pre-adoptive parent during the post-placement period until finalization as follows:
  - 151.1.1 Assign a case worker who is responsible for providing direct services to a pre-adoptive parent;
  - 151.1.2 Offer assistance with any step toward integrating a child into a new family;
  - 151.1.3 Provide help with any problem that may occur including referrals for any service outside of an Agency's capability; and
  - 151.1.4 If applicable, provide information on adoption subsidies.
- 151.2 A licensee shall maintain in-person (face-to-face) contact with a pre-adoptive parent during the post-placement period until finalization as follows:
  - 151.2.1 The first in-person contact shall occur within two (2) weeks of placement or within a term required by the Interstate Compact on the Placement of Children;
    - 151.2.1.1 For an international adoption, the first in-person contact shall occur within four (4) weeks of placement.
  - 151.2.2 After the first contact, an in-person contact shall be required every month until finalization;
  - 151.2.3 At least one (1) in-person contact shall be made in a home of a pre-adoptive parent; and
  - 151.2.4 Each household member shall be interviewed in-person at least once during the post-placement period.
- 151.3 A licensee providing an international adoption service shall retain documentation that information about post-placement supervision as required by a country of origin and the licensee has been provided to a pre-adoptive parent except in a case where the licensee is only providing post-placement supervision.
- 151.4 A licensee providing an international adoption service shall provide to a pre-adoptive parent, any legal document pertaining to a child that has been obtained from the child's country of origin.

#### **152.0 Finalization**

- 152.1 A licensee shall explain the right of a pre-adoptive parent to engage an attorney of his or her choice for a finalization of an adoption, when applicable.
- 152.2 A licensee shall provide any required documentation for an appropriate State office or agency when finalizing an adoption.

152.3 A licensee shall ensure that for interstate adoption placement where Delaware is the state of origin, the requirements for any service following an adoptive placement shall be met by fulfilling the requirements of a finalizing state.

**153.0 Post-finalization Services for Adoptive Parent and Adopted Child**

A licensee shall have a written plan describing how the Agency will provide or refer an adoptive parent and an adopted child to post-finalization services for six (6) months after an adoption has been finalized if requested and as required by law.

**17 DE Reg. 608 (12/01/13) (Prop.)**