

DEPARTMENT OF SERVICES FOR CHILDREN, YOUTH AND THEIR FAMILIES

DIVISION OF FAMILY SERVICES

OFFICE OF CHILD CARE LICENSING

Statutory Authority: 29 Delaware Code, Section 9003(7) and 31 Delaware Code, Sections 341-345
(29 Del.C. §9003(7); 31 Del.C. §§341-345)
9 DE Admin. Code 201

FINAL

ORDER

201 Child Placing Agencies

NATURE OF PROCEEDINGS

The Department of Children, Youth and Their Families ("DSCYF") initiated proceedings to adopt State of Delaware Regulations for Child Placing Agencies. The proceedings were initiated pursuant to 31 Del.C. §§341-345, 29 Del.C. §9003(7), and 9 DE Admin. Code 201.

On October 1, 2016, DSCYF published its notice of proposed regulations pursuant to 29 Del.C. §10115 in the Delaware *Register of Regulations*. Written comments were accepted until October 31, 2016. Comments were received and DSCYF evaluated these comments and factual evidence to revise some regulations. The results of the evaluation of the comments received regarding the October 1, 2016 posting are summarized in the accompanying "Summary of Evidence."

SUMMARY OF EVIDENCE

In accordance with Delaware law, OCCL published DELACARE: Regulations for Child Placing Agencies in the October 2016 Delaware *Register of Regulations*. The comments were reviewed. Comments were provided by the following:

- Jamie Wolfe, Chairperson, State Council for Persons with Disabilities (SCPD)
- Dafne Carnright, Chairperson, Governor's Advisory Council for Exceptional Citizens (GACEC)
- Cindy Knapp, M.A. State Director, Children's Choice
- Danielle Goodman, Regional and District Supervisor, Adoptions from the Heart

Jamie Wolfe, Chairperson, State Council for Persons with Disabilities (SCPD) and Dafne Carnright, Chairperson, Governor's Advisory Council for Exceptional Citizens (GACEC)

First, in Section 4.0, definition of "administrative hearing", the reference to "decision to place the facility on an enforcement action" is odd and counterintuitive. For example, a hearing is available to contest denial of a license application which is not conceptually "an enforcement action". See §10.1. DFS may wish to consider adopting a more apt term (e.g. adverse OCCL decision" or "adverse OCCL action") and substituting a conforming definition for the counterintuitive definition of "enforcement action".

Agency Response: The agency appreciates and acknowledges these comments. OCCL defines an enforcement action as meaning any action taken by OCCL to encourage compliance, such as warning of probation or probation, and license suspension, revocation, or denial. Changing the hearing term is unnecessary to distinguish hearings that stem from the same cause of a licensee showing a pattern of failing to follow regulations. The regulation will remain as written.

Second, in Section 7.2.6, SCPD and GACEC recommends deletion of the reference to "society's best interests". The concept is amorphous and one could posit that "society" is better off letting "high need" children with complex disabilities or short expected life spans expire.

Agency Response: The agency appreciates and acknowledges these comments. The agency will revise regulation 7.2.6 by removing "and society's best interest" and replacing it with the word "needs."

Third, in Section 12.1, consider substituting "state" for "State" since out-of-state adoption officials should have the same status as "international officials". The capital version of "state" could be interpreted to only apply to Delaware.

Agency Response: The agency appreciates and acknowledges these comments. The agency will replace "State" with state.

Fourth, regarding, Section 13.0, DFS may wish to align the content of this section with analogous or overlapping sections, including §§26.11 and 46.0. For example, §13.0 requires notice to OCCL if a child is "absent without permission, runs away" or "is abducted". In contrast, §46.4.3 requires a foster parent to alert a licensee to "unknown location of the child" for any reason and §46.4.4 requires such notice for even "an attempt to remove the child from the foster home", not simply an actual "abduction". Note also that the foster parent must notify the licensee of "involvement of the child with law enforcement authorities" (§46.4.5) but the licensee is not required to notify DFS (§13.0). Likewise, note that §26.11 has a different injury threshold for notice to DFS - "serious bodily injury" versus any injury correlated with "medical/dental treatment" (§13.3). It would be preferable to have a single, identical standard. Finally, time periods for reporting are also

inconsistent. For example, §26.11 requires "immediate" reporting of injuries while §13.3 allows such reporting within 1 business day.

Agency Response: The agency appreciates and acknowledges these comments. Based on these comments the agency will revise 13.3, 46.4.2, 46.4.3, and 26.11 to align timeframes, events that require notification, and who the events need to be reported to.

Fifth, Section 16.1.5 requires that "permanent records" be kept "indefinitely". There is no definition of "permanent record" which could result in a lack of retention of records DFS would characterize as "permanent". The term "indefinitely" suggests that records must be maintained forever. This may be an unrealistic standard.

Agency Response: The agency appreciates and acknowledges these comments. The agency will revise 16.1.5 by removing the word, " indefinitely" and adding "according to the agency's policies."

Sixth, Section 19.1 is "overbroad". Literally, a licensee could not hire an accountant or bookkeeper who works off-site and has no contact with children if such an employee ever had a child removed from his or her custody for even dependency. There is no time limitation, i.e., the removal could have occurred 50 years ago. Moreover, removals based on "dependency" do not implicate "fault", e.g., the caregiver may simply have lost a job or become so ill that care could not be provided. See, e.g., Title 10 **Del.C.** §901(8). The second sentence in §19.1 is "cryptic". If DFS intends to authorize an exception to the first sentence, it should be made clear.

Agency Response: The agency appreciates and acknowledges these comments. The agency will revise 19.1 to read, "The licensee shall not employ or keep in any capacity any person with direct access to children whose child or children have been removed from his or her custody because of abuse, neglect, or dependency." The agency will revise the second sentence to read, "A person who has given up or otherwise lost custody of his or her children for reasons other than abuse, neglect, or dependency shall present documentation to the department regarding the circumstances of this event, so the department can determine whether this individual can work at the agency."

Seventh, Section 19.4 is "overbroad". It requires a licensee to "ensure a staff member provides documentation from a health care provider for the follow-up of known health conditions." There is no definition of "known health condition". That documentation is then shared with DFS. Employers cannot require an employee to disclose all "health conditions". See attached EEOC guidance.

Agency Response: The agency appreciates and acknowledges these comments. The agency will revise 19.4 to read, "The licensee shall ensure a staff member provides documentation from a health care provider for the follow-up of known health conditions that pose a direct threat to the health and safety of children. A person who has given up or otherwise lost custody of his or her children for reasons other than abuse, neglect, or dependency shall present documentation to the department regarding the circumstances of this event, so the department can determine whether this individual can work at the agency."

Eighth, Section 19.6.1 could be improved by clarifying that the statute has time limitations on most offenses. Mere conviction of a "prohibited offense" is insufficient to disqualify a person from serving as an employee or volunteer in a child care context. Consider the following amendment: 19.6.1. Convicted of a prohibited offense [during a relevant time period] as defined in 31 **Del.C.** §309.

Agency Response: The agency appreciates and acknowledges these comments. The agency will revise 19.6.1 to read "Convicted of a prohibited offense for the amount of time indicated in 31 Delaware Code, Section 309."

Ninth, Section 19.6 would effectively require an employer to immediately terminate the employment of an employee whose child has been currently removed under even an ex-parte order with marginal due process. The respondent may not be accorded a hearing for weeks (10 **Del.C.** §1043) but will have been fired. Moreover, the termination would apply to off-site employees (e.g. accountants; bookkeepers) who have no contact with children. This is overbroad.

Agency Response: The agency appreciates and acknowledges these comments. The agency seeks to protect the health, safety, and well-being of children. To address the Councils' comments about off-site staff, the agency will revise 19.6 to read "A licensee shall not employ or retain in any capacity any person with direct access to children receiving care or provide services directly to a child or children if:"

Tenth, Section 20.1.6 requires all licensee staff to "be physically and emotionally able to work with a child". This is overbroad and discriminatory, especially when applied to staff who are not caring for children, e.g. janitor, receptionist, accountant, development director, or bookkeeper. Moreover, it is a violation of federal and State law to not provide reasonable accommodations to an employee with a disability, including reassignment of some duties to other employees. See 19 **Del.C.** §§722 and 724(a)(5). Finally, DFS adoption of such overbroad standards is inconsistent with 19 **Del.C.** §§741 and 744.

Agency Response: The agency appreciates and acknowledges these comments. The agency will strike "be physically and emotionally able to work with a child" and add, "The appraisal shall confirm the individual's health and document medical or physical conditions that may limit the person's ability to perform child care or have direct access to children and any reasonable accommodations that may be required."

Eleventh, Section 20.1.11 contains the following ban: "possession of a controlled substance is prohibited while working". Thus, an individual with ADHD could not have prescribed Ritalin or Adderall on his person. An individual with depression could not have a remedial medication on his person. In many cases this would amount to discrimination based on disability. Indeed, literally, a licensee could not employ a nurse to administer medications that would qualify as a

controlled substance.

Agency Response: The agency appreciates and acknowledges these comments. The agency will revise 20.1.11 to read, "or possession while working of a prescribed controlled substance other than by the person for whom it was prescribed is prohibited."

Twelfth, Section 26.13 literally states that a child is allowed to have any "restriction" that is typical for a child of the same age. It is "odd" to say someone has a right to a restriction

Agency Response: The agency appreciates and acknowledges these comments. The agency will revise 26.13 to read, "A licensee shall have a written policy to ensure a child is allowed to have any right, freedom, and responsibility that is typical for a child of the same age."

Thirteenth, Section 26.15 requires a licensee to have a policy to ensure that a foster parent does not subject a child to "exploitation". Since "exploitation" is a form of "child abuse" as defined in §4.0, it may be preferable to amend §26.15 to more broadly cover child abuse and neglect.

Agency Response: The agency appreciates and acknowledges these comments. The agency will revise 26.15 to read, "A licensee shall have a policy to ensure that a foster parent does not subject a child to child abuse or neglect."

Fourteenth, Section 26.17.4 authorizes imposition of "physical, chemical, or mechanical restraint" with child placing agency approval. This is extremely problematic. Compare proposed Family Child Care Home regulation, §41.6.7 (categorically disallowing mechanical restraints or "restraining a child by a means other than holding"). There is a statutory ban on use of chemical and mechanical restraints in schools. See 14 **Del.C.** §4112F(b) which reflects a State public policy of disallowing their use. DHSS bans use of chemical restraint in facilities such as AdvoServ. See 16 **DE Admin. Code** 3320.20.11.11. DFS will not even be aware that mechanical and chemical restraints have been approved by a child placing agency or the frequency of use.

Agency Response: The agency appreciates and acknowledges these comments. The agency will strike chemical or mechanical restraints, however due to the needs of some foster children, the agency will revise 26.17.4 to read, "Physical restraint of a child, without training and prior written approval of the child's health care provider and the agency."

Fifteenth, Section 29.2.2 should be expanded to include an IFSP. Compare §30.1.11.5. It could also be expanded to include a Section 504 plan.

Agency Response: The agency appreciates and acknowledges these comments. The agency will revise 29.2.2 by adding "individualized family service plan or "IFSP", or Section 504 plan;" The agency will add Section 504 plan to 30.1.11.5.

Sixteenth, Section 34.1 only contemplates enrollment of "school-age" children in an educational program. That term is defined in §5.0 to only include children of kindergarten age upwards. This ignores children with disabilities entitled to special education at birth or age 3. See 14 **Del.C.** §§3101(1) and 1703(l)(m). It also ignores infants and toddlers eligible for IDEA-C services pursuant to 16 **Del.C.** §§210-218

Agency Response: The agency appreciates and acknowledges these comments. The agency will revise 34.1 by removing the word "school-age."

Seventeenth, Section 39.2 requires a licensee to ensure that an applicant and adult household members are free of an "indictment". An indictment is not a conviction. Federal guidance limits use of arrest records and non-convictions in the employment context. See EEOC Enforcement Guidance, "Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964, published at https://www.eeoc.gov/laws/guidance/arrest_conviction.cfm.

Agency Response: The agency appreciates and acknowledges these comments. The EEOC guidelines are for employment purposes; they do not apply to applicants and household members in foster care and adoptive homes. The agency's position is that an indictment is a serious enough action to prevent children from being placed in the home until the matter is resolved. The regulation will remain as written.

Eighteenth, Section 40.1.6 could be amended to include "power strips". Compare proposed Child Care Home regulation, §21.10.

Agency Response: The agency appreciates and acknowledges these comments. The agency will add the words "including power strips" to 40.1.6.

Nineteenth, Section 40.1.13 should be amended to include "vaping" or "smoking (as defined in 16 **Del.C.** §2901)". See 16 **Del.C.** §2903.

Agency Response: The agency appreciates and acknowledges these comments. The agency will revise 40.1.13 to include the word "vaping."

Twentieth, Sections 40.1.24 (foster care) and 51.3.25 (adoptive home) include a few pet references. However, while household member profiles/background checks are addressed in detail, there is no standard addressing dangerous animals (e.g. snakes; alligators; pit bulls). An applicant may not even have to affirmatively disclose the presence of such animals. A child could also be allergic to certain animals. A regulation addressing poisonous or aggressive animals is being deleted. See proposed superseded §111.2. A variation of the superseded standard should be retained.

Agency Response: The agency appreciates and acknowledges these comments. The agency will revise the foster care home study to include "if applicable, household pets." The agency will revise 40.1.24 to read "Poisonous or aggressive animals, such as snakes and alligators, or animals that are known carriers of illnesses or are sick with a disease that can

be spread to humans may not be kept or brought into the foster home."

Twenty-first, in §50.5, the reference to "under Delaware Code" is vague. DFS may wish to adopt more specific references.

Agency Response: The agency appreciates and acknowledges these comments. The agency will revise 50.5 and 39.4 to read, "A licensee shall ensure that a person who is active on the Delaware child protection registry at a Level III or Level IV is prohibited from being an adoptive parent while on the child protection registry."

Cindy Knapp, M.A. State Director, Children's Choice

In regard to 18.5.3, per DFS, agencies send a letter to the foster parents stating whether the complaint was founded or unfounded. We do not send out the responses from everyone interviewed.

Agency Response: The agency appreciates and acknowledges these comments. The agency will revise 18.5.3 to read, "Notification stating the findings of founded or unfounded is mailed to the foster or pre-adoptive parent;"

Danielle Goodman, Regional and District Supervisor, Adoptions from the Heart

On 6.1.6 - can we add that private agencies must be non-profit 501 (c)(3)?

Agency Response: The agency appreciates and acknowledges these comments. A private child placing agency has the right to be a for profit agency. The regulation will remain as written.

Can we change to 14.1.2 When a governing body consists of more than three people, a meeting shall be held at least quarterly?

Agency Response: The agency appreciates and acknowledges these comments. The agency recognizes that a governing body should meet more than once a year and will revise 14.1.2 to read, "When a governing body consists of more than three people, a meeting shall be held at least twice a year."

14.1.3 A licensee shall keep minutes of each meeting for 5-10 years (instead of 1 year).

Agency Response: The agency appreciates and acknowledges these comments. The agency recognizes that meeting minutes should be kept for more than one year to provide information about past decisions that were made and topics that were discussed. The agency will revise 14.1.3 to read, "A licensee shall keep minutes of each meeting for at least three years."

Annual training- 23.1 Delaware has a high number of training hours required, versus other states. Can we drop down to 25 hours per year.

Agency Response: The agency appreciates and acknowledges these comments. After reviewing the annual training requirements from multiple states, the agency will revise 23.1 to 24 hours and 23.1.1 to 12 hours.

48.2 Why did an amount of hours 20, get added to the training of Adoptive parents? Can we keep it as it was before that we have to provide documentation on the topics required, but not give a specific time frame?

Agency Response: The agency appreciates and acknowledges these comments. The agency will revise 37.2 to read, "A licensee shall hold foster parent training to provide basic information to foster parent applicants. The agency shall document that the applicant attended and received training on the following topics:" The agency will also revise 48.2 to read, "The agency shall document that the applicant attended a session and received training and information on the following topics:"

50.2 Can we change the wording to say, "A licensee shall assess an applicant (instead of ensure)?"

Agency Response: The agency appreciates and acknowledges these comments. The regulation uses the word ensure to prompt the agency to seek information to make sure applicants are of good character. The regulation will remain as written.

52 Can we state that the agency provides an approval certificate and/or letter to an applicant?

Agency Response: The agency appreciates and acknowledges these comments. The agency will revise 52 to read, "Once an agency approves an applicant, a licensee shall ensure an agency provides an approval letter or certificate to an applicant."

56.2.2 - This has been discussed at previous meetings. For private agencies handling infant adoptions, monthly in person meetings are too much. It should stay at a minimum of three visits shall be required; or monthly phone contact and three in person visits.

Agency Response: The agency appreciates and acknowledges these comments. The agency will revise 56.2.2 to read, "After the first contact, a minimum of three in-person visits shall be required;"

NOTICE OF RESCISSION AND PROMULGATION

The Office of Child Care Licensing, Division of Family Services, Department of Services for Children, Youth and Their Families adopts and promulgates the following regulations for child placing agencies as authorized in the Delaware Code, Title 31, Chapter 3, Subchapter III, Subsections 341-345, also known as "The Delaware Child Care Act." All previous requirements and regulations pertaining to such facilities are void. These regulations shall take effect on January 1, 2017.

Carla Benson-Green, Secretary, Department of Services for Children, Youth and Their Families; 11/7/2016

201 Child Placing Agencies

4.0 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 or other appropriate entity 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 court of appropriate jurisdiction.

“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 Delaware: 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 Delaware: 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 Delaware: 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 and make it available to any person upon request.~~
- 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 referred to Law Enforcement for an investigation of any complaint that may constitute a crime.
- 18.4 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. Notification and investigation by the Office of Child Care Licensing will be coordinated with the Institutional Abuse Investigation Unit and Law Enforcement pursuant to the *Memorandum of Understanding Between the Department of Services for Children, Youth, and Their Families, Delaware Children's Advocacy Center, Department of Justice, and Delaware Police Departments*.
- 18.5 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.
- 18.6 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.
- 18.7 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.
 - 18.7.1 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 Delaware Regulations for Child Placing Agencies.
- 18.8 A Licensee shall not discourage, inhibit, penalize or otherwise impede any staff member or volunteer from reporting any suspected or alleged incident of child abuse or neglect or cooperating with an investigation of the incident.

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 or attempted suicide of a child while a client of an Agency. If the event 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 Exploitation of a child as defined in 16 **Delaware Code** Section 1131;
 - 19.2.4 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;
 - 19.2.5 A subsequent charge, arrest, or conviction of a Licensee or Agency staff member;
 - 19.2.6 Involvement of a Licensee or Agency staff member with the Department due to child abuse or neglect;
 - 19.2.7 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 the heating or cooling system to provide a comfortable atmosphere such as the inability for the heating system to maintain a minimum draft-free temperature of sixty-eight (68) degrees or the inability of the cooling system to maintain a maximum temperature of eighty-two (82) degrees each measured at three (3) feet above floor level; and
 - 19.2.8 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 children, as prescribed in 31 ~~Del.C.~~ §309.
- 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 involving:
 - 42.7.1 Physical harm against a person:
 - 42.7.2 Weapons, explosive devices or threat of harm:
 - 42.7.3 A disregard of others, such as reckless endangering and arson:
 - 42.7.4 Cruelty to animals or deviant behavior such as abusing a corpse: or
 - 42.7.5 Offenses against the Uniform Controlled Substances Act.]
- 42.8 A licensee may, at its own discretion, make exceptions to subsections 42.7.1 through 42.7.5 when the licensee documents that the health, safety and well being of a child would not be endangered except as prohibited by the Criminal Background Check law, 31 ~~Del.C.~~ §309.
- 42.9 OCCL adopts the guidance from Equal Opportunity Commission, Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964, 915.002, issued 4/25/2012.

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 incident 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.
- 75.3 A licensee shall ensure that a foster parent does not subject a child to exploitation in any form.

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 such as shaking, hair-pulling, biting, pinching, slapping, spanking, hitting, or throwing a child is prohibited.
- 77.1.7 A child shall not be physically or chemically restrained (such as tied, taped, chained or caged) or placed in mechanical restraints 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 water beds 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 and completion of selective service registration.

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 who has been substantiated for abuse and neglect under Delaware Code is prohibited from being a foster parent while on the Child Protection Registry.
- 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 at least twenty-one (21) 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 provide a comfortable atmosphere and are maintained at a minimum draft free temperature of at least sixty eight (68) degrees F and a maximum of eighty two (82) degrees F measured at three (3) feet above 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 has 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.

405.0 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.

406.0 Fire Safety

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

406.1.1 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.

406.2 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.

406.2.1 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.

406.2.2 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.

406.3 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.

406.4 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.

407.0 Evacuation Drill And Emergency Planning

407.1 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.

407.1.1 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.

407.2 A licensee shall ensure that a foster parent applicant creates and uses an emergency plan that includes:

407.2.1 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;

407.2.2 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;

407.2.2.1 A reliable source may include an agency such as American Red Cross, United States Department of Homeland Security, and Delaware Emergency Management Agency.

407.2.3 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

407.2.3.1 Food consisting of canned goods and non-perishable food items;

407.2.3.2 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

407.2.3.3 Equipment consisting of a battery or crank radio, working flashlight, extra batteries, manual can opener, blankets and/or sleeping bags, and first aid kit.

407.2.4 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.

408.0 First Aid Kits

408.1 A licensee shall ensure that a foster home has and uses a first aid kit that contains, but not limited to, the following items:

408.1.1 Disposable nonporous gloves;

408.1.2 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 replacement 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

- 111.1 A licensee shall ensure that a foster home pet is cared for in a safe and sanitary manner and that proof of vaccination as prescribed by State Law is maintained.
- 111.2 Poisonous or aggressive animals or animals that are known to be carriers of illnesses or are sick with a disease(s) that can be spread to humans may not be kept or brought into the foster care home.

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.~~

1.0 Legal Base and Laws

1.1 The legal base for DELACARE: Regulations for Child Placing Agencies is in 31 Del.C. §§341-347.

1.2 The laws pertaining to a child's placement in foster care or for adoption are found in 13 Del.C. §§901-956; 13 Del.C. §§1101-1115; 31 Del.C. §§351-356; and 31 Del.C. §§381-389.

2.0 Purpose

The purpose of these regulations is to protect the rights of [a child children] in foster care [or who is, those] in the process of being adopted[,] and [the rights of the child's birth parent or guardian children's birth parents or guardians]. These regulations establish minimum standards set by the Office of Child Care Licensing (known hereafter as OCCL) to approve a foster or adoptive parent, foster or adoptive family household members, and a foster or adoptive home. They also 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 A child placing agency or "agency" means an organization established to provide or arrange for a child's placement in the home of an approved foster or adoptive parent. Licensed agencies shall meet the general provisions of Part I.

3.1.1 Foster Care - An agency shall meet Part II regulations when placing a child in a foster home; assisting the child's birth parent or guardian; and approving a foster parent, household members, and a foster home.

3.1.2 Adoption - An agency shall meet Part III regulations when placing a child in a private home for adoption; assisting the child's relinquishing birth parent or guardian; and approving an adoptive parent, household members, and an adoptive home.

4.0 Definitions

The following words and terms, when used in these regulations, have the following meaning unless the context clearly indicates otherwise.

"Administrative hearing" means the hearing provided to a licensee or applicant when requesting an appeal of OCCL's decision to place the facility on an enforcement action. The licensee or applicant must show evidence to dispute the action. Licensees or applicants, at their expense, may appeal hearing decisions for revocations and denials to Delaware Superior Court for a final review.

"Administrator" means a staff member responsible for the supervision and administration of OCCL.

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

"Adoptive home" means a private residence where 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 the age of 18.

"Agency" means a child placing agency.

"Agreement of understanding" means a document that is part of a corrective action plan or used when necessary to ensure regulation compliance.

"Applicant" means a person, agency, corporation, partnership, or entity applying for a license through OCCL to provide foster care or adoption services. In the foster care section, the applicant refers to a foster parent applicant. In the adoption section, the applicant refers to an adoptive parent applicant.

"Background check" means a State of Delaware and federal (national) fingerprinted report of a person's entire criminal history, a Department of Services for Children, Youth and Their Families child protection registry check, and other checks as required by State or federal law.

"Birth parent" means the child's biological mother or father.

"Business day" means a weekday Monday through Friday not including State of Delaware legal holidays.

"Caseworker" means an agency staff member who works directly with a child, his or her birth parent or guardian, foster or adoptive parent, and other relevant person. This person is primarily responsible for the development, implementation, and review of a service plan for a child and his or her birth parent or guardian. This person performs a placement or home-finding service for a child, conducts an assessment study for a foster or adoptive parent, and meets the qualifications as specified in these regulations.

"Caseworker supervisor" means an agency staff member with responsibility for the supervision of caseworkers and meets the qualifications specified in these regulations.

"Chief administrator" means an agency staff member designated by a licensee or governing body as having day-to-day responsibilities for the overall administration and operation of an agency. This person assures the care, treatment, safety, and protection of child clients and meets the qualifications specified in these regulations.

"Child" means a person who has not reached the age of 18.

"Child abuse" means a person causing or inflicting sexual abuse on a child; or a person that has care, custody, or control of a child causing or inflicting physical injury through unjustified force, emotional abuse, torture, exploitation, maltreatment, or mistreatment as defined in 10 Del.C. §901.

"Child care licensing specialist" or **"specialist"** means an OCCL employee responsible for performing regulatory activities, including monitoring child care facilities, investigating complaints, monitoring enforcement actions, and making recommendations for licensure as set forth in Delaware Code and these regulations.

"Child care licensing supervisor" or **"supervisor"** means an OCCL employee responsible for performing supervisory and regulatory activities, including monitoring child care facilities, investigating complaints, monitoring enforcement actions, and making recommendations for licensure as set forth in Delaware Code and these regulations.

"Child neglect" means a person responsible for a child failing to provide the proper or necessary education, as required by law; nutrition; or medical, surgical, or any other care necessary for the child's well-being as defined in 10 Del.C. §901.

"Child sex abuse" means an act against a child that is described as a sex offense or child exploitation as defined in 11 Del.C. §8550(2).

"Clock hour(s)" means the actual number of hours a person spends attending the instructional portion of a training designed to develop or enhance knowledge and skills.

"Complaint investigation" means the process followed by the division to investigate accusations that a licensee does not comply with these regulations or applicable laws.

"Conference" means a meeting between OCCL and a licensee to discuss non-compliance of a serious or repeated nature. If a licensee does not correct this non-compliance as stated in a corrective action plan or agreement of understanding, this may result in an enforcement action. At a conference, a licensee may also dispute non-compliance with regulations cited by a licensing specialist during a compliance review, complaint or other monitoring visit, or discuss the denial of a variance request.

"Corrective action plan" means a document listing the non-compliance a licensee must correct, how it must be corrected, and the date OCCL requires the corrections to be completed.

"Court appointed special advocate" or "CASA" means a person appointed by the court to represent the best interests of a child whether or not that reflects the child's wishes. This person shall be a party to child welfare proceedings. The CASA is charged with obtaining a clear understanding of the situation and child's needs and making recommendations to the court as to what is in the child's best interests.

"Denial" means the process of refusing to grant a license after OCCL receives an application.

"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 developmental age and stage. This opportunity is consistent with the child's special needs and encourages development to the next stage.

~~["Direct voice contact" means a licensee or staff member is required to speak with a specialist, licensing supervisor, or administrator by calling or visiting OCCL. When direct voice contact is required, leaving a voice mail message is not acceptable.]~~

"Disability" means a physical, intellectual, emotional, developmental or chronic medical condition.

"Division" means the Division of Family Services within the department.

"Division director" means the director of the Division of Family Services.

"Enforcement action" means an action taken by OCCL to encourage compliance, such as warning of probation, probation, suspension, revocation, or denial.

"Family" means biological or adoptive father, mother, brother, and sister, but may be interpreted 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 has responsibility for or legal custody of a child.

"Family service plan" means a comprehensive individualized action plan developed by the agency in cooperation with a child, his or her birth parent or guardian, and other family members. The plan establishes goals, objectives, and deadlines based on resolving any problem that resulted the child's placement. The plan includes needed services and, if applicable, a visitation and reunification plan.

"Foster care" means the temporary care of a child placed in an agency-approved foster home.

"Foster home" means a private residence where a foster parent lives and meets the requirements of these regulations for foster care.

"Foster parent" means an agency-approved person who can 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, for example, a board of directors.

"Guardian" means a person appointed by a court of appropriate jurisdiction.

"Guardian ad litem" or "GAL" means a person appointed by the court to represent the best interests of a child whether or not that reflects the child's wishes. This person shall be a party to child welfare proceedings. The GAL is charged with obtaining a clear understanding of the situation and child's needs and making recommendations to the court as to what is in the child's best interests.

"Health care provider" means a professional certified by the correct licensing body who practices medicine with or without supervision. The most common types of health care providers include physicians, advance practice nurses or nurse practitioners, and physician assistants.

"Home study" means an assessment of a foster or adoptive parent applicant, household members, and the applicant's home to determine suitability as a foster or adoptive parent. The agency must update a home study at least yearly and whenever a significant change occurs in the household.

"Home study update" or "addendum" means at least an annual review of a home study to ensure all information is accurate and updated. When a significant change occurs or new information is provided, the agency must update the home study.

"Household member" means a person living in a home with a foster or adoptive parent applicant or approved foster or adoptive parent for more than 30 days within a year.

"Infant" means a child less than one year old.

"Institutional abuse unit" means a section within the division that investigates allegations of child abuse or neglect **[which has that]** occurred to a child while in out-of-home care as defined in 10 Del.C. §901.

"International adoption" means the adoption of a child who resides in another country or resides in the United States and is being adopted by a person from another country.

"License" means a document issued by OCCL allowing a person to operate an agency after demonstrating compliance with these regulations and other applicable codes, regulations, laws, treaties, and agreements.

"Licensee" means a person or entity legally responsible for a licensed agency.

"Licensure" means OCCL issued a license after the applicant showed compliance with these regulations.

"Medical care" means a child's medical, dental, or behavioral health care, including treatment, prescribed medication, and immunization. Behavioral health includes mental and chemical dependency care.

"Mixing" means the department placed 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 been charged with a delinquent act.

"Office of Child Care Licensing" or "OCCL" means the agency within the department authorized under 31 Del.C. §§341-345 to promulgate and enforce regulations for child care, to license child care facilities, and to develop and implement policies and procedures.

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

"Personal belongings" means items, including clothing, toys, photos, or 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 completed.

"Post-placement services" means services provided after a child is placed for adoption or before the adoption is completed.

"Pre-adoptive" means a child is placed but the adoption is not final.

"Preschool-age child" means a child age three through five not yet attending kindergarten. If a child is older than age five and not attending kindergarten or a higher grade, OCCL considers that child in the preschool-age group.

"Probation" means an enforcement action initiated by OCCL because of noncompliance with these regulations. The division director must approve this action. This action directs a licensee to correct all non-compliances and maintain compliance or face revocation or denial.

"Provisional license" means a license issued for a maximum period of three months when the licensee is temporarily unable to comply with these regulations. There can be no serious risk to the health, safety, and well-being of an agency's client. The licensee operates under a corrective action plan. An extension beyond this time requires administrator approval.

"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 minimum standard required for a specific part of child welfare established by OCCL and known as DELACARE: Regulations for Child Placing Agencies.

"Respite care" means alternate care provided for 14 days or less for a foster child placed by an agency.

"Revocation" means the process of rescinding a license during the license's effective dates and withdrawing permission to operate.

"School-age child" means a child who attends or has attended kindergarten or a higher grade.

"Secretary" means the Secretary of the Department of Services for Children, Youth and Their Families.

"Service plan" means a comprehensive action plan for the child and ~~his/her~~ his or 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. The plan is based on the child's age, functioning level, perception of time, and on the family's ability to understand and participate.

"Special needs" means a diagnosed physical disability, chronic disease requiring medical attention, or mental, educational, or emotional condition requiring treatment or accommodations.

"Staff member" means an agency employee, contractor, or volunteer working more than five days or 40 hours a year.

"Suspension order" means a letter sent by OCCL informing the licensee to stop providing services as of a specific date. While the license is suspended, the licensee cannot provide services.

"Toddler" means a child over 12 months old and under 36 months old.

"Training" means an organized learning activity designed to develop or improve the abilities of a staff member or a foster or adoptive parent to provide services to children.

"Variance" means OCCL's approval for a licensee to meet the intent of a specific licensing regulation in a way that is different from the way the regulation specifies. OCCL will only give this approval when the change will not endanger the health, safety, or well-being of an agency's client.

"Volunteer" means a person who provides an unpaid service or support to an agency.

"Warning of probation" means an enforcement action initiated by OCCL because of noncompliance with these regulations. The administrator must approve this action. This action directs a licensee to correct all non-compliances and maintain compliance, or face probation or another enforcement action.

5.0 Child Placing Agency Licensure

A person, agency, corporation, partnership, or entity shall not operate or provide foster care or adoption services as defined in these regulations unless OCCL issues a child placing agency license to do so. Anyone who operates a child placing agency without a license violates 31 Del.C. §§341-345, The Delaware Child Care Act, and shall be fined not more than \$100 or imprisoned not more than three months, or both.

6.0 Application Process

6.1 An applicant shall complete the following steps for OCCL to issue a license:

6.1.1 Contact OCCL to set up a meeting to receive information on the DELACARE: Regulations for Child Placing Agencies and the licensure process;

6.1.2 Submit a completed application, including all required materials;

6.1.3 Submit the names, addresses, phone numbers, and email addresses, if applicable, for three references who are familiar with, but not related to, the applicant and can describe the applicant's ability to provide services to children in foster care or in the adoption process;

6.1.4 Provide the policy and procedures manuals for staff and clients;

6.1.5 Complete a fingerprinted background check;

6.1.6 Provide documents showing authority to operate; and

6.1.6.1 An applicant of a privately owned agency shall provide documents identifying the name and address of the owner.

6.1.6.2 An applicant shall provide the name and address of each officer and director for a corporation, partnership, or association.

6.1.6.3 An applicant shall provide, when applicable, a charter, partnership agreement, constitution, articles of association, and by-laws.

6.1.7 Demonstrate to the satisfaction of OCCL that the agency complies with these regulations and other applicable codes, regulations, laws, treaties, and agreements.

7.0 Issuance of a License

7.1 In order for OCCL to grant a license, the applicant must successfully complete the application process according to OCCL's procedures.

7.2 OCCL must determine compliance with these regulations and applicable provisions of Delaware Code by conducting a thorough investigation of the applicant in accordance with reasonable standards. OCCL will also review information regarding the following areas:

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

7.2.2 The present and future need for the service;

7.2.3 The employment of capable, trained, and experienced workers;

7.2.4 Sufficient financial backing to ensure effective work;

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

7.2.6 Whether the services will be provided to children in a way that meets their ~~[and society's best interests needs]~~; and

7.2.7 The required criminal background checks are approved.

7.3 To operate an agency, OCCL must issue a license for the site address listed on the application. The license is valid at this address only. This license remains the property of OCCL, and is not transferable or subject to sale. The licensee must post the license. When an agency is sold, closes, or relocates, or when the license has been suspended, revoked, or expired; the license immediately becomes void. A new license is required before an agency may provide services at a new address.

8.0 License Renewal

The licensee shall submit a completed license renewal application to OCCL at least 60 days before the current license expires. The existing license shall not expire until OCCL makes a decision on a timely-submitted renewal application. A specialist shall review the application, confer with the applicant, and inspect the premises. In addition, a specialist shall review files, policy manuals, and other relevant documentation to determine whether the applicant complies with the applicable provisions of these regulations. OCCL may issue an annual or provisional license after a specialist completes this review.

9.0 License Suspension

- 9.1 OCCL may immediately suspend a license if the health, safety, or well-being of children receiving services is in serious or imminent danger. A suspension order may be verbal or written and the licensee shall stop providing services. OCCL will send written follow-up to a verbal suspension order within three business days. A written suspension order shall state the reason or reasons for the enforcement action.
- 9.1.1 Within 10 business days after the issuance of the written order, the licensee must choose to close, remain suspended until the licensee corrects the reason for the suspension, or remain suspended and request a hearing.
- 9.1.2 The hearing shall be scheduled and held within 10 business days of the licensee's request for a hearing. A hearing officer will be assigned who has not been involved with the licensee. The hearing officer may allow delays only for good cause.

10.0 Denial of a License Application or Revocation

- 10.1 The division may deny a license application or revoke a license to operate for failure to follow these regulations or a federal, State, or local law. An effort to give false information to the department by a licensee may result in denying an application or revoking a license. The division shall notify the licensee in writing of its intent to deny an application or revoke a license, stating the reason or reasons for the enforcement action. This letter will describe how the licensee can appeal the decision.
- 10.1.1 Within 10 business days after receiving the notice, the licensee must request a hearing or accept the denial or revocation and close within the time indicated in the notice.
- 10.1.2 The department must conduct the hearing within 30 days of the initial hearing request. The department will assign a hearing officer who has not been involved with the licensee. The hearing officer may allow delays only for good cause.
- 10.1.3 Once OCCL denies an application or revokes a license, the licensee or applicant may not apply for any license from OCCL for three years.
- 10.2 If a licensee requests a hearing in a timely manner, its existing license shall be valid until the department provides the final hearing decision in writing. However, OCCL may suspend a license immediately whenever the health, safety, or well-being of children in care is in serious or imminent danger.
- 10.3 If a licensee does not request a hearing in a timely manner as stated in subsection 10.1.1, the denial or revocation shall take effect 30 days after OCCL issued the notice. However, if the health, safety, or well-being of children in care is in serious or imminent danger, OCCL shall suspend the license immediately.
- 10.3.1 An applicant or licensee dissatisfied with the department's decision for a denial or revocation hearing may file an appeal within 30 business days after the mailing or delivery of the decision notice. This applicant or licensee appeals to the Office of the Prothonotary in Delaware Superior Court in the county where the agency is located. The applicant or licensee shall supply a copy of the appeal to OCCL. The applicant or licensee pays for this appeal.
- 10.3.2 The final decision of the secretary will remain in place during the appeal process unless otherwise ordered by the court pursuant to 29 Del.C. §10144.

11.0 Regulation Variance

The licensee must comply with all regulations unless the licensee requests a variance from OCCL and receives approval. The written variance request must describe how the licensee will meet the intent of a specific regulation in a way that is different from the way the regulation states. The change shall not endanger the health, safety, or well-being of agency children or clients. The licensee shall keep the variance approval and make it available on request. A variance is valid only for this licensee. If the licensee fails to comply with the variance, OCCL shall cancel the variance and require the site to comply as the regulation states.

12.0 Authority to Inspect

- 12.1 The licensee shall allow access to the agency during the hours of operation to OCCL officials[,] and other local, [State state], federal, and international officials with responsibility for monitoring, approving, or authorizing

services. The agency must also grant access to officials who provide payment for the service provided by the agency.

- 12.2 The licensee shall cooperate with requests by these officials and allow for an announced or unannounced inspection of the agency. The licensee shall grant access to information, files, and records for the purposes of determining compliance or investigating complaints of suspected abuse and neglect, or non-compliance with applicable provisions of these regulations and other applicable codes, regulations, laws, treaties, and agreements.
- 12.3 The licensee shall allow and not prevent the interviewing of himself or herself; a staff member; a child client; or the child's birth, foster, or adoptive parent by officials from OCCL or other State and local agencies. Interviews will occur to determine compliance with these regulations and other applicable codes, regulations, or laws.
- 12.4 The licensee may request a conference to dispute citations of regulation non-compliance. These citations may have occurred during a compliance review, complaint investigation, or monitoring visit.

ADMINISTRATION AND ORGANIZATION

13.0 Notification to OCCL

- 13.1 The licensee shall immediately call OCCL and speak to someone Monday-Friday between 8:00 AM and 4:30 PM if a child dies or attempts suicide while a client of an agency. **[Leaving a message is not acceptable.]** If the death or suicide attempt occurs after business hours, the licensee shall immediately call the 24-Hour Child Abuse Report Line, currently 1-800-292-9582.
- 13.2 The licensee shall call OCCL and speak to someone within one business day during business hours **[(leaving a message is not acceptable)]** (and follow this call with the division's reportable event report within three **[business]** days **[of the event]**) when any of the following things happen:
 - 13.2.1 A fire, flood, or other disaster causes damage so the agency is unable to operate safely;
 - 13.2.2 Suspected abuse or neglect of a child while a client (after reporting the suspicion to the 24-Hour Child Abuse Report Line);
 - 13.2.3 Suspected child abuse or neglect involving the licensee or staff member being investigated by the department;
 - 13.2.4 Known new charges, arrests, or convictions of the licensee or staff member;
 - 13.2.5 A child is abducted; or
 - 13.2.6 Suspension or loss of a license to provide services for children in another state or country.
- 13.3 The licensee shall submit a reportable event report to the division within three **[business]** days when a child client is absent without permission[, **or**] runs away[, **or is injured has a serious injury or illness that and** needs medical/dental treatment[, **or is involved with law enforcement**].
- 13.4 The licensee shall call OCCL and speak to someone within five business days and send follow-up documentation to the assigned specialist within five business days when the agency's phone number changes or when the chief administrator resigns, is dismissed, or is hired.
- 13.5 The licensee shall notify OCCL in writing at least 60 days before the agency's address, name, ownership, or type of regulated service offered changes. The licensee shall also notify OCCL when the agency plans on closing.

14.0 Governing Body

- 14.1 A licensee shall have an identifiable owner and functioning governing body with responsibility for and authority over the operation of an agency.
 - 14.1.1 A corporation, partnership or association shall have, when applicable, documents identifying governing body members and officers, their addresses, and their terms of membership.
 - 14.1.2 When a governing body consists of more than **[one person three people]**, a meeting shall be held at least **[annually twice a year]**.
 - 14.1.3 A licensee shall keep minutes of each meeting for **[one year at least three years]**.
- 14.2 A licensee shall ensure a governing body of an agency performs the following duties:
 - 14.2.1 Requires agency's compliance with the agency's charter;
 - 14.2.2 Requires agency's compliance with these regulations, and applicable local, State, federal, and international codes, regulations, laws, treaties, and agreements governing the operation of an agency;
 - 14.2.3 Requires that an agency is adequately funded and fiscally sound;
 - 14.2.4 Reviews and approves an agency's annual budget and program;

- 14.2.5 Appoints a chief administrator of an agency, provides a job description, including the position's responsibilities, and gives sufficient authority to this person to manage the agency;
- 14.2.6 Completes an annual evaluation of a chief administrator based on a job description and standards of performance; and
- 14.2.7 Meets with an OCCL representative whenever required to do so.

15.0 Program, Location, and Records

- 15.1 A licensee shall have a description of an agency's philosophy, purpose, and program. This description shall outline services provided by an agency and each method of service delivery. This description shall be available to referral sources and the public upon request.
- 15.2 A licensee shall have a permanently staffed office in Delaware. The office shall have space and equipment necessary to provide the services listed in an agency's program description and to ensure privacy during a client interview.
- 15.3 A licensee shall have a working phone at each agency location and a publicly listed phone number.
- 15.4 A licensee shall annually develop and implement a financial plan to ensure the program and services continue, the children receive proper care, and the agency complies with these regulations.
- 15.5 A licensee shall obtain an annual audit of all financial accounts. A privately operated agency shall have an audit conducted by an independent certified public accountant. A government-operated agency shall have an audit conducted as required by statute.
- 15.6 A licensee shall keep records as property of an agency.
- 15.7 A licensee shall keep current or active client records in Delaware.
- 15.8 A licensee shall maintain each record in a consistent order and layout to help authorized staff members locate information.
- 15.9 A licensee shall maintain the confidentiality of each client's case record. A licensee shall document that each staff member and volunteer with access to client information must keep the client's information private.
- 15.10 A licensee shall not release a child's information without the voluntary written consent of a **[birth parent/guardian parent or guardian]** or court order, except to the child, his or her **[birth parent/guardian parent or guardian]**, their respective legal counsel, or an authorized public official in the performance of mandated duties. A licensee shall be able to release information necessary for the purpose of adoption and foster care planning, recruitment, post-placement, and post-finalization services.
- 15.11 Upon request, a licensee shall make available information in a child's case record to the child, his or her **[birth parent/guardian parent or guardian]**, and their respective legal counsel when the requested information does not contain material that violates the privacy rights of another person or the material should be withheld according to other laws or by court order.
 - 15.11.1 A licensee may withhold information from a child or a **[birth parent/guardian parent or guardian]** when the information is considered, in the opinion of an authorized and informed professional, potentially damaging to the child.
 - 15.11.2 A licensee shall have a procedure for a child or a **[birth parent/guardian parent or guardian]** to appeal decisions to withhold information.
- 15.12 A licensee may use material from a case record after removing all identifying information for teaching or research purposes. A licensee may also use this material to develop the governing body's understanding and knowledge of the agency's services.
- 15.13 A licensee shall not intentionally use documents known to be false, make statements known to be false, or conceal facts in the process of placing a child.

16.0 Policies and Procedures

- 16.1 A licensee shall have a written policy for record security, maintenance, and disposal that addresses:
 - 16.1.1 Assigning the responsibility of supervising record maintenance and custody;
 - 16.1.2 Securing a record against loss, damage, tampering, accessibility, and unauthorized use;
 - 16.1.3 Determining to whom a record may be released;
 - 16.1.4 Determining what type of record or portion of a record may be destroyed and what must be kept permanently;
 - 16.1.5 Creating a storage system for permanent records that ensures information is protected and kept **[indefinitely according to the agency's policies]**; and
 - 16.1.6 Transferring and keeping records in the event the agency closes.

- 16.2 A licensee shall have a written policy regarding a child's involvement in fund raising and public relations activities. This policy shall protect a child's rights to privacy and dignity. A photo, videotape, film, or recording that reveals a child's identity shall not be used for research, fund raising, or public relations without the written consent of the child's [birth ~~parent/guardian~~ parent or guardian] and notification of the child's custodian and GAL/CASA.
- 16.3 A licensee shall have a written policy regarding a child's participation in research projects. The policy shall conform to the National Institute of Mental Health Standards on Protection of Human Subjects.
- 16.4 A licensee shall have a written policy, including a time frame for handling a foster or adoptive parent application, public inquiry, and request for service. This policy shall include a procedure for documenting:
- 16.4.1 Referrals to another agency when a person requires a service not provided by the agency;
- 16.4.2 Requests for service and reasons for acceptance or denial; and
- 16.4.3 Receipt of a foster or adoptive parent application and the disposition of the application.
- 16.5 A licensee shall ensure when a fee is charged, an agency has a clearly written policy describing the service fees, and describing when fees are charged, reduced, waived, or refunded. This policy shall be available to people receiving a service that has a fee and to the public upon request.
- 16.6 A licensee shall have written personnel policies and make them available to staff and to potential staff upon request.
- 16.7 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. The policy shall include a clear, written grievance procedure for a staff member. A licensee shall have written procedures for hiring, discipline, dismissal, suspension, and lay-off of a staff member according to applicable laws.
- 16.8 A licensee shall have a written appeal procedure for a client such as a child, a birth [parent/guardian parent or guardian], an adoptive or foster parent applicant, or an approved foster or adoptive parent who wants to appeal a decision made by an agency. This agency shall provide this policy to a client as soon as service begins and ensure that:
- 16.8.1 A time frame is established for the appeal process;
- 16.8.2 A staff member who is not directly involved with a client and the decision being appealed gathers factual information from the client regarding the decision; and
- 16.8.3 The decision is reviewed at a higher administrative level than the original decision.
- 16.9 A licensee shall ensure there is a written procedure describing a process for investigating a complaint against a foster or pre-adoptive parent.
- 16.10 A licensee shall develop, follow, and maintain on file a written policy and procedure for handling an 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:
- 16.10.1 A licensee shall report an incident to the division;
- 16.10.2 A licensee immediately shall take corrective action to protect a child from harm;
- 16.10.3A licensee shall take long-term corrective action such as an internal evaluation to identify and eliminate factors or circumstances that may have caused or may have otherwise resulted in a continuing risk of abuse or neglect to a child;
- 16.10.4A staff member alleged to have perpetrated an incident of child abuse or neglect shall be suspended or removed from having direct contact with any child, or shall be reassigned to other duties that do not involve contact with a child until the incident's investigation has been completed;
- 16.10.5A licensee shall take disciplinary action against a staff member who committed an act of child abuse or neglect; and
- 16.10.6A licensee shall conduct an evaluation of incidents overall and create a system for identifying serious/critical patterns occurring at an agency.
- 16.11 A licensee shall have a written policy that establishes and explains a maximum caseload requirement for a caseworker. The agency shall base the requirement on actual workload and shall consider:
- 16.11.1 Type of child, including special needs served by a caseworker;
- 16.11.2 Type of service to be provided;
- 16.11.3 Travel distance involved in providing the service; and
- 16.11.4 Other required caseworker duties or responsibilities.
- 16.12 A licensee shall establish a written procedure for ongoing staff communication strategies to ensure compliance with agency policies, procedures, and practices.

17.0 Interstate Compact and Laws

- 17.1 A licensee shall comply with the terms of the Interstate Compact for Juveniles, Interstate Compact on the Placement of Children or "ICPC", 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.
- 17.2 A licensee shall comply with the Delaware Mixing Law, 10 Del.C. §1009(j) when accepting a child for placement in a foster home.
- 17.3 A licensee participating in an international adoption shall abide by applicable local, State, federal, and international codes, regulations, laws, treaties, and agreements, including the Hague Convention.
- 17.4 A licensee shall ensure when ICPC services are terminated because an adoption is finalized; the child reaches 18 or becomes self-supporting; or the child dies, is discharged from custody, or leaves the state, a short summary explaining the reason for termination shall be sent to the Interstate Office by the caseworker.

18.0 Complaints against a Foster or Pre-Adoptive Parent

- 18.1 A licensee shall ensure a staff member promptly responds to a reporter making a complaint through the following steps:
 - 18.1.1 Gathering [factual] information regarding the complaint;
 - 18.1.2 Sharing information on the investigative process;
 - 18.1.3 Advising that the reporter's name shall be kept confidential unless the agency is ordered by an appropriate authority to release the reporter's name, or the reporter authorizes such release; and
 - 18.1.4 Informing the reporter of the possible need to follow-up on information provided.
- 18.2 A licensee shall ensure that a chief administrator is informed of the receipt and the nature of a complaint and that the degree of risk to a child is immediately determined. A staff member shall immediately contact the 24-Hour Child Abuse Report Line when receiving a complaint regarding suspected child abuse or neglect.
- 18.3 A licensee shall ensure staff members use the following time frames when investigating a complaint:
 - 18.3.1 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 business day if an allegation poses an immediate threat to the child's health, safety, or well-being;
 - 18.3.2 Contact the Division of Public Health or "DPH" within one business day if an allegation involves a serious environmental hazard;
 - 18.3.3 Contact the State Fire Marshal's Office within one business day if an allegation involves fire safety;
 - 18.3.4 Begin an investigation no later than five business days if an allegation poses a potential threat to the child's health, safety, or well-being;
 - 18.3.5 Contact the division's foster care administrator within five business days if an allegation involves contracted foster care; and
 - 18.3.6 Contact the division's adoption administrator within five business days if an allegation involves a pre-adoptive home.
- 18.4 A licensee shall ensure staff members use the following steps to investigate a complaint:
 - 18.4.1 Provide an opportunity in a private setting for a foster or pre-adoptive parent or child to [thoroughly] respond to an allegation;
 - 18.4.2 Record all information and findings received in the course of an investigation;
 - 18.4.3 Make contact as necessary to gain appropriate information for an investigation;
 - 18.4.4 Report to a foster or pre-adoptive parent that a complaint investigation report will serve as the method for conveying an official finding of an investigation;
 - 18.4.4.1 Create a complaint investigation report using a format provided by OCCL that documents a complaint investigation finding and a corrective action plan, if applicable. The report shall contain:
 - 18.4.4.1.1 Coded name of a foster or pre-adoptive parent and his or her complete home address;
 - 18.4.4.1.2 Summary of a complaint allegation;
 - 18.4.4.1.3 Regulations allegedly in non-compliance;
 - 18.4.4.1.4 Method(s) used in conducting a complaint investigation, including dates and persons interviewed;
 - 18.4.4.1.5 A description of any finding, including the child's condition in a foster or pre-adoptive home;
 - 18.4.4.1.6 Conclusion and a corrective action plan, if applicable; and
 - 18.4.4.1.7 Signature of the investigating staff member, date of completion, and reviewed and initialed by the staff member's supervisor or chief administrator.

- 18.4.4.2 Create a coding system to protect the name of reporter, witness, birth parent, guardian, foster or pre-adoptive parent, and a child from disclosure. The coding sheet shall be for the agency's use and shall only be released by order of appropriate legal authority or by appropriate written consent.
- 18.5 A licensee shall ensure an agency completes a complaint investigation report no later than 30 business days from the date ~~[a complaint was received of receipt]~~ and ~~[ensure ensures]~~ the following:
- 18.5.1 A copy of a report is mailed to the assigned specialist;
- 18.5.2 OCCL approves a report and corrective action plan, if applicable, and the investigating staff member's supervisor or chief administrator reviews this approval;
- 18.5.3 ~~[An approved, coded report (without coding sheet)]~~ Notification stating the findings of founded or unfounded] is mailed to the foster or pre-adoptive parent;
- 18.5.4 A filing system is created and maintained for completed reports; and
- 18.5.5 If applicable, the agency monitors the foster or pre-adoptive parent for compliance with the corrective action plan stated in a report.

19.0 General Qualifications of Staff Members

- 19.1 The licensee shall not employ or keep in any capacity any person **[with direct access to children]** whose child or children have been removed from ~~[his/her his or her]~~ custody because of abuse, neglect, or dependency. A person who has given up or otherwise lost custody of ~~[his/her his or her]~~ children **[for reasons other than abuse, neglect, or dependency]** shall present documentation to the department regarding the circumstances of this event, so the department can determine whether this individual can work at the agency.
- 19.2 The licensee shall not employ or keep in any capacity any person convicted of any offense defined as child sex abuse in 11 Del.C. §8550.
- 19.3 The licensee shall ensure a staff member, volunteer, or student intern is not alone with children until OCCL completes the results of all background checks, determines suitability, and approves the staff member.
- 19.4 The licensee shall ensure a staff member provides documentation from a health care provider for the follow-up of known health conditions **[that pose a direct threat to the health and safety of children and any reasonable accommodations that may be required]**. This documentation shall be provided to OCCL for the purposes of determining whether the health problem might create a significant risk to children.
- 19.5 The licensee shall ensure a staff member diagnosed or treated for mental illness that might create a significant risk of harm to children does not work with children until a health care provider states children are not at risk. In cases where a staff member has a mental illness, the licensee shall provide to OCCL documentation from a health care provider that states whether the mental illness might create a significant risk to children.
- 19.6 A licensee shall not employ or retain in any capacity **[a any]** person **[with direct access to children receiving care or provide services directly to a child or children if]:**
- 19.6.1 Convicted of a prohibited offense, **[as defined for the time indicated]** in 31 Del.C. §309;
- 19.6.2 Determined ineligible under the Delacare Regulations - Background Checks for Child Serving Entities;
- 19.6.3 Active on the Delaware Child Protection Registry for a Level III or Level IV substantiation; or
- 19.6.4 ~~[Whose His or her own]~~ child is or children are currently removed from ~~[his/her his or her]~~ custody because of abuse or neglect.

20.0 Personnel and Long-Term Volunteer Files

- 20.1 A licensee shall have a personnel file for each staff member and volunteer working more than five days or 40 hours a year. This file shall be available upon request. Except as noted, all file contents are required at the start of employment or volunteering and shall include the following:
- 20.1.1 Completed application or résumé containing the person's name, date of birth, home address, and phone number;
- 20.1.2 Work or volunteer start date, and end date, if applicable;
- 20.1.3 Two references from adults not related to the person who can verify the person is of good character, and respects and understands the needs of children and their families. These references can be letters or written notes gathered by calling the reference. Phone references require the reference's name, phone number, date called, information about the staff member's character and if the reference has knowledge about how the person works with children and families, and the name of person receiving the reference;
- 20.1.4 Release of employment history form and received Service Letters, or documentation showing requests and follow-up for Service Letters has been made. If the staff member has not worked or if unable to get at least one completed service letter, two additional reference letters or phone references are required;

- 20.1.5 Proof of qualifications, education, and applicable professional credential/certification;
- 20.1.6 Health appraisal on file within the first month of employment or volunteering, conducted within one year before the start date. The appraisal ~~[must state the employee is physically and emotionally able to work with a child]~~ shall confirm the individual's health and document medical or physical conditions that may limit the person's ability to perform child care or have direct access to children and any reasonable accommodations that may be required];
- 20.1.7 TB test or medical professional risk assessment on file within the first month of employment or volunteering conducted within one year before the start date, with further testing if a health care professional has concerns regarding the staff member's health or according to DPH's website, currently www.dhss.delaware.gov/dhss/dph/chca/files/childcaremanual.pdf;
- 20.1.8 A statement signed by the person stating ~~[his/her his or her]~~ status regarding all previous conviction(s); current indictment or involvement in 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; serious violations of accepted standards of honesty or ethical behavior; or a case of child abuse or neglect substantiated by the division or the respective responsible entity in another state or country;
- 20.1.9 Documentation of a fingerprinted background check appointment scheduled before the start of employment/volunteering and verification of fingerprinting form within 30 days of the person's start date. A person shall have no unsupervised contact with a child until the agency receives the fingerprinting results;
- 20.1.10 Adult abuse registry check through the Division of Health and Social Services website, currently <http://dhss.delaware.gov/dhss/dltcrp/default.aspx>;
- 20.1.11 Documentation acknowledging the person is aware that the use of alcohol or a drug that could negatively affect essential job functions; unlawful possession, manufacture, or distribution of alcohol or drugs; or possession **[while working]** of a controlled substance **[other than by the person for whom it was prescribed]** is prohibited **[while working]**;
- 20.1.12 Documentation informing the person of the child abuse and neglect mandated reporting law and reporting procedures;
- 20.1.13 Documentation of the receipt of an agency's policy manual, including verification of client and agency confidentiality policies;
- 20.1.14 If transporting children, a copy of the current driver's license and proof of vehicle insurance;
- 20.1.15 Copy of job description;
- 20.1.16 Orientation form that includes documentation of an orientation completed during the first month of employment that focuses on the person's job duties and the agency's policies. This orientation must include an opportunity to ask questions and receive clarification. The topics shall include:
 - 20.1.16.1 Information on other federal or State laws or regulations applicable to children and families who are clients of the agency, including non-discrimination;
 - 20.1.16.2 Child abuse and neglect laws and reporting requirements and the agency's procedures to report abuse and neglect;
 - 20.1.16.3 Applicable licensing regulations and the location of the regulations at the agency for review; and
 - 20.1.16.4 Procedures for complaint investigation;
- 20.1.17 Record of annual training hours, including certificates and transcripts, if applicable; and
- 20.1.18 Annual performance evaluation signed and dated by the staff and supervisor.

21.0 Child Abuse and Neglect Reporting Requirements

- 21.1 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 using the 24-Hour Child Abuse Report Line, currently 1-800-292-9582, and shall fully cooperate in an investigation.
- 21.2 When making a report, the licensee or staff person should also share the names and contact information for every person who has information regarding the incident. The division may contact the reporter or others with knowledge of the situation to provide additional information. In addition to an oral report, a reportable event summary form shall be emailed or faxed to the Report Line within 72 hours.
- 21.3 Staff should not interview or probe a child to obtain details about the alleged abuse or neglect. A staff member should question the child only to gain basic information needed to make a report. Staff shall follow the investigating agency's protocols regarding informing the alleged child victim's ~~[birth parent/guardian parent or guardian]~~ that a report has been made or that the division or law enforcement officer is conducting an investigation of an allegation of abuse or neglect.

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

22.0 Staff Member Qualifications

22.1 A licensee shall have evidence that a person providing a service directly to a child is qualified, supervised, certified, or licensed as appropriate to the service provided.

22.2 A licensee shall employ a chief administrator, caseworker supervisor, and caseworkers. A chief administrator may also serve as a caseworker supervisor.

22.3 An agency shall employ or contract a sufficient number of qualified staff members to meet an agency's maximum caseload requirement.

22.4 A licensee shall employ a chief administrator who has the following qualifications:

22.4.1 At least a master's degree from an accredited program in social work or the related human services fields of child welfare, counseling, psychology, child psychology, family studies, or sociology and at least four years post-graduate experience in human services or child welfare with at least two years in administration; or

22.4.2 At least a bachelor's degree from an accredited program in social work or the related human services fields of child welfare, counseling, psychology, child psychology, family studies, or sociology; and at least twelve years post-degree experience in human services or child welfare with at least two years in administration.

22.5 Unless the chief administrator also serves as the caseworker supervisor, a licensee shall employ a caseworker supervisor who has the following qualifications:

22.5.1 At least a master's degree from an accredited college/university in social work or the related human services fields of child welfare, counseling, psychology, child psychology, family studies or sociology; and at least two years of post-graduate experience in child welfare or four years of experience in child welfare; or

22.5.2 At least a bachelor's degree from an accredited program in social work or the related human services fields of child welfare, counseling, psychology, child psychology, family studies, or sociology; and at least four years post-degree experience or eight years of experience in child welfare.

22.6 A licensee shall employ and ensure caseworkers have at least a bachelor's degree from an accredited college/university in social work or the related human services fields of child welfare, counseling, psychology, child psychology, family studies, or sociology.

23.0 Annual Training

23.1 A licensee shall document that the chief administrator, caseworker supervisors, and caseworkers receive **[32 24]** hours of training annually from date of hire, excluding orientation training and an agency's philosophy, policies, and procedures.

23.1.1 A caseworker supervisor or caseworker working less than 30 hours per week shall be required to receive **[46 12]** hours annually from date of hire, excluding orientation and training regarding an agency's philosophy, policies, and procedures.

23.1.2 In-service training provided by a staff member, a webinar, on-line training, a college/university credit course, a continuing education unit or CEU, a conference, a seminar, and a workshop within topic 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.

24.0 Short-Term Volunteers

24.1 A licensee that uses short-term volunteers for fewer than five days or 40 hours a year shall have a written plan for the orientation, supervision, and use of this volunteer. The plan shall include different requirements for volunteers who have direct contact with a child and those who do not. A short-term volunteer shall:

24.1.1 Have qualifications that relate to tasks performed;

24.1.2 Be supervised by a staff member;

24.1.3 Be given a copy of an agency's policy on confidentiality shall be given to each volunteer; and

24.1.4 Be under direct observation of a staff member **[at all times]** when having direct contact with a child.

25.0 Student Field Placement/Internships

- 25.1 A licensee that accepts a student for field placement or internship with an agency shall have a written plan describing tasks and functions assigned to a student. An agency shall provide a copy of this plan to the student and ~~his/her~~ his or her school. This plan shall include:
- 25.1.1 The student's roles, duties, and any responsibilities;
 - 25.1.2 A procedure for conducting a background check and adult abuse registry check on a student working more than five days or 40 hours a year;
 - 25.1.3 A procedure for ensuring a staff member supervises and directly observes a student who has not had a background check and has direct access to children;
 - 25.1.4 A procedure for evaluating the student's performance;
 - 25.1.5 A description of the student's supervision by a paid staff member;
 - 25.1.6 An arrangement for an orientation on the philosophy of an agency, confidentiality, child abuse and neglect reporting requirements, drug and alcohol prohibition, needs of children and families served, and methods of meeting those needs;
 - 25.1.7 If transporting children, a copy of the license and proof of vehicle insurance; and
 - 25.1.8 A statement that a student may have input into a child's or family's service plan with whom the student is working and to be informed of special needs or problems.

PART II FOSTER CARE

26.0 General Policies and Practices

- 26.1 A licensee shall have a written placement policy for foster care that:
- 26.1.1 Matches a child and a foster parent to ensure the child's needs are met;
 - 26.1.2 Addresses the needs of biological siblings to remain together;
 - 26.1.3 Assures a child is placed in reasonable proximity to the child's birth parent/family/guardian's home according to the goals of a family service plan; and
 - 26.1.4 Addresses the child's need to preserve his or her cultural, racial, and religious identities.
- 26.2 A licensee shall have a signed and dated placement agreement outlining the rights and responsibilities of both the agency and a foster parent regarding the child's placement.
- 26.3 A licensee shall document the preparation for each child placed in foster care, re-placed, or returned home. Preparation shall be appropriate to a child's age, individual needs, reasons the placement was necessary, and any special problem presented.
- 26.4 A licensee shall maintain documentation of the agency's legal right to provide care for a child at the time of initial placement into foster care in the child's case record.
- 26.5 A licensee shall have a policy to ensure an agency and a foster parent use a child's legal name for documents and records such as but not limited to a service plan, child care registration, school registration, medical care paperwork, and any court record.
- 26.6 A licensee shall have a policy to ensure a foster parent is told to call a child by his or her legal name or familiar nickname.
- 26.7 A licensee shall have a policy to ensure that a foster parent is told 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 service plan.
- 26.8 A licensee shall have a written procedure for handling a medical emergency at all times. An agency shall provide a copy of the procedure to a foster parent.
- 26.9 A licensee shall have a procedure to ensure a foster parent is informed when a child's health appraisal was completed.
- 26.10 A licensee shall have a written procedure to ensure a child is notified of the death or serious illness of the child's birth parent or guardian and other known significant family member.
- 26.11 A licensee shall have a procedure to ~~immediately~~ notify a child's birth parent or guardian **[within one day]**, ~~[OCCL, and the department]~~ of a serious **[injury or]** illness ~~[, incident involving serious bodily injury, that required medical/dental treatment]~~ or any severe psychiatric episode involving the child.
- 26.12 A licensee shall have a procedure to immediately notify a child's birth parent or guardian and the department in the event of the child's death.
- 26.13 A licensee shall have a written policy to ensure a child is allowed to have any right, freedom, **[and]** responsibility ~~[, and restriction]~~ that is typical for a child of the same age.

- 26.14 A licensee shall have a written policy to ensure that a caseworker and legal or court-appointed advocate are able to communicate with a child on a regular basis and as needed.
- 26.15 A licensee shall have a policy to ensure that a foster parent does not subject a child to **[exploitation abuse or neglect]**.
- 26.16 The licensee shall have a written policy on behavior management that encourages children to control their own behavior, cooperate with others, and solve problems by talking things out. Foster parents shall use the following techniques such as:
- 26.16.1 Recognize, praise, and encourage acceptable behavior;
 - 26.16.2 Supervise with an attitude of understanding and firmness;
 - 26.16.3 Give clear directions and provide guidance at the child's level of understanding;
 - 26.16.4 Intervene quickly to ensure the safety of others;
 - 26.16.5 Redirect children by suggesting other acceptable behaviors rather than use punishment;
 - 26.16.6 Speak so children understand their feelings are acceptable, but the behavior is not; and
 - 26.16.7 "Time-out", if used, shall be used in addition to other positive techniques to help the child gain control or behavior and feelings. "Time-out" shall be limited to brief periods of no more than one minute for each year of a child's age.
- 26.17 The written policy on behavior management shall prohibit the following acts:
- 26.17.1 Delegation of behavior management to someone other than a responsible adult known to a child;
 - 26.17.2 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";
 - 26.17.3 Roughly handling a child or physical punishment inflicted on a child's body, including shaking, striking, hair-pulling, throwing, biting, pinching, slapping, hitting, kicking, or spanking;
 - 26.17.4 Physical~~[-, chemical, or mechanical]~~ restraint of a child[,] without **[training and]** prior written approval of the **[child's health care provider and the]** agency **[and training]**;
 - 26.17.5 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;
 - 26.17.6 Assignment of physically strenuous exercise or work solely as punishment;
 - 26.17.7 Humiliating, frightening or verbally, physically, or sexually abusing a child;
 - 26.17.8 Extensive withholding of emotional response or stimulation;
 - 26.17.9 Making negative comments about a child's looks, ability, ethnicity, family, or other personal traits;
 - 26.17.10 Denying of an element of a service plan;
 - 26.17.11 Threatening removal from a foster home;
 - 26.17.12 Denying of a visit or communication privilege with a birth parent or guardian or other family member solely as a means of punishment;
 - 26.17.13 Denying shelter, clothing or bedding;
 - 26.17.14 Denying of food, sleep, or toilet use as a consequence of inappropriate behavior; and
 - 26.17.15 Punishing a child for a toileting accident or failing to fall asleep, to eat all or part of food, or to complete an activity.
- 26.18 A licensee shall have a written policy on a child's religious participation and education that states a foster parent shall:
- 26.18.1 Provide a child with 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;
 - 26.18.2 Seek written permission from a child's birth parent or guardian before having the child enroll in a religious or faith-based school or 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;
 - 26.18.3 Not require or coerce a child into participating in a religious activity;
 - 26.18.4 Not discipline, discriminate against, or deny a privilege to a child who chooses not to participate in a religious activity; and
 - 26.18.5 Not reward a child as a means to influence his or her participation in a religious activity.
- 26.19 A licensee shall have and follow a written policy regarding foster children placed without extra clothing to ensure their needs are met.

- 26.20 A licensee shall have a written policy to provide an allowance for each child that is not dependent on the child completing chores. The agency shall provide the policy to a foster parent and require the parent to follow the policy. The policy shall address methods of paying and accounting for allowance.
- 26.21 At the time of initial inquiry, a licensee shall have a written policy on evaluating a foster care application. This policy shall be provided to an applicant and state:
- 26.21.1 An approach to involve an applicant in a self-evaluation of strengths and weaknesses;
- 26.21.2 Information will be requested from the division, other licensed Delaware child placing agencies, and OCCL as applicable; on a complete history of care provided and reason for discontinuing care;
- 26.21.3 Selection criteria for an applicant, including criteria an agency uses for rejection of an application;
- 26.21.4 How applications are processed, including a timeline for notifying an applicant of a decision regarding the application; and
- 26.21.5 A written appeal procedure explaining the process to appeal an application that has been denied, how and when an appeal can be heard, and when a denial decision is final.
- 26.22 A licensee shall have a written policy that is provided to a foster parent to ensure he or she has an opportunity for respite from the responsibility for caring for a child.
- 26.23 A licensee shall create and maintain a system for commending a foster parent who consistently maintains compliance with these regulations, and goes beyond the minimum requirements and provides a superior level of foster care.

27.0 Initial Placement Outline

- 27.1 A licensee shall ensure the agency gathers information for a child's case record within five days after an initial foster care placement. If information is missing, the licensee shall ensure the case record contains documentation such as a progress note, email, letter, or fax showing the continued effort made to gather any missing information. The case record must include:
- 27.1.1 Date of custody, if applicable;
- 27.1.2 Birth certificate;
- 27.1.3 Name, birth date, sex, race, and other significant identifying physical information;
- 27.1.4 Placement date;
- 27.1.5 Name, address, and marital status of a birth parent or name and address of a guardian;
- 27.1.6 Names and locations of biological siblings;
- 27.1.7 Religious preference;
- 27.1.8 Immediate and significant medical care need;
- 27.1.9 If known, immediate and significant educational need and school;
- 27.1.10 The child's physical and emotional state at time of placement;
- 27.1.11 Any circumstance leading to the need for foster care;
- 27.1.12 Any known previous out-of-home placement;
- 27.1.13 Any immediate need of the child and birth ~~parent/guardian~~ parent or guardian] and any service to be provided to meet the need; and
- 27.1.14 Any contact person such as GAL/CASA, and division representative.

28.0 Care and Treatment Team

- 28.1 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:
- 28.1.1 The name of a child and members of the care and treatment team;
- 28.1.2 Available information about a child's known emotional, behavioral, or mental health strengths, needs, and educational status;
- 28.1.3 Current plans to meet a child's needs, as identified in a service plan;
- 28.1.4 If known, the name of the GAL/CASA and date and time of court hearing; and
- 28.1.5 A plan for providing routine and emergency medical care for a child being placed in foster care.
- 28.2 A licensee shall ensure an agency consults a foster parent when planning, implementing, evaluating, and modifying, if necessary, the total care and service provided to the child.
- 28.3 A licensee shall ensure an agency interviews a foster parent regularly to gain information on a child's progress or problems.

- 28.4 A licensee shall ensure a foster parent and other household members are made aware of the requirement to cooperate with and the consequence of not cooperating with a staff member or any other authorized local and State official when requesting information. A foster parent and household members must grant access to any part of the foster home, structure on the foster home's property, other household members, and the child as related to determining compliance with these regulations, or during an evaluation, ongoing supervision, inspection, or investigation.
- 28.5 A licensee shall ensure a foster parent treats personal information about a child or the child's family in a confidential manner.

29.0 Service Plans

- 29.1 A licensee shall develop a service plan for a child and his or her birth parent or guardian.
- 29.1.1 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 these people is not possible or is not in the child's best interest.
- 29.1.2 A licensee shall document the reasons for non-participation of a person or agency.
- 29.1.3 People participating in the service plan's development shall sign and date the completed service plan.
- 29.1.4 The plan shall include a statement explaining why missing information is not included.
- 29.2 A licensee shall ensure that before or within five business days of placement, a service plan is developed. The plan shall contain the following information as applicable:
- 29.2.1 School registration needs;
- 29.2.2 Current [~~Individualized Education Program~~ individualized education program] or "IEP" [, individualized family service plan or "IFSP", or Section 504 plan];
- 29.2.3 Physical characteristics, including a description of child that includes height, weight, hair and eye color, and significant scar/body marking;
- 29.2.4 Picture of the child;
- 29.2.5 Physical disability or chronic medical condition;
- 29.2.6 Current medication;
- 29.2.7 Description of the situation which led to current/pending placement, including a statement explaining the basis for the abuse/neglect/dependency;
- 29.2.8 Identification of a child's immediate needs;
- 29.2.9 Mixing approval for placement; and
- 29.2.10 Signature section, including date signed, address, and phone number of each person involved.
- 29.3 A licensee shall ensure within 30 business days of placement, a service plan is further developed to identify the child's needs for the next 12 months and contains the following information:
- 29.3.1 Physical health;
- 29.3.2 Dental needs;
- 29.3.3 Educational/vocational needs;
- 29.3.4 Social/emotional needs;
- 29.3.5 Behavioral issues;
- 29.3.6 Preparation for independent living, if applicable;
- 29.3.7 Court requirements;
- 29.3.8 Extracurricular activities;
- 29.3.9 Efforts to locate a permanent home;
- 29.3.10 Adoption recruitment, if applicable;
- 29.3.11 Support services offered to the birth parent or guardian and foster parent;
- 29.3.12 Visitation arrangement;
- 29.3.13 Child's permanency goal;
- 29.3.14 Biological sibling information, including location, placement (together or separated and the reason), and steps taken to maintain regular contact and reunification; and
- 29.3.15 Signature section, including date of signature, address, and phone number of each person involved.
- 29.4 A licensee shall ensure a service plan is reviewed every six months and contains information on the progress made in all aspects of the plan. The plan shall be signed and dated by the people on the care and treatment team, as appropriate, during the review process.
- 29.5 A licensee shall ensure the agency follows a family service plan developed by the division in cooperation with a child and his or her birth parent or guardian and contains the following information:

- 29.5.1 Specific goals, objectives, and deadlines for a child's birth parent or guardian to resolve any problem that required the child's placement;
 - 29.5.2 Referred services; and
 - 29.5.3 Visitation and reunification plans when determined to be in the child's best interests.
- 29.6 A licensee shall ensure a service plan includes a specific service aimed at locating an adoptive placement for a child who is legally free and available for adoption.

30.0 Child's Records

- 30.1 A licensee shall maintain a record for each child. The record shall include the following:
 - 30.1.1 Legal basis for placement, consent for placement, or court custody order;
 - 30.1.2 Written authorization for both routine medical care ~~or and~~ emergency care immediately upon initial placement. Authorization shall be either from a birth parent, guardian, or by court order;
 - 30.1.3 Service plan as stated in Section 29.0;
 - 30.1.4 Documentation showing the child's caseworker visited a child in a foster home at least once a month;
 - 30.1.5 Within one month of placement, a health appraisal that includes an immunization record conducted by a health care provider within the last 12 months according to the American Academy of Pediatrics' standards that includes:
 - 30.1.5.1 A health history;
 - 30.1.5.2 Physical examination;
 - 30.1.5.3 Growth and development;
 - 30.1.5.4 Immunizations;
 - 30.1.5.5 Recommendations regarding required medication, restrictions, or modifications of the child's activities, diet, or care; and
 - 30.1.5.6 Medical information for treatment in case of emergency;
 - 30.1.6 An annually updated health appraisal as stated above;
 - 30.1.7 Documentation that a child receives timely, competent medical care when he or she is ill, receives necessary follow-up medical care, medication, treatment, and therapy as directed by a health care provider;
 - 30.1.8 A plan from a health care provider for bringing a child to the required level of immunization and to have a child tested or screened, in cases where a child has not been properly immunized according to the child's age and DPH's guidelines or has not received recommended or required screening or testing;
 - 30.1.9 An annual dental examination for children age three and older according to Public Health's guidelines;
 - 30.1.10 Documentation showing a child received dental work as necessary to maintain or improve dental health;
 - 30.1.11 Documentation of school information including:
 - 30.1.11.1 Name of school;
 - 30.1.11.2 Date the child started school;
 - 30.1.11.3 Child's current grade placement and classification;
 - 30.1.11.4 Type of school program such as special needs, vocational, alternative, or AP/Honors;
 - 30.1.11.5 School report card and current ~~[Individualized Education Program or "IEP" and Individual Family Service Plan or "IFSP", IEP, IFSP, or Section 504 plan,]~~ if applicable;
 - 30.1.11.6 Ongoing communication and cooperation with a child's school that is maintained by an agency and a foster parent; and
 - 30.1.11.7 Written notification to school regarding agency's involvement;
 - 30.1.12 A discharge summary within 30 days of the child's discharge that includes the following information:
 - 30.1.12.1 The reason for termination of foster care and current location of the child;
 - 30.1.12.2 A summary of services provided during care, including dates of admission and discharge;
 - 30.1.12.3 An assessment of a child's and birth ~~parent's~~ parents] or guardian's needs which remain to be met;
 - 30.1.12.4 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 ability to understand;
 - 30.1.12.5 Provisions for any follow-up service, if any; and
 - 30.1.12.6 Name and signature of person preparing discharge summary and date signed;
 - 30.1.13 Documentation showing the caseworker sent the discharge summary to the appropriate parties.

30.1.14 Documentation showing a child who is nearing age 18 and plans to exit foster care has received information, services, and preparation for independent living; and

30.1.15 Documentation showing a child who turned 18 years of age receives the following documentation and information when discharged from foster care:

30.1.15.1 Certified copy of birth certificate;

30.1.15.2 Social security card;

30.1.15.3 Educational record;

30.1.15.4 Medical ~~[information and]~~ history and information on how to find a health care alternative;

30.1.15.5 Listing of community service or other agency that can provide assistance;

30.1.15.6 "Understanding Credit -- An Informational Guide for Teens" brochure;

30.1.15.7 A copy of latest credit report;

30.1.15.8 A copy of the Achieving Self Sufficiency and Independence through Supported Transition Program or "ASSIST" brochure; and

30.1.15.9 If applicable, obtaining a driver's license or state identification card and completion of selective service registration.

31.0 Family Engagement

31.1 A licensee shall ensure a foster parent develops a working relationship with a child's birth parent or guardian according to a family service plan and in cooperation with a staff member.

31.2 A licensee shall ensure a foster parent meets a child's parent or guardian within 10 days to be introduced to one another by agency staff and document efforts made when not possible.

31.3 A licensee shall ensure a foster parent allows a child to communicate with birth parents or guardians and other family members according to the family service plan.

31.4 A licensee shall arrange for a visit between a child and birth parent or guardian, and other family members according to the family service plan.

31.5 A licensee shall keep a record of visits or an effort made to have a visit between a child and a birth parent or guardian and other family members.

32.0 Re-Placement

32.1 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 other family member, the licensee shall document:

32.1.1 Reason for re-placement;

32.1.2 Evaluation of the appropriateness of continued foster care;

32.1.3 Re-placement preparation appropriate to a child's capacity to understand;

32.1.4 Notification to birth parents or guardians of the re-placement;

32.1.5 Notification to referral source of the re-placement;

32.1.6 Information about a child shared with a new foster parent, including a case plan; and

32.1.7 Child's placement history while a client of an agency that includes a foster parent's name, all dates of care, and reason for re-placement.

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

32.3 A licensee shall update the five and 30-day service plans according to Section 29.0.

33.0 Developmentally Appropriate Interactions, Equipment, Materials, and Chores

33.1 A licensee shall ensure a foster parent interacts with a child and provides developmentally appropriate equipment and materials such as books, games, and toys for a variety of indoor and outdoor activities. Activities, equipment, and materials shall promote a variety of experiences that support a child's social, emotional, language/literacy, intellectual, and physical development.

33.2 A licensee shall ensure a foster parent provides regular and ongoing opportunities for a child in care to engage in age and developmentally appropriate activities.

33.3 A licensee shall ensure a foster parent only requires a child to perform household chores that are within the child's abilities. These chores shall be similar to those expected of other household members in the same age range.

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

33.5 A licensee shall ensure each child over age 14 has opportunities to gain skills and participate in plans for transition into adulthood.

34.0 Education

34.1 Within five school days of initial placement, a licensee shall request all necessary information and facilitate a [school-age] child's enrollment into an appropriate educational program that meets State legal requirements.

34.2 A licensee shall inform a foster parent that a foster child cannot be home schooled.

34.3 A licensee shall ensure an agency notifies a child's school administration in writing within five business days of an agency's involvement and provides the caseworker's name and contact information.

35.0 Sleeping Arrangements

35.1 A licensee shall ensure an infant naps and sleeps alone in a crib in the foster home.

35.2 A licensee shall ensure a foster parent uses safe sleep practices and places an infant on his or her back when putting the infant down to nap or sleep. Written documentation from the child's health care provider is needed to use a different sleep position.

35.3 A licensee shall ensure each child over age three has a bed with a pillow, clean sheets, and blankets. Children of the opposite sex under age five may share a bedroom. Children of the same sex may share a bedroom.

35.4 A licensee shall ensure that a child over age one does not share a bedroom with an adult. Documentation from the child's health care provider is needed to share the room.

36.0 Personal Belongings

36.1 A licensee shall ensure children can bring, keep, and acquire personal belongings, including gifts and clothing, while in foster care.

36.2 A licensee shall ensure an agency and foster parent keep a record of a child's personal belongings. A record of personal belongings shall be reviewed when the child leaves the foster home to ensure items are accounted for and remain with the child.

36.3 A licensee shall ensure a foster home provides accessible storage space for children's personal belongings to allow the child to control or limit access to special items such as letters, photos, and life book.

36.4 A licensee shall ensure a child is provided with clean clothing in good repair that is appropriate to the season and to the child's age, sex, height, weight, activities, and needs.

36.5 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 within five business days.

37.0 Foster Parent Recruitment and Training

37.1 A licensee shall have a written plan describing a strategy for recruiting foster parents. A plan shall be flexible in considering the type of foster care provided and the age, developmental needs, racial identity, biological sibling relationships, and child's special needs.

37.2 A licensee shall hold foster parent training to provide basic information to foster parent applicants. The agency shall document that the applicant attended and received ~~[a minimum of 20 hours of]~~ training on the following topics:

37.2.1 Foster parent's role as a member of a team charged with responsibility for a child's care, education, and legal rights;

37.2.2 Review of a placement packet/materials for a child;

37.2.3 Involvement of a birth parent or guardian and other family member in a child's life;

37.2.4 Safety procedures, including first aid and CPR training and the need for proper installation and safe use of a car seat;

37.2.5 Regulations regarding a foster home's physical environment and steps necessary for compliance;

37.2.6 Policies on religious participation and education;

37.2.7 Cultural competence and diversity awareness;

37.2.8 Positive behavior management policy;

37.2.9 Confidentiality policy;

37.2.10 Applicable federal and State laws, including Prudent Parenting Standards;

37.2.11 Child and adolescent development;

37.2.12 Abuse and neglect including impact of trauma on child's development;

- 37.2.13 Child nutrition;
- 37.2.14 Health care;
- 37.2.15 Universal precautions;
- 37.2.16 Signs of human trafficking;
- 37.2.17 Respite care;
- 37.2.18 Background check requirements;
- 37.2.19 Emergency planning and procedures and crisis management and intervention;
- 37.2.20 Foster care payment procedure; and
- 37.2.21 Agency contact person.

38.0 Foster Parent Application Process

- 38.1 A licensee shall ensure an applicant completes the following steps to be approved as a foster parent:
 - 38.1.1 Attend a foster parent training as described in subsection 37.2;
 - 38.1.2 Complete a foster care application;
 - 38.1.3 Submit a copy of a driver's license, State or federal identification, or birth certificate;
 - 38.1.4 Submit the names, addresses, phone numbers, and email addresses for four references. At least three of these references shall be from people not related to the applicant;
 - 38.1.5 Complete and submit documentation of fingerprinted background checks for the applicant and all adult household members;
 - 38.1.6 Provide a list of all the states the applicant and adult household members have lived in during the past five years;
 - 38.1.7 Provide health appraisals for the applicant and adult household members, completed within one year before the application date, that includes a tuberculosis or "TB" test or risk assessment. This form shall confirm the individual's health and document medical or physical conditions that may limit the person's ability to care for a child or have direct access to children **[and any reasonable accommodations that may be required]**; and
 - 38.1.8 Submit current certifications in cardiopulmonary resuscitation or "CPR" and first aid for the ages of the children the applicant chooses to serve. If planning to care for a child under the age of eight, a foster parent must complete infant/child CPR. If planning to care for a child age nine and older, a foster parent must complete adult CPR. If caring for children in both of these categories, a foster parent must complete infant/child and adult CPR.

39.0 Evaluation of Application

- 39.1 A licensee shall contact the applicant's references to gather the following information:
 - 39.1.1 Explanation of how long, how well, and under what circumstances (i.e. neighbor, co-worker) a person knows the applicant;
 - 39.1.2 Observations of the applicant's interactions with children;
 - 39.1.3 Description of the applicant's character;
 - 39.1.4 Signs of risk factors (i.e. substance abuse, anger issues, poor judgment);
 - 39.1.5 Concerns about any household member that will also be involved with the care or may have an effect on the child's care; and
 - 39.1.6 Reason why foster care should or should not be recommended.
- 39.2 A licensee shall ensure an applicant and adult household members are 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 standards of honesty or ethical conduct.
- 39.3 A licensee shall ensure an applicant and adult household members obtain child abuse and neglect checks from states in which they lived during the past five years according to the Adam Walsh Child Protection Safety Act of 2006.
- 39.4 A licensee shall ensure a person who ~~[has been substantiated for abuse and neglect under Delaware Code is active on the Delaware child protection registry at a Level III or Level IV]~~ is prohibited from being a foster parent while on the Child Protection Registry.

- 39.5 A licensee shall ensure an applicant and adult household members agree to and are aware of a decision to provide foster care. The licensee may make exceptions when the household member involved is incapable of communication or informed decision-making and poses no threat to the child's health, safety, or well-being.
- 39.6 A licensee shall ensure an applicant's or household member's disability is only considered as it affects the ability to care for a child.
- 39.7 A licensee shall ensure an applicant demonstrates emotional stability, good character, a responsible adult lifestyle, and freedom from abuse of alcohol or medications and freedom from use of any illegal drug.
- 39.8 A licensee shall ensure an applicant has the ability to provide nurturing care, supervision, reasonable positive behavior management, and a home-like environment that is free from domestic violence to a child.
- 39.9 A licensee shall ensure an applicant has the capacity for setting realistic expectations for a child's behavior and performance based on the age, ability, and child's special needs.
- 39.10 A licensee shall ensure an applicant has 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.
- 39.11 A licensee shall require an applicant to show evidence of a stable living arrangement for at least one year. Evidence may include length of relationship, a community connection, and support system.
- 39.12 A licensee shall require an applicant to be at least 21 years old. The licensee may make exceptions after documenting that a younger applicant would not endanger a child's health, safety, or well-being.
- 39.13 A licensee shall document that an applicant has income to meet the household's needs and ensure the household's security and stability without the foster care payments.
- 39.14 A licensee shall ensure that an applicant who works outside the foster home provides a child care plan to the agency.
- 39.15 A licensee shall ensure that an applicant receives approval from an agency for a business conducted in a foster home. Business activities shall not interfere with the child's care.
- 39.16 A licensee shall ensure an applicant has developed an emergency preparedness plan.
- 39.17 A licensee shall ensure that an applicant who also has a family child care or large family child care license receives written approval from OCCL to be a dual service provider. The dual service agreement shall be created after both OCCL and the licensee agree that an applicant has the ability to meet the needs of all children present or living in the home for foster care, child care, and as household members. The agreement shall include a limit on the number and ages of foster care children. An agreement shall be reviewed by OCCL and the agency at least annually or whenever there is a complaint involving either foster care or child care. After review, it must be re-approved by OCCL's administrator.
- 39.18 A licensee shall ensure documentation is provided to an applicant explaining why the applicant was approved or denied as a foster parent based on the information gathered from the home study, application review, and home's inspection.

40.0 Foster Home and Transportation Requirements

- 40.1 During the application process and annually, the licensee shall ensure the foster parent meets the requirements of this regulation.
 - 40.1.1 A licensee shall visit the home of an applicant or approved foster parent and inspect all rooms and the grounds to ensure the home is maintained and does not present a threat to the occupants' health or safety. A licensee may require an applicant or approved foster parent to provide documentation that a home complies with State or local laws, codes, regulations, and ordinances.
 - 40.1.2 A licensee shall ensure the home's walls, floors, and ceilings are intact and there is no exposed wiring, falling plaster, or dangerous holes. A licensee shall ensure all windows and outside doorways that are used for ventilation have screens in good repair.
 - 40.1.3 A licensee shall ensure all flammable and hazardous materials, including matches, lighters, medicines, drugs, alcohol, cleaning products, detergents, aerosol cans, firearms, ammunition, and other similar items, are stored safely in areas out of children's reach both inside and outside the home. Hazardous liquids and powders must be labeled with the contents.
 - 40.1.4 A licensee shall ensure foster homes serving child under age five keep plastic bags and cords and strings from window blinds out of children's reach.
 - 40.1.5 A licensee shall ensure a foster home is free of rodent and insect infestation.
 - 40.1.6 A licensee shall ensure all electrical outlets in a foster home that children can reach are covered[, including power strips]. Foster homes serving school-age children only are exempt from this requirement.

- 40.1.7 A licensee shall ensure all heating and cooling equipment prevents injury to children by having safety shielding.
- 40.1.8 A licensee shall ensure 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.
- 40.1.9 A licensee shall ensure a foster home has a safe drinkable water supply and the plumbing is kept in good working condition.
- 40.1.10 A licensee shall ensure a foster home has a bathroom with a working toilet, sink, and tub or shower. The sink and tub or shower must be able to provide both hot and cold water. The water temperature cannot exceed 120° F.
- 40.1.11 A licensee shall ensure a foster home with large outdoor play equipment has it anchored.
- 40.1.12 A licensee shall ensure a foster home is free from any fire hazard and any exit in a foster home is accessible and unblocked.
- 40.1.13 A licensee shall prohibit smoking [or vaping] in the foster home and in the presence of children.
- 40.1.14 A licensee shall ensure a kitchen and all food preparation, storage and serving areas, and utensils are kept clean.
- 40.1.15 A licensee shall ensure a foster home has an adequate supply of food.
- 40.1.16 A licensee shall ensure a foster home has a refrigerator and stove in good working condition.
- 40.1.17 A licensee shall ensure that when a foster home has a permanent or built-in swimming pool, the pool is fenced in compliance with State or local laws, codes, regulations, or ordinances. The pool shall be inaccessible to a child when not being used.
- 40.1.18 A licensee shall ensure a foster parent owning a firearm has a current permit and valid registration as required by law. A firearm shall be stored unloaded in a locked cabinet that is inaccessible to a child. Ammunition shall be stored separately from the firearm in another locked cabinet.
- 40.1.19 A licensee shall ensure a foster home has a stocked first aid kit.
- 40.1.20 A licensee shall ensure a gate approved by the American Society for Testing and Materials or "ASTM" is used in a foster home for a stairway with four or more steps when a child under age three is in foster care.
- 40.1.21 A licensee shall ensure a foster home has an easily accessible, charged portable dry chemical fire extinguisher rated 2A 10BC or higher in the kitchen.
- 40.1.22 A licensee shall ensure 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 per the product's instructions.
- 40.1.23 A licensee shall ensure a foster home has an evacuation plan that includes showing a child, as appropriate to his or her age and developmental level, how to evacuate the foster home in a fire or emergency. Practice drills shall be conducted at least twice a year.
- 40.1.24 A licensee shall ensure pets kept by the foster home are cared for in a safe and sanitary way. A licensee shall keep proof of vaccinations required by State law, currently rabies vaccinations for dogs and cats. **[Poisonous or aggressive animals, such as snakes and alligators, or animals that are known carriers of illnesses or are sick with a disease that can be spread to humans may not be kept or brought into the foster home.]**
- 40.1.25 A licensee shall ensure an applicant who plans to transport a child in a vehicle has a valid driver's license and current vehicle insurance coverage.
- 40.1.26 A licensee shall ensure an applicant is instructed to and secures a child in an individual safety restraint system appropriate to the child's age, weight, and height at all times while a vehicle is in motion. A child safety restraint shall be installed and used according to the **[manufacturer's manufacturer]** and vehicle's instructions and kept in a safe working condition, is not recalled, or expired.

41.0 Pre-Approval Visits and Home Study

- 41.1 A licensee shall meet in the applicant's home at least two times, with one of these meetings including interviews with each household member.
- 41.2 A licensee shall conduct a home study on an applicant and other household members and provide a written evaluation addressing the following issues:
 - 41.2.1 Motivation to provide foster care;
 - 41.2.2 Willingness and ability to work cooperatively with an agency for the child's best interests;
 - 41.2.3 Plan to integrate a child into the household, and a plan for discussing foster care with the child;

- 41.2.4 Attitude of each household member and other significant person involved with the applicant toward accepting a child;
 - 41.2.5 Applicant's attitude toward a birth parent or guardian of a child;
 - 41.2.6 Applicant's attitude toward and a plan for a child's visitation with a birth parent or guardian, biological sibling, and other family members if in the child's best interests;
 - 41.2.7 Emotional strengths and weaknesses of an applicant and how the applicant sees himself or herself and all other household members;
 - 41.2.8 Philosophy on child-rearing, positive behavior management, parental role, and experience with children;
 - 41.2.9 Communication and problem-solving skills, including willingness to seek help and resources;
 - 41.2.10 Proof of income;
 - 41.2.11 State of marital and family relationships;
 - 41.2.12 Family history, including a description of early home life;
 - 41.2.13 Documentation of any private custody arrangement/order and any involvement in family court regarding custody issues;
 - 41.2.14 Information on medical conditions, including physical and mental health issues which might affect an applicant's ability to care for a child;
 - 41.2.15 Adjustments of any child already living in the applicant's home;
 - 41.2.16 Child care plan when the applicant works;
 - 41.2.17 Description of the applicant's home, including an assessment of the home's physical environment, neighborhood, and school district;
 - 41.2.18 Type of child sought for foster care;
 - 41.2.19 Determination of the type of child an applicant and other household members are able and willing to accommodate such as a certain age group (infant, toddler, preschool-age, school-age, or teenager), biological siblings, or a child with special needs, including the home's accessibility;
 - [41.2.20 If applicable, household pets;]**
 - 41.2.2[01] If applicable, experience in caring for a child with special needs;
 - 41.2.2[42] If applicable, an applicant's motivation to care for a child who is of a different race, to deal with the child's possible transitions to a new lifestyle and culture, and efforts to preserve the child's heritage;
 - 41.2.2[23] A recommendation concerning the type of child suitable or not suitable for placement with an applicant;
 - 41.2.2[34] Assessment of training needs and documentation of training received; and
 - 41.2.2[45] Documentation of home visits and interviews with an applicant and other household members.
- 41.3 A licensee shall ensure a copy of a home study is signed and dated **[by the applicant]** and provided to **[an the]** applicant.

42.0 Initial Foster Care Approval

Once a home is approved, a licensee shall provide an approval letter or certificate. The approval shall state the foster parent has met the requirements for foster care established in these regulations and received a satisfactory evaluation based on a home study conducted by an agency licensed to perform foster care home studies. In addition, the approval shall include a start and end date that shows the dates of the home's approval. The approval shall be effective for no more than one year.

43.0 Updates as Needed

- 43.1 A licensee shall ensure a foster parent who joins the work force after being approved as a foster parent provides a child care plan to the agency.
- 43.2 A licensee shall ensure a foster parent receives agency approval for starting a business in a foster home and shows that any business activity will not interfere with the child's care.
- 43.3 A licensee shall ensure that a foster parent opening a family child care or large family child care license receives written approval from OCCL to be a dual service provider as stated in subsection 39.17.
- 43.4 A licensee shall ensure a foster parent submits documentation of CPR and first aid, appropriate to the ages of the children in care, when certifications expire. The licensee shall keep documentation of these current certifications.
- 43.5 A licensee shall ensure health appraisals for a foster parent and other household members are conducted every two years based on the date of the first health appraisal provided to an agency. **[The appraisal shall confirm the individual's health and document medical or physical conditions that may limit the person's ability to care for a child or have direct access to children and any reasonable**

accommodations that may be required.] Documentation from a health care provider shall be provided for a [foster parent or household member's] subsequent health condition ~~[of a foster parent and other household members. This documentation shall explain how the health condition that]~~ affects the foster parent or other adult household member's ability to care for a child ~~[and or]~~ whether it poses a [direct] threat to a child's health~~[, and]~~ safety~~[, or well-being]~~.

43.6 A licensee shall have a current payment schedule for foster care service. A current schedule shall be provided to each foster parent when it is updated.

44.0 Annual Requirements

44.1 A licensee shall ensure a staff member annually inspects the foster home for the requirements listed in Section 40.0.

44.2 A licensee shall ensure that a foster parent has an annual compliance review with a staff member to determine continued approval. The review shall also:

44.2.1 Involve other household members;

44.2.2 Evaluate strengths and weaknesses;

44.2.3 Determine training needs;

44.2.4 Assess the relationship between a foster parent, other household members, a child, and an agency staff member that affects the child in care;

44.2.5 Include a plan addressing reasons for continued approval; and

44.2.6 Include any corrective action with a target date and goal to come into compliance with these regulations or to improve service and relationship with an agency.

44.3 A licensee shall ensure and verify the information contained in the home study is accurate and create an addendum or update to document information that has changed. The foster parent shall sign the update or addendum and the agency shall provide a copy.

44.4 A licensee shall ensure a foster parent shows documentation of conducting two evacuation drills a year. The documentation must include the date the drill was conducted, how long it took to evacuate the home, and the names of the people who participated.

44.5 A licensee shall ensure that an applicant is reminded to report to an agency any subsequent arrest or criminal charge and any child abuse and neglect allegations and substantiations of himself or herself and any other household member while approved for foster care.

44.6 The licensee shall ensure a household member turning 18 years old has a background check by Delaware State Police within five business days of turning this age.

44.7 A licensee shall verify the foster parent has income to meet the household's needs and ensure the household's security and stability without the foster care payments.

44.8 A licensee shall ensure a foster parent receives at least 12 hours of training annually in areas related to the needs of children cared for in the foster home.

44.9 A licensee shall ensure [that] upon successful completion of each annual compliance review, the licensee provides an approval letter or certificate to a foster parent that is effective for no more than one year.

44.10 A licensee shall document the regular and ongoing opportunities for a child to engage in age and developmentally appropriate activities while in care that year.

45.0 Foster Parent Records

45.1 A licensee shall have documentation that the agency provided the positive behavior management policy to a foster parent and requires the foster parent to follow this policy.

45.2 A licensee shall keep a foster parent record containing the following information as required by these regulations:

45.2.1 Application;

45.2.2 Home study final evaluation report and addendums or updates;

45.2.3 References;

45.2.4 For adult household members, the Consent to Release Criminal History and Child Protection Registry Information form and verification form from the Delaware State Police that fingerprinting was completed;

45.2.5 Verification of completed background check, child protection registry checks, and adult abuse registry checks;

45.2.6 Health appraisal and TB test or [screening risk assessment];

45.2.7 Commendation, complaint record, and documentation of disciplinary action and history, if applicable;

- 45.2.8 Report on annual compliance review;
 - 45.2.9 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;
 - 45.2.10 Dual service agreement and documentation of annual review; and
 - 45.2.11 Termination summary when foster care is no longer provided, including reason for ending foster care.
- 45.3 A licensee shall receive written permission from a foster parent before releasing the foster parent's record to someone not employed by an agency, except when releasing the record to authorized personnel or pursuant to court order.

46.0 Notification to an Agency

- 46.1 A licensee shall ensure that a foster parent notifies an agency before allowing a person to visit a foster home for more than two weeks or move into a foster home.
- 46.2 The licensee shall document when a person moves into a foster home and require the new household member to meet the requirements applicable to a household member.
- 46.3 A licensee shall provide a foster parent with the agency's contact information to use after business hours for emergencies requiring immediate agency notification.
- 46.4 A licensee shall require a foster parent to notify an agency immediately when any of the following circumstances occur:
- 46.4.1 Death of the child;
 - 46.4.2 Serious injury or illness involving medical[~~/dental~~] treatment of the child;
 - 46.4.3 ~~Unknown location of the child~~ A child is absent without permission or runs away];
 - 46.4.4 Removal or an attempt to remove the child from the foster home by a person or other agency without proper authority or authorization; or
 - 46.4.5 Involvement of the child with law enforcement authorities.
- 46.5 A licensee shall ensure a foster parent notifies an agency within 24 hours when any of the following circumstances occur:
- 46.5.1 Serious incident, illness, or death in a household;
 - 46.5.2 Subsequent criminal charge of the foster parent or household member;
 - 46.5.3 Departure of a household member that ~~impacts affects~~ the child;
 - 46.5.4 Breakdown of equipment or loss of utilities in a foster home such as, but not limited to, a lack of heat, water, or electricity that lasts long enough to pose a threat to the child's health, safety, or well-being; or
 - 46.5.5 Damage to a home due to an emergency event such as, but not limited to, a fire, flood, storm, or other disaster that affects the ability to stay or live safely in the foster home.
- 46.6 A licensee shall ensure a foster parent notifies an agency at least four weeks before a planned move from the foster home.
- 46.7 A licensee shall ensure a foster parent notifies an agency before using respite care and receives approval from the agency for a person providing the respite care.

PART III ADOPTION

47.0 General Policies and Practices

- 47.1 A licensee shall provide documentation that a relinquishing birth parent or guardian has been provided the following information regarding terminating parental rights:
- 47.1.1 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 himself or herself and the child, including available alternative plans;
 - 47.1.2 The legal results of relinquishing a child;
 - 47.1.3 Procedures involved in relinquishing a child for adoption;
 - 47.1.4 Counseling in resolving problems relating to a child's relinquishment;
 - 47.1.5 Referral for hospitalization, maternity home care, or other community resources, as needed;
 - 47.1.6 If appropriate, preparation of the child and the relinquishing birth parent or guardian for the separation, and
 - 47.1.7 Search service for both the relinquishing birth parent or guardian and the child as provided by law.
- 47.2 A licensee shall inform a relinquishing birth parent or guardian of his or her right to receive, on request, the following information before relinquishment:

- 47.2.1 A description of an agency's criteria used in selecting an adoptive parent applicant if not already identified; and
- 47.2.2 Non-identifying background information on an adoptive parent applicant if already identified.
- 47.3 Before placing a child, a licensee shall 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:
 - 47.3.1 Full name, age, address, [telephone phone] number, and social security number, as appropriate, of a relinquishing birth parent or guardian;
 - 47.3.2 Attitudes of relinquishing birth parent or guardian and child, if appropriate, toward adoption;
 - 47.3.3 Reasons for relinquishing a child;
 - 47.3.4 Name, age, and address of siblings and other known family members;
 - 47.3.5 Social, physical, and mental history of a birth parent and other known family members;
 - 47.3.6 Child's name, birth date, sex, religion, race, nationality, height, weight, hair color, eye color, and identifying marks;
 - 47.3.7 Child's social security number;
 - 47.3.8 Child's physical, medical, mental, and educational history; and
 - 47.3.9 Child's health appraisal or medical update performed within 12 months before placement.
- 47.4 A licensee shall ensure that services, including financial, provided to or for a relinquishing birth parent or guardian are not dependent upon a decision to place a child for adoption.
- 47.5 A licensee shall maintain a record for a relinquishing birth parent or guardian and child that includes:
 - 47.5.1 Information, as required by these regulations;
 - 47.5.2 Updated information, if available, on the child's location; and
 - 47.5.3 Summary of services provided.
- 47.6 A licensee shall inform a relinquishing birth parent or guardian of his or her right to maintain current contact information and responsibility to report to an agency hereditary or other medical conditions that may affect a child's health.
- 47.7 An agency shall have an arrangement with an approved foster parent to ensure care for a child between the time of relinquishment and the time of placement.
- 47.8 At the time of initial inquiry, a licensee shall have a written policy on evaluating an adoption application. This policy shall be available to an applicant and state:
 - 47.8.1 An approach to involvement of an applicant in a self-evaluation of strengths and weaknesses;
 - 47.8.2 Selection criteria for an applicant, including criteria an agency uses for rejection of an application;
 - 47.8.3 How applications are processed, including a timeline for notifying an applicant of a decision regarding the application; and
 - 47.8.4 A written appeal procedure provided to an applicant whose application has been denied explaining the appeal process, if an appeal is possible, how and when an appeal can be heard, and when a denial decision is final.
- 47.9 The licensee shall ensure a household member turning 18 years old has a background check by Delaware State Police within five business days of turning this age.
- 47.10 A licensee shall ensure an applicant is informed of the requirement to report to the agency any subsequent arrest or criminal charge and any child abuse or neglect allegations or substantiations of himself or herself and any other household member throughout an adoption process.
- 47.11 A licensee shall have a written placement policy that:
 - 47.11.1 Matches a child with an adoptive parent to ensure the child's needs are met;
 - 47.11.2 Addresses the need for siblings to remain together; and
 - 47.11.3 Addresses the need for a child to preserve his or her cultural, racial, and religious identities.
- 47.12 A licensee shall ensure that an adoptive parent is aware that personal information about a child or the child's birth parent or guardian or other family member shall be held in a confidential manner except as authorized by law.
- 47.13 A licensee shall have a written description of how an agency prepares a child in its care or supervision for adoption.

48.0 Adoptive Parent Recruitment and Training

- 48.1 A licensee shall have a written plan describing strategies for recruiting adoptive parents.

48.2 A licensee shall hold adoptive parent training for providing basic information to an adoptive parent applicant. The agency shall document that the applicant attended a session and received **[a minimum of 20 hours of]** training and information on the following topics:

- 48.2.1 How the adoption process works;
- 48.2.2 Children available for adoption;
- 48.2.3 Issues specific to the type of adoption planned and child sought;
- 48.2.4 Abuse and neglect including impact of trauma on child's development;
- 48.2.5 Prenatal substance abuse exposure;
- 48.2.6 Adoption resources;
- 48.2.7 Grief and loss;
- 48.2.8 Attachment and bonding issues;
- 48.2.9 Child development;
- 48.2.10 Positive behavior management;
- 48.2.11 Birth parent or former guardian relationships; and
- 48.2.12 Lifelong adoptions issues.

49.0 Adoptive Parent Application Process

- 49.1 A licensee shall ensure an applicant completes the following steps to be approved as an adoptive parent:
- 49.1.1 Attend an adoptive parent training as described in subsection 48.2;
 - 49.1.2 Complete an adoption application;
 - 49.1.3 Submit a copy of a driver's license, State or federal identification, or birth certificate;
 - 49.1.4 Submit the names, addresses, phone numbers, and email addresses of four references. At least three of these references shall be from people not related to the applicant;
 - 49.1.5 Complete and submit documentation of fingerprinted background checks for the applicant and all adult household members;
 - 49.1.6 Provide a list of all the states the applicant and adult household members have lived in during the past five years; and
 - 49.1.7 Provide health appraisals for the applicant and household members, completed within one year before the application date, that includes a TB test or risk assessment. This form shall confirm the individual's health and document medical or physical conditions that may limit the person's ability to care for a child or have direct access to children **[and any reasonable accommodations that may be required]**. Health appraisals are to be updated every two years after the initial appraisal is submitted.

50.0 Evaluation of Application

- 50.1 A licensee shall contact the references provided by the applicant to determine the following:
- 50.1.1 Explanation of how long, how well, and under what circumstances (i.e. neighbor, co-worker) a person knows the applicant;
 - 50.1.2 Observations of the applicant's interactions with a child;
 - 50.1.3 Description of the applicant's character;
 - 50.1.4 Signs of risk factors (i.e. substance abuse, anger issues, poor judgment);
 - 50.1.5 Concerns about household members that will also be involved with the care or may have an effect on the child's care; and
 - 50.1.6 Reason why adoption should or should not be recommended.
- 50.2 A licensee shall ensure an applicant and adult household members are 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 standards of honesty or ethical conduct.
- 50.3 A licensee shall ensure an applicant and adult household members obtain a child abuse and neglect check from states in which he or she resided over the past five years according to the Adam Walsh Child Protection Safety Act of 2006.
- 50.4 A licensee shall ensure an applicant and adult household members obtain a Delaware Family Court records check.

- 50.5 A licensee shall ensure that a person who ~~[has been substantiated for abuse and neglect under Delaware Code]~~ **is active on the Delaware child protection registry at a Level III or Level IV** is prohibited from being an adoptive parent **[while on the child protection registry]**.
- 50.6 A licensee shall ensure an applicant and adult household members are in agreement with, and aware of, a decision to adopt. The licensee may make exceptions when the household member involved is incapable of communication or informed decision-making and poses no threat to the child's health, safety, or well-being.
- 50.7 A licensee shall ensure a disability of an applicant or household member is only considered as it affects the ability to care for a child.
- 50.8 A licensee shall ensure an applicant demonstrates emotional stability, good character, a responsible adult lifestyle, and freedom from abuse of alcohol or medications and freedom from use of any illegal drug.
- 50.9 A licensee shall ensure an applicant has the ability to provide to a child nurturing care, supervision, reasonable positive behavior management, and a home-like environment that is free from domestic violence.
- 50.10 A licensee shall ensure an applicant demonstrates a capacity for setting realistic expectations for child's behavior and performance based on the age, ability, and special needs of a child.
- 50.11 A licensee shall ensure an 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.
- 50.12 A licensee shall require an applicant to show evidence of a stable living arrangement for at least one year. Evidence may include length of relationship, a community connection, and support system.
- 50.13 A licensee shall require an applicant to be at least 21 years old. The licensee may make exceptions after documenting that a younger applicant would not endanger the child's health, safety, or well-being.
- 50.14 A licensee shall document that an applicant has income to meet the household's needs and ensure the household's security and stability.
- 50.15 A licensee shall ensure an applicant who works outside the home provides a child care plan to the agency.
- 50.16 A licensee shall ensure that an applicant receives approval from an agency for a business conducted in a home showing business activities will not interfere with the child's care.
- 50.17 A licensee shall ensure documentation is provided to an applicant explaining why the applicant was approved or denied as an adoptive parent based on the information gathered from the home study, application review, and home's inspection.

51.0 Home Environment, Pre-Approval Visits, and Home Study

- 51.1 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 occupants' health and safety. A licensee may require an applicant to provide documentation that a home complies with State or local laws, codes, regulations, and ordinances.
- 51.2 A licensee shall meet with an adoptive parent applicant at least three times. At least one meeting shall occur in the home of the adoptive parent applicant and include meeting with other household members. Two more meetings shall occur at a location where the applicant can be privately interviewed.
- 51.3 A licensee shall conduct a home study of an adoptive parent applicant and other household members that includes a written evaluation addressing the following issues:
- 51.3.1 Motivation to adopt;
- 51.3.2 Willingness and ability to work cooperatively with an agency for the child's best interests;
- 51.3.3 A plan to integrate a child into the household, and a plan for discussing adoption with the child;
- 51.3.4 Description of the attitude of each household member and other significant person involved with the adoptive parent applicant toward accepting a child;
- 51.3.5 Description of feelings about a birth parent or guardian relinquishing a child for adoption or whose parental rights were terminated;
- 51.3.6 Description of an applicant's attitude toward the possible contact between a child and a biological sibling, relinquishing birth parent, or guardian;
- 51.3.7 Emotional strengths and weaknesses of an applicant and how the applicant sees himself or herself and all other household members;
- 51.3.8 Philosophy on child-rearing, positive behavior management, parental role, and experience with children;
- 51.3.9 Communication and problem-solving skills, including willingness to seek help and resources;
- 51.3.10 Proof of income;
- 51.3.11 Proof of ~~[home owner's]~~ **homeowner's** or renter's insurance;
- 51.3.12 Proof of vehicle insurance, if applicable;

- 51.3.13 Verification of marriage/divorce and other family relationships;
 - 51.3.14 Family history, including a description of early home life;
 - 51.3.15 Description and documentation of any private custody arrangement/order and any involvement in family court regarding custody issues;
 - 51.3.16 Information on medical conditions, including physical and mental health issues which might affect an applicant's ability to care for a child;
 - 51.3.17 Guardianship plan for a child in the event of an applicant's incapacitation or **[untimely]** death;
 - 51.3.18 Adjustments of any child already living within the applicant's home;
 - 51.3.19 Child care plan when the applicant works;
 - 51.3.20 Description of the applicant's home, including an assessment of the home's physical environment, neighborhood, and school district;
 - 51.3.21 Type of child sought for adoption;
 - 51.3.22 Determination of the type of child an applicant and other household members are able and willing to adopt such as ethnicity or of a certain age group (infant, toddler, preschool-age, school-age, or teenager), biological siblings, or a child with special needs, including the home's accessibility;
 - 51.3.23 If applicable, experience in caring for a child with special needs;
 - 51.3.24 If applicable, an applicant's motivation to adopt a child who is of a different race or from a different country (international adoption), to deal with the child's possible transitions to a new lifestyle and culture, and to preserve the child's heritage;
 - 51.3.25 If applicable, household pets;
 - 51.3.26 A recommendation concerning the type of child suitable or not suitable for adoption by the applicant;
 - 51.3.27 Assessment of training needs and documentation of training received; and
 - 51.3.28 Documentation of home visits and interviews with the applicant and other household members.
- 51.4 A licensee shall ensure the applicant signs and dates the home study. A licensee shall provide a copy of the home study to an applicant.

52.0 Adoptive Parent Approval

Once an agency approves an applicant, a licensee shall ensure an agency provides an approval **[letter or]** certificate to an applicant. The approval shall state the pre-adoptive parent has met the requirements for adoption as established in these regulations and received a satisfactory evaluation based on a home study conducted by an agency licensed to perform adoption home studies. In addition, the approval shall include a start and end date that shows the dates of the home's approval. The approval shall be effective for no more than one year.

53.0 Home Study Updates

- 53.1 A licensee shall prepare an update or addendum when there is a significant change and no less frequently than one year from the date the home study was approved.
- 53.2 A licensee shall create an update or 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.
- 53.3 A licensee shall ensure a home study contains all required items and is kept current and accurate at the time of placement through finalization.
- 53.4 A licensee shall complete a new home study within three years of the initial home study.
- 53.5 A licensee shall ensure an applicant signs and dates an update or addendum.

54.0 Adoptive Parent Records

- 54.1 A licensee shall maintain a record for an adoptive parent containing the following information as required by these regulations:
 - 54.1.1 Application;
 - 54.1.2 Home study final evaluation report;
 - 54.1.3 References;
 - 54.1.4 Fingerprinting verification form from the Delaware State Police for all adult household members;
 - 54.1.5 Verification of completed criminal history record check, child protection registry check, and adult abuse registry check;
 - 54.1.6 Health appraisal with TB test or **[screening risk assessment]**;

- 54.1.7 Evaluation of a home's physical environment;
- 54.1.8 Summary of services, visits, and contacts;
- 54.1.9 Legal documents obtained during an adoption process; and
- 54.1.10 Information provided about a child.

55.0 Information Given to a Pre-Adoptive Parent

- 55.1 If a licensee is providing an adoptive placement, a licensee shall provide an adoptive parent with all available information about a child when selected for adoption. The information shall include but not be limited to the following, as applicable:
 - 55.1.1 Date of agency's custody of the child;
 - 55.1.2 Name, birth date, sex, race, ethnicity, and other significant identifying physical information;
 - 55.1.3 Pictures or videos of a child;
 - 55.1.4 Dates of placement, current caretaker, and current living condition;
 - 55.1.5 Information about birth parents, former guardians, family members, and significant others, and nature of a relationship, as permitted by law;
 - 55.1.6 Religious preference;
 - 55.1.7 Immediate and significant medical care need;
 - 55.1.8 Immediate and significant educational need;
 - 55.1.9 Developmental and medical history;
 - 55.1.10 A child's physical and emotional state;
 - 55.1.11 The circumstance leading to availability for adoption;
 - 55.1.12 Physical and emotional trauma experienced by a child;
 - 55.1.13 Known previous out-of-home placements;
 - 55.1.14 For a child with special needs, an assessment of the child's **[long term long-term]** need, adoption subsidy information, and community resources;
 - 55.1.15 Supplemental Security Income or "SSI" or Social Security eligibility of a child;
 - 55.1.16 Current international adoption situation;
 - 55.1.17 Country of origin adoption's requirement, health issues, travel information, and assistance;
 - 55.1.18 Institutional disorders such as those relevant to a child in an orphanage, including possible developmental delay;
 - 55.1.19 Attachment issues;
 - 55.1.20 Adoption risk especially pertaining to international adoption;
 - 55.1.21 Available cultural support system;
 - 55.1.22 Birth parent involvement if open adoption; and
 - 55.1.23 Finalization information.
- 55.2 A licensee shall keep documentation on a process of how an agency has gathered or attempted to gather the information required while preparing for an adoption.
- 55.3 A licensee shall readily share available adoption preparation information with a pre-adoptive parent, or explain any difficulty or failure to obtain information and provide a record of attempts to obtain such information.
- 55.4 A licensee shall ensure that a pre-adoptive parent 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.
- 55.5 A licensee shall promptly provide information to a pre-adoptive parent that affects the adoption placement, including but not limited to suspension of an adoption program.
- 55.6 A licensee shall provide a pre-adoptive parent with a refund policy for when a promised adoption service has not been provided or when a situation may prevent or disrupt an adoption.
- 55.7 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:
 - 55.7.1 There has been a termination of parental rights pursuant to statute;
 - 55.7.2 There has been a determination of legal responsibility for a child in a new country; and
 - 55.7.3 There has been proof that the adoption requirements in a foreign country can be satisfied.

56.0 Post-Placement Services

- 56.1 A licensee shall assist a pre-adoptive parent during the post-placement period until finalization as follows:
- 56.1.1 Assign a caseworker who is responsible for providing services to a pre-adoptive parent;
 - 56.1.2 Offer assistance with steps toward integrating a child into a new family;
 - 56.1.3 Provide help with problems that may occur, including referrals for services outside of an agency's capability; and
 - 56.1.4 If applicable, provide information on adoption subsidies.
- 56.2 A licensee shall maintain in-person contact with a pre-adoptive parent and child during the post-placement period until finalization as follows:
- 56.2.1 The first in-person contact shall occur within two weeks of placement or within a term required by the Interstate Compact on the Placement of Children;
 - 56.2.2 After the first contact, ~~an~~ a minimum of three] in-person ~~contact visits~~ shall be required ~~every month until finalization~~];
 - 56.2.3 At least one in-person contact shall be made in a pre-adoptive parent's home; and
 - 56.2.4 Each household member shall be interviewed in-person at least once during the post-placement period.
- 56.3 A licensee providing international adoptions that are finalized before a family returns to the United States, shall provide post adoption services as follows:
- 56.3.1 The first in-person contact shall occur within 30 days of placement;
 - 56.3.2 The services shall be provided for a minimum of one year; and
 - 56.3.3 A minimum of three visits shall be required.

57.0 Finalization

- 57.1 A licensee providing international adoptions shall provide a child's legal documents received from the child's country of origin to a pre-adoptive parent.
- 57.2 A licensee shall explain the pre-adoptive parent's right to appoint an attorney of his or her choice for the finalization of an adoption, when applicable.
- 57.3 A licensee shall provide required documentation to the appropriate State office or agency when finalizing an adoption.
- 57.4 A licensee shall ensure for interstate adoption placement where Delaware is the state of origin, the requirements for services following an adoptive placement meet the requirements of a finalizing state.
- 57.5 A licensee shall ensure all families are made aware of post-adoption services that are available in the State.

17 DE Reg. 925 (03/01/14)

20 DE Reg. 485 (12/01/16) (Final)