



# Home Study Requirements for Prospective Foster Parents

The State agency with responsibility for placing children in out-of-home care and supervising those placements must ensure through careful and thorough assessments of personal characteristics and home environments that foster parents and other substitute caregivers are capable of providing safe, nurturing homes that are in the best interests of the children in out-of-home care.

A licensed foster family home is one that is approved by the State to provide care for children and that meets basic standards of safety set by law and regulation. Laws and policies for licensing or approving family foster homes vary considerably from State to State. These standards reduce predictable risks to the health, safety, and well-being of children in out-of-home care. The goal of foster care is to provide a safe, stable, nurturing environment until the child is able to return home or until a permanent family is found for the child. For this publication, State statutes, regulations, and policies regarding the requirements for approving foster family homes were collected from all 50 States, and the results are presented below.

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**To find statute  
information for a  
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<https://www.childwelfare.gov/topics/systemwide/laws-policies/state/>

## Personal Qualifications

An examination of the information collected shows that adults of any profession and background may apply to be foster parents. In approximately 36 States and the District of Columbia, the foster parent applicants must be at least age 21.<sup>1</sup> In six States, the applicant must be at least age 18.<sup>2</sup> In Alabama and Nebraska, the parent must be at least age 19.

Either couples or single persons can become licensed foster parents. Five States require that couples must be legally married.<sup>3</sup> Fourteen States require that applicants be either U.S. citizens or legal residents of the United States.<sup>4</sup> Eight States require applicants to be State residents.<sup>5</sup>

Three States require that applicants be able to read and write.<sup>6</sup> In four States, at least one adult in the household must be able to communicate in English.<sup>7</sup>

Personal characteristics that are important include the ability to provide a safe and nurturing family environment for a child in foster care, flexibility in dealing with the needs of these children and their birth families, and a willingness to work with the social services agency in meeting program requirements. To ensure the safety of the child in care, all members of the foster family household must pass background checks that show no convictions for certain crimes or records of substantiated child abuse or neglect.

In addition, most States require that prospective foster parent(s):

- Have sufficient family income, separate from the foster care reimbursement, to meet the family's needs and financial obligations
- Have sufficiently good physical health to be able to meet the demands of caring for children
- Are free of communicable diseases, illnesses, or disabilities that would either endanger the child or interfere with the provision of care
- Have no evidence of mental health conditions that would impair the ability to provide safe, consistent care for children
- Possess a valid driver's license, reliable transportation, and sufficient vehicle insurance

## Training Requirements

Approximately 45 States and the District of Columbia require in law or policy that prospective foster parents complete a course of orientation and training prior to licensure.<sup>8</sup> Thirty-four States and the District of Columbia provide a specific course of training.<sup>9</sup> Twenty-five States and the District of Columbia require the completion of a specific number of hours of training prior to licensure.<sup>10</sup> Topics addressed in the training typically include the following:

- Licensure requirements
- Agency policies and procedures
- Roles and responsibilities of foster parents

<sup>1</sup> The word "approximately" is used to stress the fact that States frequently change their laws. This information is current through February 2018. The States that require foster care applicants to be at least age 21 are Arizona, Arkansas, Colorado, Connecticut, Delaware, Florida, Idaho, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maine, Maryland, Minnesota, Mississippi, Missouri, Nevada, New Hampshire, New York, North Carolina, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, and Wyoming.

<sup>2</sup> Kansas, Massachusetts, Michigan, Montana, New Jersey, and New Mexico.

<sup>3</sup> Alabama, Illinois (or be in a civil union), Louisiana, Mississippi, and Utah.

<sup>4</sup> Arizona, Colorado, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Mississippi, Missouri, New Hampshire, New Mexico, Oklahoma, Oregon, and Utah.

<sup>5</sup> Arizona, Connecticut, Maine, Mississippi, New Hampshire, New Jersey, New Mexico, and South Dakota.

<sup>6</sup> Alabama, Massachusetts, and North Carolina.

<sup>7</sup> Florida, New Hampshire, Ohio, and Virginia.

<sup>8</sup> Vermont, American Samoa, Guam, the Northern Mariana Islands, Puerto Rico, and the U.S. Virgin Islands do not address this issue in law or regulation. Alaska does not specifically require foster parent training; the department is required to make training available. Hawaii does not specifically require training; applicants must demonstrate the ability, training, and experience to care for children. Pennsylvania and Tennessee do not require the completion of preservice training, but ongoing training is required.

<sup>9</sup> Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Montana, New Hampshire, New York, North Carolina, Ohio, Oklahoma, Oregon, South Dakota, Texas, Virginia, Washington, West Virginia, Wisconsin, and Wyoming.

<sup>10</sup> Ohio requires 36 hours of preservice training; Alabama, Arkansas, Iowa, North Carolina, South Dakota, Wisconsin, and the District of Columbia require 30 hours; Colorado, Maryland, and Mississippi, 27 hours; Kentucky, 24 hours; Colorado, Florida, Nebraska, and New Hampshire, 21 hours; Montana and Wyoming, 18 hours; South Carolina, 14 hours; Michigan and Oklahoma, 12 hours; Indiana, 10 hours; Nevada and Texas, 8 hours; Arizona and Minnesota, 6 hours.

- Child development
- Behavior management and appropriate methods of discipline
- Cultural sensitivity
- Attachment, separation, and loss issues
- Home and child safety
- The impact of fostering on the foster parents' own families

North Dakota requires annual training on fire prevention and safety. Eighteen States specifically require training in first aid, including cardiopulmonary resuscitation (CPR).<sup>11</sup> In 12 States, foster parents are required to have knowledge of or receive training on supporting normalcy for children in foster care through the application of the reasonable and prudent standard.<sup>12</sup> As authorized by the Federal Preventing Sex Trafficking and Strengthening Families Act of 2014 (P.L. 113-183), the “reasonable and prudent parenting standard” gives foster parents the ability to make careful and sensible parental decisions when determining whether to allow a child in foster care to participate in extracurricular, enrichment, cultural, and social activities that are appropriate to the age and developmental level of the child.

In 42 States and the District of Columbia, foster parents are required to complete ongoing, annual training in order to maintain licensure.<sup>13</sup> The training can consist of additional study in the same topics included in the preservice training or be targeted to the specific needs

of the children in their care. Policies in 36 States set the minimum hours of training that must be completed.<sup>14</sup>

## Minimum Standards for Foster Homes

In general, foster homes must comply with all State and local zoning, building, and fire and safety codes. The home must be kept clean, in good repair, and free from hazardous conditions. Hazardous materials, including medications, household chemicals, tools, and weapons and ammunition, must be stored in a place that is inaccessible to children. In 35 States and the District of Columbia, any firearms in the home must be locked in cabinets, gun safes, or other containers that are inaccessible to children; ammunition must be kept in separate, locked containers.<sup>15</sup>

Forty-six States, the District of Columbia, and Puerto Rico require that working smoke detectors be installed near sleeping areas.<sup>16</sup> Working portable fire extinguishers are required by 31 States, the District of Columbia, and Puerto Rico.<sup>17</sup> Carbon monoxide detectors are required in 20 States.<sup>18</sup>

<sup>11</sup> Alabama, Arizona, Arkansas, Colorado, Connecticut, Delaware, Indiana, Kansas, Michigan, Minnesota, Mississippi, North Carolina, Texas, Utah, Virginia, Washington, West Virginia, and Wyoming.

<sup>12</sup> Arizona, California, Colorado, Delaware, Louisiana, Maryland, New Jersey, New York, North Carolina, North Dakota, Oklahoma, and Wisconsin.

<sup>13</sup> Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, North Carolina, Ohio, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia, Washington, West Virginia, Wisconsin, Wyoming.

<sup>14</sup> Foster parents must complete 20 hours of annual training in Colorado, Texas, and Virginia; 18 hours in Wyoming; 16 hours in Illinois; 15 hours in Alabama, Arkansas, Indiana, Louisiana, and Montana; 14 hours in South Carolina; 12 hours in Delaware, Minnesota, Nebraska, New Mexico, and West Virginia; 10 hours in Idaho, Maryland, Mississippi, and North Carolina; 8 hours in California, Florida, Georgia, Kansas, and Rhode Island; 6 hours in Iowa, Kentucky, Michigan, and South Dakota; and 4 hours in Nevada. In five States, training hours may be fulfilled during the 2-year licensure period: Arizona (12 hours), Maine (18 hours), New Hampshire (16 hours), Ohio (40 hours), Oregon (40 hours), and the District of Columbia (30 hours).

<sup>15</sup> Alabama, Alaska, Arizona, Arkansas, Colorado, Connecticut, Delaware, Georgia, Idaho, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, North Dakota, Ohio, Rhode Island, South Carolina, South Dakota, Texas, Utah, Virginia, Washington, West Virginia, and Wisconsin.

<sup>16</sup> Maine, Minnesota, Oklahoma, and South Carolina do not specifically require smoke alarms within their home study regulations, but smoke detectors and other safety devices may be required as part of their building codes.

<sup>17</sup> Alabama, Alaska, Arizona, Arkansas, Colorado, Delaware, Florida, Indiana, Iowa, Louisiana, Mississippi, Missouri, Montana, Nevada, New Hampshire, New Mexico, North Carolina, North Dakota, Ohio, Oregon, Pennsylvania, Rhode Island, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, and Wyoming.

<sup>18</sup> Alaska, California, Delaware, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Maryland, Michigan, Missouri, Montana, New Jersey, North Carolina, Oregon, Rhode Island, South Dakota, Wisconsin, and Wyoming.

The home must be large enough to provide adequate space for living, eating, study, and play for all occupants, including the children in foster care. The home must have a working telephone; appliances in good working order; adequate heat, lighting, and ventilation; and a working bathroom with hot and cold running water. The home must have a sufficient number of bedrooms for all family members that are large enough to provide each child adequate space for his or her safety, privacy, and comfort. In 18 States, regulations specify a minimum square footage that must be provided to each child in care.<sup>19</sup> In 19 States, regulations specify a maximum number of children allowed in each bedroom.<sup>20</sup> Exceptions may be made to these occupancy limits in order to accommodate siblings.

In 37 States, the District of Columbia, and the U.S. Virgin Islands, there must be a sufficient number of bedrooms so that children of the opposite sex do not share a room.<sup>21</sup> In 25 States, the District of Columbia, and the Virgin Islands, children who are older than infants are not allowed to sleep in the same room as an adult.<sup>22</sup> Each child must be provided with his or her own bed; infants must sleep in cribs that meet all relevant safety standards.

<sup>19</sup> For example, Nebraska and Nevada require 35 square feet per child. Colorado, Florida, Iowa, Michigan, Texas, Utah, and Wisconsin require 40 square feet per child. Arkansas, Indiana, and Massachusetts require 50 square feet per child. In Illinois, the first child must be provided 40 square feet, and each additional child in the room must have 35 square feet. In Kansas, the first child must be provided 70 square feet and each additional child 45 square feet. In the Louisiana, the first child must have 75 square feet and additional children 55 square feet each. In Tennessee, the first child must have 65 square feet and additional children 50 square feet each. In Wyoming, bedrooms must provide 75 square feet for the first child and 50 square feet for each additional child. In Maine, single-occupancy rooms must be at least 60 square feet; multiple-occupancy rooms must provide 40 square feet per child.

<sup>20</sup> Bedrooms may be occupied by no more than four children in Arkansas, Kentucky, Louisiana, Massachusetts, Mississippi, North Carolina, Ohio, Rhode Island, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, and Wyoming. New York limits the occupancy to three children per bedroom. In California, the number of children in a bedroom is limited to two.

<sup>21</sup> Alabama, Arizona, Arkansas, California, Delaware, Georgia, Illinois, Indiana, Iowa, Kansas, Louisiana, Maine, Maryland, Massachusetts, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Mexico, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, and Wyoming.

<sup>22</sup> Arkansas, California, Georgia, Indiana, Iowa, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Mississippi, Missouri, Montana, Nevada, New Hampshire, New Mexico, New York, Rhode Island, South Carolina, Tennessee, Texas, Utah, Vermont, Virginia, and West Virginia.

To provide a healthy environment for children while in care, 26 States prohibit any person from smoking in the presence of foster children, either in the foster home or in any vehicle being used to transport children.<sup>23</sup> In 28 States and the District of Columbia, household pets must not present a hazard to children in care and must be kept vaccinated as required by law.<sup>24</sup>

## Approval Process

The process of approving applicants for foster parent licensure consists of assessments or home studies of the applicant, the applicant's family, and the applicant's home environment to determine whether the home would be safe and appropriate for children in foster care. Onsite home visits are conducted to assess the suitability of the home to accommodate the needs of all family members, including the foster children. The condition of the home is evaluated to determine whether it is clean, safe, comfortable, and in conformance with agency regulations. The agency also may require an inspection by the State health department or a fire and safety inspection by the fire marshal.

In addition, the social worker will conduct interviews with the applicants and all family members to assess their suitability to provide appropriate care for children in foster care. Personal references are contacted for further information. To ensure that the foster parents are healthy enough to provide appropriate care, the social worker may require the results of recent health examinations. Checks of State and national criminal records and child abuse and neglect records of the foster parents and all adults residing in the foster parents' home also are included in the study.

<sup>23</sup> Alaska, Arkansas, California, Colorado, Delaware, Florida, Illinois, Indiana, Iowa, Kansas, Maine, Michigan, Mississippi, Montana, New Jersey, New Mexico, North Dakota, Ohio, Oklahoma, Oregon, Rhode Island, Texas, Utah, Washington, Wisconsin, and Wyoming.

<sup>24</sup> Arizona, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Montana, Nebraska, New Jersey, New Mexico, Ohio, Oregon, Rhode Island, South Carolina, Texas, Utah, Washington, West Virginia, Wisconsin, and Wyoming.

## Grounds for Withholding Approval

Licensure can be denied when the results of the home study indicate that the applicant is not suited to provide care for children in foster care. Some specific grounds for withholding approval include the following:

- The applicant does not meet the required regulations for training, experience, or family income.
- The applicant or any family member is found to be of unsuitable character to provide safe and appropriate care.
- The applicant's home is found to be unsafe or inadequate to provide for the needs of children in care.
- The applicant suffers from a physical or mental health condition that would interfere with providing appropriate care for children.
- The applicant is found to have provided false or misleading information to the licensing agency.
- The applicant or any member of the household has a record of a criminal conviction of a nature that could put children at risk of harm.
- The applicant or any member of the household has a record of substantiated child abuse or neglect.<sup>25</sup>

## Kinship Foster Care

Approximately 48 States and the District of Columbia give priority to relatives of the child when making an out-of-home placement.<sup>26</sup> To facilitate the placement of a child with relatives, States may do the following:

- Conduct an expedited home study that focuses on the ability of the relative caregiver to provide appropriate care for that particular child
- Approve a variance from the foster family home regulations for requirements that are not related to safety, such as caregiver age, foster parent training, or size of the caregiver's home

<sup>25</sup> For more information on the issue of background checks, including specific crimes that will bar approval, see Information Gateway's *Background Checks for Prospective Foster, Adoptive, and Kinship Caregivers* at <https://www.childwelfare.gov/topics/systemwide/laws-policies/statutes/background/>.

<sup>26</sup> Georgia and Wyoming do not have provisions for making foster placements with relatives. For more information on this issue, see Information Gateway's *Placement of Children With Relatives* at <https://www.childwelfare.gov/topics/systemwide/laws-policies/statutes/placement/>.

In 10 States and the District of Columbia, the relative may be issued a temporary, provisional license, but after the temporary license expires, the relative must be able to meet all requirements for full licensure.<sup>27</sup> In eight States, except for emergency placements, relative caregivers must comply with all regulations for foster home licensure before a related child may be placed in their care.<sup>28</sup> In Illinois, Indiana, Kansas, and Texas, children may be placed with relatives without formal licensing, but relatives may choose to apply for licensure in order to receive foster care maintenance payments and other services and supports. In Kansas, nonrelated kin providing out-of-home care must be licensed, but the requirement to complete training prior to placement is waived.

## Adopting Children in Foster Care

The laws and policies of 31 States provide procedures for the foster parent to adopt when the child for whom he or she has been providing foster care becomes legally free for adoption.<sup>29</sup> In 13 States, the foster parent must submit an application to adopt the child.<sup>30</sup> In four States, the foster parent is the preferred placement if he or she qualifies and there are no relatives seeking to adopt the child.<sup>31</sup> Ten States require that the child has resided in the foster home for a period of time before the foster parents will be considered for adoptive placement.<sup>32</sup> Once they have applied to adopt the child, an abbreviated home study will be conducted to determine the parents' ability to provide a permanent home. The wishes of the child regarding the adoption also will be considered.

<sup>27</sup> Arkansas, Connecticut, Maryland, Massachusetts, Mississippi, Montana, New Jersey, Nebraska, New Mexico, and New York.

<sup>28</sup> California, Colorado, Indiana, Minnesota, Ohio, Oregon, South Carolina, and Virginia.

<sup>29</sup> Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Florida, Georgia, Idaho, Illinois, Louisiana, Maryland, Massachusetts, Minnesota, Mississippi, Missouri, New Jersey, New Mexico, New York, Ohio, Oklahoma, Oregon, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia, West Virginia, and Wisconsin.

<sup>30</sup> Alabama, Arizona, Arkansas, California, Florida, Georgia, Illinois, Minnesota, Missouri, Ohio, Oregon, South Carolina, and Virginia.

<sup>31</sup> Louisiana, Missouri, South Carolina, and Tennessee.

<sup>32</sup> Arizona (6 months), California (6 months), Illinois (12 months), Missouri (9 months), Ohio (6 months), Oregon (12 months), Rhode Island (2 years), South Carolina (6 months), Tennessee (12 months), and Virginia (18 months).



In three States, foster parents who wish to adopt a child must undergo a full adoption home study and meet all relevant adoption home standards.<sup>33</sup> Thirteen States offer a single assessment process for both foster and adoptive parents.<sup>34</sup>

Four States have “legal risk” or “fost/adopt” licensure for foster parents.<sup>35</sup> This type of placement is used when the child has a concurrent permanency plan goal of reunification and adoption. The foster parent, who is fully certified as both a foster and adoptive parent, agrees to work with the birth family toward reunification and is committed to adopting the child if reunification efforts fail.

## Interjurisdictional Approval

In all States, when the child’s best interests require placement outside his or her home State, that placement is subject to the provisions of the Interstate Compact on the Placement of Children (ICPC).<sup>36</sup> The State where the child is to be placed (receiving State) must conduct a home study on behalf of the State that is placing the child (sending State). The court of the sending State must accept the home study completed by the receiving State and determine whether the proposed placement is in the child’s best interests.

## For More Information

Many States maintain an array of information resources on foster parent licensing requirements on the Internet. Links to these resources, as well as links to the full text of relevant State agency regulations, are available in this publication.

For a discussion of model licensing standards that are focused on ensuring the safety and well-being of children in out-of-home care, see the publication *Model Family Foster Home Licensing Standards*, developed by the American Bar Association Center on Children and the Law, Generations United, the Annie E. Casey Foundation, and the National Association for Regulatory Administration, at <http://www.naralicensing.org/assets/docs/SharedResources/Model%20Licensing%20Standards%202018%20update.pdf> (1,264 KB).

This publication is a product of the State Statutes Series prepared by Child Welfare Information Gateway. While every attempt has been made to be complete, additional information on these topics may be in other sections of a State’s code as well as agency regulations, case law, and informal practices and procedures.

## Suggested citation:

Child Welfare Information Gateway. (2018). *Home study requirements for prospective foster parents*. Washington, DC: U.S. Department of Health and Human Services, Children’s Bureau.

<sup>33</sup> Georgia, Idaho, and Wisconsin.

<sup>34</sup> California, Colorado, Connecticut, Idaho, Maryland, Mississippi, New Jersey, New York, Oklahoma, Rhode Island, Texas, Utah, and West Virginia.

<sup>35</sup> Massachusetts, New Mexico, South Dakota, and Texas.

<sup>36</sup> For more information on interjurisdictional placements and the ICPC, see <https://www.childwelfare.gov/topics/permanency/interjurisdictional/icpc/>.

## Alabama

*Current Through February 2018*

### Who May Apply

**Citation: Ann. Code §§ 38-7-3; 38-7-4; Admin. Code 660-5-29-.02**

A person must be licensed by the Department of Human Resources to operate a foster family home.

*In regulation:* Foster parents shall be at least age 19. If the couple is related to the foster child, one spouse may be younger than age 19 if the other spouse is at least age 19. Foster parents may be single or married. If living together in a relationship, foster parents shall have been married for at least 1 year.

Foster parents shall be able to:

- Read and write
- Demonstrate an understanding of the needs of children
- Give time and attention to the needs of children
- Provide opportunities for the physical, mental, emotional, and social development of children in care

Foster parents shall be able to be:

- Responsive to the changing needs of children
- Flexible in expectations and attitudes toward children, including those from other cultures
- Participants in any planning and delivery of services required for children in care

Foster parents shall have:

- Income or resources to meet the needs of the foster family, basic household needs, and the additional needs of the foster children
- Special approval by the approving agency for any adult roomers or boarders
- A valid driver's license and motor vehicle insurance
- Reliable, safe transportation when transporting foster children

### Training Requirements

**Citation: Admin. Code 660-5-29-.02**

All foster parents are required to:

- Complete 30 hours of preparation/training as provided by the approving agency prior to being approved. Preparation/training shall consist of the following components:
  - » Child development
  - » Behavior management
  - » The process of grief and loss
  - » The dynamics of attachment and separation
  - » The value of families
  - » Individualized service plans
  - » Identifying the strengths and needs of families and children
  - » Behavior as an expression of underlying needs
  - » The value of partnerships
  - » How children enter the foster care system
  - » Family implications among foster parents
  - » Understanding and valuing cultural differences

- Complete 15 hours of inservice training annually after being approved. This training may include, but is not limited to the following:
  - » Child safety issues, including cardiopulmonary resuscitation (CPR) and pediatric and infant first aid
  - » Crisis intervention/engaging families
  - » Effects of multiple placements
  - » Cultural sensitivity and responsive services
  - » Significance of birth families
  - » Substance abuse
  - » Gang activity
  - » Universal precautions and infection control
- Obtain and maintain current CPR certification, including pediatric and infant first aid/CPR, if a pool is located on the property

### Minimum Standards for Foster Homes

**Citation: Ann. Code § 38-7-7; Admin. Code R. 660-5-29-03**

The department shall prescribe and publish minimum standards for licensing and for approving foster care homes. The standards shall include regulations pertaining to the appropriateness, safety, cleanliness, and general adequacy of the premises, including maintenance of adequate fire prevention and health standards conforming to State laws and municipal codes to provide for the physical comfort, care, well-being, and safety of children.

*In regulation:* The home and grounds shall be maintained in a clean and safe condition.

- A play space for indoor and outdoor activities will be provided.
- The residence shall have a working telephone, electrical service, gas, comfortably regulated cooling and heating, adequate lighting, and a safe water supply.
- Beds and mattresses shall be of size and quality to allow good sleeping posture.
- Separate sleeping rooms shall be provided for children over age 6 who are of the opposite sex.
- An adequate number of bedrooms shall be provided for all persons residing in the home.
- Sanitary bathroom facilities that provide privacy shall be available for use by family members and foster children.
- Nothing that constitutes a hazard is allowed on the property. There shall be appropriate safeguards against potential hazards.

### Approval Process

**Citation: Ann. Code § 38-7-4; Admin. Code R. 660-5-29-02**

Upon receiving an application, the department shall examine the premises of the foster family home and investigate the persons responsible for the care of children.

*In regulation:* Prior to approval, foster parents shall submit required medical information to establish their physical and emotional ability to provide the necessary supervision and guidance to foster children.

At the time of initial application, each applicant for a license and each adult household member shall provide contact information for at least three unrelated persons to serve as references.

The applicant shall obtain a clearance from the State Central Registry on Child Abuse/Neglect for each caregiver, substitute, volunteer, domestic worker, and any other person who has unsupervised contact with the children.

The applicant and each adult household member shall submit a request to the Alabama Bureau of Investigation for a criminal history background information check, accompanied by the following:

- Two complete sets of fingerprints
- Written consent from the applicant and each adult household member for the release of the criminal history background information to the department
- The required fee
- Identification verification of name, date of birth, race, sex, and Social Security number in the form of a photo identification from any government agency, such as a driver's license, nondriver's identification, or program participation card



**Grounds for Withholding Approval****Citation: Admin. Code R. 660-5-29-.02**

An application for a license shall be denied if the applicant, a household member, substitute caregiver, domestic worker, volunteer, or any other person who has contact with the children is determined to be of unsuitable character to work with children or to have contact with children.

Convictions for any of the following crimes shall make an applicant ineligible for licensure:

- Murder, manslaughter, or criminally negligent homicide
- A sex crime, including incest, promoting prostitution, rape, sexual abuse, or child pornography
- A crime that involves the physical or mental injury or maltreatment of a child, the elderly, or an individual with disabilities
- A crime committed against a child
- A crime involving the sale or distribution of a controlled substance
- Robbery

A crime listed in the Federal Adoption and Safe Families Act as prohibiting a person from being a foster or adoptive parent shall be deemed to make the convicted person unsuitable for employment, volunteer work, approval, or licensure as a foster or adoptive parent.

**Kinship Foster Care****Citation: Ann. Code § 38-7-5**

Prior to the emergency licensing of foster homes, the department shall adhere to the settlement agreement reached in the R.C. v. Nachman lawsuit relating to preferential treatment for family members when placing children.

**Foster to Adopt****Citation: Admin. Code R. 660-5-22-.03(10)(b), (11)**

The department shall decide whether the foster home will be approved as the child's adoptive home based upon the following factors:

- The child's attachment to the foster parents
- The length of time the child has been in the home
- The age of the child in relation to the age of the foster parents
- The health and income of the foster parents
- Involvement/interference from the birth family
- The appropriateness of the foster home placement

The approved adoptive family must be issued a foster home approval for the particular child to be placed unless the resource is already an approved foster home.

**Interjurisdictional Approval****Citation: Ann. Code §§ 26-10A-35; 38-7-15**

The person or agency bringing the child into the State to be adopted must first obtain the consent of the department. The department is authorized to designate an agency in the other State to interview the child's parent(s) to obtain social, background, and medical information about the child.

The department shall be authorized to make a thorough investigation of the proposed parents and their home to determine whether or not they are financially able, physically able, and morally fit to have the care, supervision, training, and control of the child.

If the child, subsequent to being brought into the State, becomes dependent, neglected, or delinquent prior to his or her adoption or becoming of legal age of majority, the child shall be subject to the laws of Alabama as if he or she were a resident child of the State.

**Links to Resources**

Alabama Department of Human Resources, [Introduction to Foster Care](#)

State regulations [full text](#) (PDF - 132 KB)

## Alaska

*Current Through February 2018*

### Who May Apply

**Citation: Alaska Stat. § 47.32.040**

A person shall apply to the Department of Health and Social Services for a license to operate a foster home. The application must be made to the department on a form provided by the department or in a format approved by the department and must be accompanied by any fee established by regulation and the documents and information required by regulation.

### Training Requirements

**Citation: Alaska Stat. § 47.14.115**

If the department has placed a child in a foster home, the department shall, no less often than once quarterly, make available training that will assist the foster parent or parents in providing care that will meet the needs of the child placed in the home and the requirements established by the department in regulation.

### Minimum Standards for Foster Homes

**Citation: Admin. Code Tit. 7, §§ 10.1005; 10.1080; 10.1085**

Before deciding whether to issue a foster care license to a home, the department may inspect the home to determine whether the home is maintained in a manner protective of life, health, safety, and welfare with respect to the following:

- Bedrooms to provide 24-hour or overnight care
- Exits to the outside of the home
- Smoke detectors, carbon monoxide detectors, and fire extinguishers
- Storage and disposition of combustible waste material
- Portable heating mechanisms, if any
- Other applicable requirements of this chapter or another applicable statute or regulation

The foster parent shall ensure that any firearms are unloaded and stored in a locked gun safe or other locked place that is not visible or accessible to children in care and that ammunition is stored separately from the firearms.

Smoking in a foster home must be limited to outside the home or in a well-ventilated area away from the immediate living area and only after submitting a plan acceptable to the department that addresses how children in care will be protected from smoke. Any vehicle used to transport children must be smoke-free.

### Approval Process

**Citation: Admin. Code Tit. 7, § 56.550**

The home study process must include at least the following:

- One face-to-face interview with all individuals living in the home
- One onsite home visit
- An assessment of the capabilities, willingness, and readiness of the prospective foster parent to properly parent a foster child

The agency shall obtain available information about the foster home applicants regarding the following:

- Their motivation for providing foster care
- The level of preparedness for foster care, including how the family responded to orientation and other preparation information
- Their physical, mental, emotional, and other health status
- The results of abuse, violence, and criminal background checks for all adults living in the home
- Their sensitivity to, and feelings about, different socioeconomic, cultural, and ethnic groups in relation to the family's ability to properly parent a child in foster care and to assist in maintaining the cultural or ethnic identity of children from different backgrounds
- The behavior, background, special needs status, or other characteristics of a potential foster child that the family can and cannot accept and why and a discussion of the prospective foster parents' preparation, willingness, and ability to provide proper care for such a child

Child-placing workers responsible for the foster home study shall evaluate the information obtained during the study process and shall make specific recommendations about the family's capacity to work with children. The recommendations must address characteristics of children appropriate for placement in the foster home, including age, sex, special needs, and number of children.

**Grounds for Withholding Approval****Citation: Admin. Code Tit. 7, § 10.905**

If a criminal background check reveals that an applicant has been convicted of a barrier crime, as listed below, licensure for foster care will be denied.

The following are permanent barrier crimes, including the attempt, solicitation, or conspiracy to commit any of the following crimes:

- Domestic violence
- A felony that involves a victim who was younger than age 18
- Assault
- Indecent exposure
- Arson
- Endangering the welfare of a child or vulnerable adult
- Failure to register as a sex offender or child kidnapper
- Distribution of child pornography
- Sex trafficking
- Any sex offense

The following are 10-year barrier crimes:

- Stalking
- Theft, burglary, forgery, or fraud
- Criminal mischief
- Terroristic threatening
- Misconduct involving weapons or criminal possession of explosives
- Controlled substances violations
- Promoting prostitution
- Operating any vehicle while intoxicated by any substance if the person has had two or more convictions within the past 10 years
- Refusal to submit to a chemical test if the person has had two or more convictions within the past 10 years

The following are 5-year barrier crimes:

- Fourth-degree assault
- Reckless endangerment
- Custodial interference
- Coercion
- Criminal nonsupport
- Contributing to the delinquency of a minor
- Failure to report a violent crime committed against a child
- Harassment
- Cruelty to animals
- Disorderly conduct
- Misconduct involving a controlled substance

The following are 3-year barrier crimes:

- Theft
- Criminal trespass
- Criminal mischief
- Violating a protective order
- Interfering with a report of a crime involving domestic violence

If a person also is subject to Federal criminal history check requirements, and the Federal standards, including standards related to civil findings, are more stringent than those set out in this section, the Federal standards apply.

### **Kinship Foster Care**

**Citation: Alaska Stat. § 47.14.100; Admin. Code Tit. 7, § 50.055**

When a child must be placed in out-of-home care, the placement shall be with, in the following order of preference:

- An adult family member
- A family friend who meets the foster care licensing requirements established by the department
- A licensed foster home that is not an adult family member or family friend
- An institution for children that has a program suitable to meet the child's needs

The term 'family friend' includes, in the case of an Indian child, a member of the Indian child's Tribe, a member of the Tribe in which the child's biological parent is a member, and another Indian family member.

To determine whether the home of a relative meets the requirements for placement of a child, the department shall conduct a criminal background check from State and national criminal justice information. The department may conduct a fingerprint background check on any member of the relative's household who is age 16 or older when the relative requests placement of the child.

Evidence of good cause not to place a child with an adult family member or family friend includes the failure to meet the requirements for a foster care license. Poverty or inadequate or crowded housing do not constitute good cause.

*In regulation:* An abbreviated procedure may be applied in granting a variance for a requirement contained in this chapter for a foster home headed by a relative of a child. This procedure applies only for the specific relative child or children. If a different relative or a nonrelative child is to be received in the home, any variance granted must be reviewed and approved by the division.

In evaluating a relative applicant for a license, the licensing representative will discuss with the applicant and document any recommended variance from a requirement. The supervisor will review the evaluation to ensure the health, safety, and well-being of the child is protected and, if approved, will forward the license for issuance under regular procedures.

### **Foster to Adopt**

This issue is not addressed in the statutes and regulations reviewed.

### **Interjurisdictional Approval**

**Citation: Alaska Stat. § 47.70.010**

Placement of a foster child outside the State of Alaska is subject to the provisions of the Interstate Compact on the Placement of Children.

### **Links to Resources**

Office of Children's Services, [Requirements to Becoming a Foster Parent](#)

[Alaska Center for Resource Families](#)

### **American Samoa**

*Current Through February 2018*

These issues are not addressed in the statutes reviewed.

## Arizona

*Current Through February 2018*

### Who May Apply

**Citation: Admin. Code R21-6-301**

A foster parent shall:

- Be age 21 or older
- Reside in Arizona and be lawfully present in the United States
- Live in a home in which all adult household members pass a background check based on:
  - » A central registry check in Arizona and in the registries in other States the applicant has lived in during the previous 5 years
  - » A completed and notarized criminal record self-disclosure
  - » A valid fingerprint clearance card from the Arizona Department of Public Safety
- Be of reputable and honest character
- Live in a home in which all household members are free of medical, physical, or mental health conditions that would interfere with the safe care and supervision for a foster child, as verified by:
  - » A health self-disclosure completed by all adult household members before initial licensure and at each renewal thereafter
  - » A physician's statement for the applicant completed no more than 12 months before the license application is submitted and at least every 2 years thereafter
- Demonstrate careful and sensible judgment; exercise a reasonable and prudent parenting standard; and have the stability, maturity, nurturing skills, knowledge, and ability to provide safe care to a foster child
- Have income or resources to afford current expenses without regard to future reimbursement
- Have the support and agreement of all adult household members on the decision to be a foster parent
- Provide a safe home with sufficient space and privacy for a foster child
- Work cooperatively with the licensing agency
- Comply with all licensing requirements.

The Office of Licensing and Regulation (OLR) shall determine whether an applicant meets the licensing requirements for a foster parent based on information provided by the applicant and the licensing agency, including the application, home study, prior licensing history, and the professional judgment of the licensing agency.

### Training Requirements

**Citation: Rev. Stat. § 8-509; Admin. Code R21-6-303**

The foster parent or parents are required to complete 6 actual hours of approved initial foster parent training. For license renewal, the foster parent or parents must complete 12 actual hours of approved ongoing foster parent training during the 2-year period of licensure.

*In regulation:* Before OLR issues an initial license, the applicant shall complete and submit evidence of completion of the following:

- The minimum number of hours of training required by § 8-509
- The training curriculum approved by the Department of Child Safety, including how to exercise the reasonable and prudent parenting standard
- Cardiopulmonary resuscitation (CPR) and first aid training, taught by certified instructors

After initial licensure, the foster parent shall, in addition to CPR certification and first aid training, complete a minimum of 6 hours of training on topics relevant to the health, growth, development, or welfare of a child, or as recommended by OLR, the licensing agency, or the child-placing agency. The applicant or foster parent shall complete additional training required by the department, licensing agency, or child-placing agency based on the specific needs of the foster parent or of a foster child.

OLR may waive the requirements for CPR and first aid training if the foster parent has current certification or licensure as a doctor of medicine, physician assistant, registered nurse, paramedic, or emergency medical technician. OLR may waive the requirement for CPR training if an applicant or foster parent has a physical limitation preventing them from performing CPR, unless the applicant or foster parent demonstrates that he or she can perform CPR with tools or devices designed for that purpose.



**Minimum Standards for Foster Homes****Citation: Admin. Code R21-8-104 through R21-8-107; R21-8-111; R21-8-112; R21-6-310; R21-6-311; R21-6-315**

The provider shall ensure that:

- The home's premises are kept clean, in good repair, and free of obvious fire hazards.
- A functioning fire extinguisher is available near the kitchen area.
- At least one working smoke detector is installed in the main living area, each bedroom, and each level of the home.
- The child's access is prevented, as appropriate for his or her age and development, from all medications, poisonous materials, cleaning supplies, other hazardous materials, and alcoholic beverages.
- Firearms are unloaded, trigger locked, and kept in a tamper-proof, locked storage container and ammunition is stored in separate locked storage.
- Animals kept on the premises do not pose a hazard and any pets are vaccinated as required by State or Tribal law.
- The home has a continuous source of safe drinking water and at least one working toilet, wash basin, and shower or tub.

A foster child shall not share a bedroom with an adult. Any child in the home, age 6 and older, shall not share a bedroom with a foster child of the opposite gender, except that a foster child who is a minor parent may share a bedroom with his or her child.

The foster child must have a bedroom that accommodates his or her privacy and safety needs and that is a finished room and not a space used as a closet, passageway, or primarily for purposes unrelated to sleeping. The bedroom shall be large enough to accommodate a bed, furniture to store and display personal belongings, and space for the child to dress and move about. Each foster child shall be provided with a bed that is safe and appropriate based on the child's age and special needs.

The foster parent shall ensure that smoking any substance, including tobacco, e-cigarettes, and prescribed marijuana, is prohibited and does not occur at any time in the foster home or at any time when a foster child is present in a vehicle used to transport a foster child.

**Approval Process****Citation: Admin. Code R21-6-206**

To assess the applicant, the licensing agency shall:

- Conduct interviews with each household member, including children
- Complete reference checks from at least five reference sources identified by the applicant, of which no more than two are from relatives
- Arrange for the criminal background check and central registry record checks for each adult household member for Arizona and from each State these individuals resided in during the previous 5 years
- Ensure completion of all required training
- Visit the applicant's home and request a life safety inspection
- Prepare each household member for their self-assessments

The home study shall include a summary of self-assessments, interviews, and observations evaluating the applicant's fitness for licensure, including:

- Motivation and expectations for becoming a foster parent
- Commitment to the care and supervision of a foster child
- Parenting skills and ability to use a reasonable and prudent parenting standard
- Daily routine and time available to devote to the care of a foster child
- Support network, including friends, neighbors, relatives, and the community
- Personal or family problems and the applicant's success in undergoing rehabilitation and overcoming or coping with these problems
- Medical, physical, and mental health problems, or a history of substance use, and the applicant's success in coping with these problems
- Ability to deal with anger, stress, and separation

- Personal stability, marital stability, and the stability of the household
- Stability of residency in Arizona
- Attitude toward discipline and willingness to commit to the department's discipline policy
- Willingness to share parenting for a foster child with that child's birth family
- The ability of household members to provide a safe and positive home environment for a foster child
- The applicant's compliance with licensing requirements

### **Grounds for Withholding Approval**

**Citation: Admin. Code R21-6-414**

OLR may deny, suspend, or revoke a license if an applicant or foster parent:

- Refuses or fails to provide the licensing agency or OLR with information needed to evaluate compliance with licensing requirements
- Misrepresents or falsifies information needed by the licensing agency or OLR to evaluate compliance with licensing requirements
- Misrepresents or falsifies information presented by a household member during the licensing process
- Is aware of a misrepresentation or falsification of the information presented by the household member during the licensing process
- Refuses or fails to substantially comply with licensing requirements, Arizona or Federal laws, or local codes or ordinances
- Refuses or fails to carry out a required corrective action plan to correct a violation
- Has been denied a certificate or license to provide care to a foster child or vulnerable adult, unless the denial was based on failure to complete the process according to a required timeframe
- Has had a certificate or license to provide care to a foster child or vulnerable adult denied, suspended, or revoked
- Has a household member that refuses to cooperate with the licensing process
- Lives in a home in which a fingerprint clearance card meeting level-one requirements for a foster parent and an adult household member has been suspended, denied, or revoked
- Lives in a home in which an allegation of child abuse or neglect has been substantiated against a household member
- Moves to a different residence without first notifying the licensing agency

### **Kinship Foster Care**

**Citation: Rev. Stat. § 8-514.03; Admin. Code R21-6-222**

The department shall establish kinship foster care services for a child who has been removed from the child's home and is in the custody of the department. The program shall promote the placement of the child with the child's relative for kinship foster care.

A kinship foster care parent applicant who is not a licensed foster care parent shall be at least age 18. The applicant and each member of the applicant's household who is at least age 18 shall submit a full set of fingerprints to the department for the purpose of obtaining a State and Federal criminal records check. The department shall determine if the applicant is able to meet the child's health and safety needs by conducting one or more home visits and interviewing the applicant. The department may interview other household members, review the applicant's personal and professional references, and conduct central registry checks.

*In regulation:* When submitting an application for a license, the licensing agency may recommend the waiver of a nonsafety licensing requirement for an applicant or foster parent who will be providing only kinship care, if compliance with the nonsafety requirement would be a hardship on the applicant or foster parent. The recommendation for a waiver shall include the following:

- The specific rule to be considered for waiver
- The reason compliance would be a hardship
- Any proposed alternative compliance with the requirement
- Justification that waiving the licensing requirement will not compromise the safety of a foster child

OLR shall consider the waiver of a nonsafety licensing requirement on a case-by-case basis. Nonsafety issues may include granting licensure to applicants who are age 18 to 20, have fewer than two full bathrooms, or may not meet the financial requirements of R21-6-301.

### **Foster to Adopt**

**Citation: Rev. Stat. § 8-112(E); Admin. Code R21-5-419**

If the child being considered for adoption has resided with the prospective adoptive parent for at least 6 months and the prospective adoptive parent is a foster parent who is licensed by this State, the social study may consist only of the following:

- The results of the central registry records check
- A review of any material changes in circumstances that have occurred since the previous license renewal that affect the prospective adoptive parent's ability to adopt the child or for the child to be placed in the prospective adoptive parent's home

*In regulation:* When a foster parent plans to adopt a foster child who is age 5 or older, a case manager from the adoption entity shall privately interview the child and all members of the adoptive family household who are age 5 or older about their feelings toward the adoption, before the adoption consent is signed.

When a child is placed for adoption with a person who has been a foster parent to the child, a case manager from the adoption entity shall conduct home visits at least every 2 months from the time legal consent for adoption has been signed until the finalization of adoption, unless the adoptive child is a child with special needs. If the adoptive child is a child with special needs, the case manager shall visit at least once a month.

During the visits, the case manager shall do both of the following:

- If developmentally appropriate, privately interview the child to discuss a child's feelings about the adoption
- Interview all members of the adoptive family household, including children, if developmentally appropriate, to discuss how the child and family are adapting and the current relationship among members of the family

### **Interjurisdictional Approval**

**Citation: Rev. Stat. § 8-548; Admin. Code R21-5-103**

Placements of children in or from another State are subject to the provisions of the Interstate Compact on the Placement of Children.

*In regulation:* No person, court, or public or private agency in a compact State shall place a child in another compact State until the compact administrator in the receiving State has notified the compact administrator in the sending State, on a prescribed form, that such placement does not appear to be contrary to the interests of the child and does not violate any applicable laws of the receiving State.

### **Links to Resources**

Arizona Department of Child Safety, [Steps for Becoming a Foster or Adoptive Parent](#)

State regulations full text:

- [Title 21, chapter 6](#) (PDF - 336 KB)
- [Title 21, chapter 8](#) (PDF - 711 KB)

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## **Arkansas**

*Current Through February 2018*

### **Who May Apply**

**Citation: 016 15 Code of Rules & Regs. 017, § 5**

In a two-parent home, each person will be a joint applicant and each will actively participate in the approval process. This joint family commitment will be reevaluated annually.

Applicants must have the personal characteristics that enable them to assume the responsibility of caring for children in foster care, including:

- The capacity to love and care for children and respond to children's needs
- Ethical standards and values that are conducive to the well-being of children

- Satisfactory and stable adult relationships, which may or may not include a partner, but does include satisfactory, meaningful, and supportive relationships with several relatives and/or friends
- An absence of any qualities that indicate that they could abuse children

Applicants must be age 21 or older. Applicants will not be approved as a foster home if one or both applicants are under age 21. A policy waiver must be obtained if one or both applicants are younger than age 21 (which may only be approved in rare circumstances for provisional homes) or age 65 or older or when one or both foster parents of a currently opened foster home reaches age 65.

Applicants must provide the Division of Children and Family Services (DCFS) with the health history of each household member. A physical examination of each household member is required prior to approval. The examination must verify that all household members are free of any physical or emotional health conditions that would adversely affect the welfare of a child in foster care. Immunization for all children in a foster home (birth/legal children of the foster family and children in care) must be kept up to date.

Single-parent households are welcome, particularly for those children whose need for a two-parent household is not a crucial aspect of the care required. In a single-parent home, the major life changes also will be considered when assessing the person's ability to be an effective foster parent.

### **Training Requirements**

#### **Citation: 016 15 Code of Rules & Regs. 017, § 3; 010, § 6**

Family foster parents are required to have a minimum of 30 hours of preservice training. The family foster parent must complete cardiopulmonary resuscitation (CPR) and first aid training and receive certification in both areas prior to approval to become a foster parent.

At least one parent in the foster home must be able to communicate effectively in the language of the child. However, this does not apply to foster parents for infants or short-term emergency placements. It is necessary to improve the skills of existing foster parents through ongoing training and supervision following preservice training. Foster parents are required to earn 15 hours of continuing education each year.

DCFS will require participation in continuing education through local education and training opportunities. Each foster parent shall annually participate in a minimum of 15 hours of approved training. Training classes may cover a wide range of topics related to parenting, child development, behavior problems, medical needs, etc., and may be offered by educational systems (colleges, universities, local school systems), the Health Department, community mental health centers, the Foster Parent Association, and others. Special TV programs related to child abuse, parenting adolescents, etc., also may be considered training. However, videos, TV programs, online courses, and books are accepted only on a limited basis. No more than 5 hours of videos, books, online courses, or TV programs for each foster parent will be accepted per year and must have prior approval by the area director or designee.

### **Minimum Standards for Foster Homes**

#### **Citation: 016 15 Code of Rules & Regs. 017, § 6**

The interior and exterior premises of the foster home must be clean and free of physical and health hazards. The home must have adequate light, heat, ventilation, and plumbing for safe and comfortable living and adequate space for privacy, play, and study for all household members. The number of children placed in a foster home will be limited by the number of persons who can satisfactorily live within the physical limits of the home.

All firearms must be unloaded; maintained in a secure, locked location; and stored separately from ammunition.

Working smoke detectors must be located within 10 feet of the kitchen and each bedroom. The cooking area must contain a working fire extinguisher. The home must have a working telephone or cellular phone that is accessible to all children.

All pets must have proof of current rabies vaccinations. The home should have adequate toys that are safe and developmentally appropriate for children who will be placed in the home.

Foster children must sleep in a bedroom, not in a living room or any other room where others may pass through. Each bedroom must have at least 50 square feet of floor space per occupant. Each bedroom used for a foster child must have a window to the outside that is capable of serving as an emergency escape.

No more than four children may share a bedroom. Each foster child must be provided a comfortable bed, in good condition.

Children of the opposite sex will not share the same bedroom if either child is age 4 or older, except for a mother in foster care with her child. No children will share a bed if either child is age 4 or older; and any applicable children sharing a bed must be the same sex. Children in foster care, except infants younger than age 2, will not share a sleeping room with adults.

The home must have a continuous supply of sanitary drinking water. If the source is not a municipal water system, the water must be tested and approved annually by the Department of Health.

### **Approval Process**

#### **Citation: 016 15 Code of Rules & Regs. 017, §§ 3; 5**

The home must meet foster home standards and the individual child's needs for the duration of placement. In order to have an appropriate foster home for each child in care, to minimize the risks involved in placement of a child in foster care, and to ensure that the child in foster care will not be moved from one foster home to another, it is necessary to select families on the basis of careful assessment. The purpose of the assessment process is to:

- Evaluate the applicants' personal qualifications and physical requirements of the home
- Educate prospective foster parents on the characteristics of children in foster care
- Evaluate their ability to meet those needs
- Evaluate the applicants' compliance with minimum licensing standards and DCFS policy requirements

Applicants and all household members age 14 and older must consent to a child maltreatment central registry check in all States in which they have lived in the past 5 years. Household members must have no history of substantiated abuse and/or neglect.

Applicants and all household members age 18 and older must consent to an adult maltreatment central registry check. DCFS will repeat the child maltreatment and the adult maltreatment registry checks every 2 years on all persons required to have the check.

Applicants and all household members age 18 1/2 or older must consent to a State police criminal record check. DCFS will repeat a State criminal record check every 2 years on any person required to have the check. Household members with criminal convictions may, under some circumstances, request approval under an alternative compliance.

A Federal Bureau of Investigation fingerprint-based criminal background check will be conducted on applicants and all household members age 18 1/2 or older. This check need not be repeated.

### **Grounds for Withholding Approval**

#### **Citation: 016 15 Code of Rules & Regs. 017, §§ 7**

Any person who is required to have a criminal check who has been found guilty of any of the offenses listed in the licensing standards is presumed to be disqualified to be a foster parent, unless the conviction is vacated or reversed.

The Child Welfare Agency Review Board may permit an alternative compliance for an applicant who has been convicted of an offense listed in regulation upon making a determination that the applicant does not pose a risk of harm to any person. In making this determination, the board will consider the following factors:

- The nature and severity, number and frequency, and consequences of the crimes
- The relation between the crime and the health, safety, and welfare of any person
- The time elapsed without a repeat of the same or similar event
- Documentation of successful completion of training or rehabilitation pertinent to the incident

An alternative compliance may not be requested by any person who has been found guilty of any of the following offenses as he or she is permanently disqualified from being a foster parent:

- Felony abuse of an endangered or impaired person
- Arson
- Murder
- Endangering the welfare of an incompetent person in the first degree
- Kidnapping
- Rape or sexual assault

An alternative compliance may not be requested by any prospective foster parent with a felony conviction for the following offenses, as no child in foster care may be placed in that person's home:

- Child abuse or neglect
- Spousal abuse or domestic battery



- A crime against children, including child pornography
- A crime involving violence, including rape, sexual assault, or homicide, but not including other physical assault or battery

A prospective foster parent may request an alternative compliance for a felony conviction for physical assault, battery, or a drug-related offense if the offense was not committed within the past 5 years.

### **Kinship Foster Care**

#### **Citation: 016 15 Code of Rules & Regs. 017, § 2**

In an effort to preserve family connections and expedite placement of children, DCFS may place a child in foster care with a relative or fictive kin if one has been identified and is appropriate. 'Relative' means a person within the fifth degree of kinship to the child by virtue of blood or adoption. 'Fictive kin' means a person not related to the child by blood or marriage but who has a strong, positive, emotional tie to the child and has a positive role in the child's life, such as a godparent, neighbor, or family friend. This type of placement is classified as a 'provisional foster home.' The purpose of opening a provisional foster home is to enable DCFS to make a quick placement for a child with a relative or fictive kin with whom a bond already exists. Provisional foster homes must meet certain requirements, including an expedited child maltreatment central registry check, an expedited State criminal record check, a vehicle safety check, and a visual inspection of the home to verify that the relative/fictive kin and the home meet standards.

Once opened as a provisional foster home, DCFS staff work with the provisional foster parents in that home to bring them into full compliance within 6 months. Provisional foster homes that are not in full compliance at the end of 6 months must be closed and the children removed unless the relative/fictive kin have been granted permanent custody by the court. Provisional foster homes will not be paid a board payment until the relative meets all of the licensing requirements and DCFS standards and is reclassified as a regular foster home.

### **Foster to Adopt**

#### **Citation: 016 15 Code of Rules & Regs. 010, § 13**

Once parental rights have been terminated, children may be adopted. A foster parent may apply to DCFS to adopt a child. A distinction is made between foster parents who apply through the regular adoption program and foster parents who apply to adopt a particular child.

Foster parents applying through the regular adoption program must meet the same requirements as all other adoption applicants. The caseworker will refer any interested foster parent to an adoption specialist.

When foster parents are interested in adopting a child in foster care in their home, DCFS will consider the benefits provided by them for that child and other certain conditions. The child's desires especially will be considered. The caseworker will speak with the child alone regarding this major decision in his or her life and help the child consider all the facts.

If a foster parent wishes to adopt a child in their home, the foster parent should make the request known by requesting and completing CFS-489: Foster Parent Request for Consideration to Adopt (if the foster parent meets the basic qualifications outlined on the form).

### **Interjurisdictional Approval**

#### **Citation: 016 15 Code of Rules & Regs. 011, Policy VI-H**

The Interstate Compact on the Placement of Children (ICPC) is used to move children in need of a foster or preadoptive placement, adoption across State lines, or reunification with parents in an orderly and timely manner.

When a child requires placement for foster care or a possible adoption outside the resident State, DCFS shall use the ICPC process. DCFS will ensure all potential out-of-state relative placements are given the same opportunity as in-State relative placements to become foster homes. Homes of relatives approved under the Articles of ICPC will be considered approved foster homes.

### **Links to Resources**

[Arkansas Foster Family Services](#)

Division of Child and Family Services, [Standards of Approval for Foster and Adoptive Homes](#)

## California

*Current Through February 2018*

### Who May Apply

**Citation: Welf. & Inst. Code § 16519.5**

The Department of Social Services shall implement a unified, family-friendly, and child-centered resource family approval process to replace the existing multiple processes for licensing foster family homes, certifying foster homes by licensed foster family agencies, approving relatives and nonrelative extended family members as foster care providers, and approving guardians and adoptive families.

A 'resource family' is an individual or family that has successfully met both the home environment assessment standards and the permanency assessment criteria necessary for providing care for a child placed by a public or private child-placing agency by court order, or voluntarily placed by a parent or legal guardian. A resource family shall demonstrate all of the following:

- An understanding of the safety, permanence, and well-being needs of children who have been victims of child abuse and neglect and the capacity and willingness to meet those needs, including the need for protection, and the willingness to make use of support resources offered by the agency, or a support structure in place, or both
- An understanding of children's needs and development; effective parenting skills or knowledge about parenting; and the capacity to act as a reasonable, prudent parent in day-to-day decision-making
- An understanding of his or her role as a resource family and the capacity to work cooperatively with the agency and other service providers in implementing the child's case plan
- The financial ability within the household to ensure the stability and financial security of the family
- An ability and willingness to provide a family setting that promotes normal childhood experiences that serves the needs of the child

A resource family shall be considered eligible to provide foster care for children in out-of-home placement and shall be considered approved for adoption and guardianship.

### Training Requirements

**Citation: Welf. & Inst. Code § 16519.5**

A resource family applicant must complete a minimum of 12 hours of preapproval caregiver training. The training shall include, but not be limited to, all of the following courses:

- An overview of the child protective system
- The effects of trauma, including grief and loss, and child abuse and neglect
- Positive discipline and the importance of self-esteem
- Health issues in foster care
- Accessing services and supports to address education needs, physical, mental, and behavioral health, and substance use disorders
- The rights of a child in foster care and the resource family's responsibility to safeguard those rights
- The cultural needs of children, including instruction on cultural competency and sensitivity
- Instruction on existing laws and procedures regarding the safety of foster youth at school
- Permanence, well-being, and education needs of children
- Child and adolescent development, including sexual orientation and gender identity
- The role of resource families
- A resource family's responsibility to act as a reasonable and prudent parent and to provide a family setting that promotes normal childhood experiences and that serves the needs of the child

Resource families also must complete a minimum of 8 hours of caregiver training annually. In addition, a county may require a resource family to receive specialized training for preparing the resource family to meet the needs of a particular child in care. This training may include, but is not limited to, the following:

- Caring for commercially sexually exploited children
- Caring for lesbian, gay, bisexual, and transgender children
- Best practices regarding psychotropic medications
- The Federal Indian Child Welfare Act
- Caring for nonminor dependents
- Caring for children with special health-care needs
- Understanding the different permanency options and the services and benefits associated with the options

### **Minimum Standards for Foster Homes**

**Citation: DSS Manual Tit. 22, § 89387**

The caregiver shall provide bedrooms in the home that meet, at a minimum, the following requirements:

- No more than two children shall share a bedroom.
- Children of the opposite sex shall not share a bedroom unless each child is younger than age 5. A minor parent may share a bedroom with his or her child of a different sex.
- Except for infants, children shall not share a bedroom with an adult.
- No room commonly used for other purposes shall be used as a bedroom. Such rooms include, but are not limited to, halls, stairways, unfinished attics or basements, garages, storage areas and sheds or similar detached buildings.
- No bedroom shall be used as a public or general passageway to another room.

The caregiver shall provide each child with an individual bed that is equipped with a clean, comfortable mattress and clean linens, blankets, and pillows. Beds shall be arranged to allow easy passage between beds and easy entrance into the room. The caregiver shall provide each infant with a safe and sturdy bassinet or crib, appropriate to the age and size of a child.

The home shall be clean, safe, sanitary, and in good repair at all times. The licensee shall take measures to keep the home reasonably free of flies and other insects.

Except a home with a sprinkler system, a home shall have an approved, commercially manufactured, and functioning smoke detector installed in the hallway in each sleeping area in the home. Every foster family home shall have one or more carbon monoxide detectors in the home.

The caregiver shall maintain at least one toilet, sink, and tub or shower in safe, clean operating condition. Bathrooms shall be located inside the home.

The caregiver shall ensure the safety of a child in a home that has fireplaces, open-faced heaters, or woodstoves.

The licensee shall prohibit smoking inside the home. Smoking on the outside of the home is permitted, as long as the child is not present.

### **Approval Process**

**Citation: Welf. & Inst. Code § 16519.5**

Resource family home environment assessment standards shall include, but not be limited to, all of the following:

- A criminal record clearance of each applicant and all adults residing in, or regularly present in, the home
- Consideration of any substantiated allegations of child abuse or neglect against the applicant and any other adult residing in, or regularly present in, the home
- A home and grounds evaluation to ensure the health and safety of children

In addition, the resource family home environment assessment standards shall also require the following:

- That the applicant demonstrates an understanding about the rights of children in care and his or her responsibility to safeguard those rights

- That the total number of children residing in the home of a resource family shall be no more than the total number of children the resource family can properly care for, regardless of status, and shall not exceed 6 children, unless exceptional circumstances exist to permit a resource family to care for more children, including, but not limited to, the need to place siblings together
- That the applicant understands his or her responsibilities with respect to acting as a reasonable and prudent parent and maintaining the least restrictive environment that serves the needs of the child

The resource family permanency assessment standards shall include, but not be limited to, all of the following:

- Caregiver training
- A psychosocial assessment of an applicant, including the results of a risk assessment
- Completion of any other activities that relate to the ability of an applicant or a resource family to achieve permanency with a child

A caregiver risk assessment shall include, but not be limited to, physical and mental health, alcohol and other substance use and abuse, and family and domestic violence.

### **Grounds for Withholding Approval**

**Citation: Health and Safety Code § 1522; Welf. & Inst. Code § 16519.61**

Approval of the application shall be denied if the applicant has convictions that would make his or her home unfit as a resource family. No exemptions can be granted for any crime listed below:

- Gang-related extortion or intimidation of witnesses or victims
- Murder, attempted murder, or voluntary manslaughter
- Mayhem or felony torture
- Kidnapping
- Robbery, burglary, arson, or carjacking
- Assault with intent to commit mayhem, rape, or sodomy
- Rape or sexual battery
- Sexual exploitation of a minor
- Aggravated assault of a child
- Contributing to the delinquency of a minor
- Willfully inflicting any cruel or inhuman corporal punishment or injury on a child
- Incest, sodomy, or lewd or lascivious act upon a child under age 14
- Felony conviction for distributing lewd material to children
- Sexual abuse of a child
- All crimes for which one must register as a sex offender
- Distributing or possessing child pornography
- Poisoning or adulterating food, drink, medicine, pharmaceutical products, or water supplies
- Elder or dependent adult abuse
- Drawing, exhibiting, or using a loaded firearm
- Molestation of a child younger than age 18
- Any felony punishable by death or imprisonment in the State prison for life
- Any felony that inflicts great bodily injury
- Exploding, igniting, or attempting to explode or ignite any destructive device or explosive with intent to commit murder
- Felony sexual exploitation by a physician, psychotherapist, counselor, etc.

A resource family application may be denied for any of the following reasons:

- Violation of § 16519.5 or the regulations adopted pursuant to § 16519.5
- Conduct that poses a risk or threat to the health and safety, protection, or well-being of a child or another individual
- The conviction of the applicant at any time before or during his or her approval of a crime described above
- Engaging in acts of financial malfeasance

### **Kinship Foster Care**

**Citation: Welf. & Inst. Code §§ 309(d); 361.4(a)**

If a relative or a nonrelative extended family member is available and requests emergency placement of the child pending the detention hearing or after the detention hearing and pending the dispositional hearing, the county welfare department shall initiate an assessment of the relative's or nonrelative extended family member's suitability for emergency placement pursuant to § 361.4.

Upon completion of the assessment, the child may be placed in the home on an emergency basis. Following the emergency placement of the child, the department shall evaluate and approve or deny the home pursuant to § 16519.5. The county shall require the relative or nonrelative extended family member to submit an application for approval as a resource family and initiate the home environment assessment no later than 5 business days after the placement.

Prior to making the emergency placement of a child, the department shall do all of the following:

- Conduct an in-home inspection to assess the safety of the home and the ability of the relative or nonrelative to care for the child's needs
- Cause a State-level criminal records check to be conducted by an appropriate government agency for all of the following:
  - » All persons over age 18 living in the home, excluding any person who is a nonminor dependent
  - » At the discretion of the department, any other person over age 18 known to the department to be regularly present in the home, other than professionals providing professional services to the child
  - » At the discretion of the department, any person over age 14 living in the home who the department believes may have a criminal record
- Conduct a check of allegations of prior child abuse or neglect concerning the relative or nonrelative extended family member and other adults in the home

### **Foster to Adopt**

**Citation: Fam. Code § 8730**

The department, county adoption agency, or licensed adoption agency may provide an abbreviated home study assessment for a licensed or certified foster parent with whom the child has lived for a minimum of 6 months.

Unless otherwise ordered by a court with jurisdiction over the child, home study assessments completed pursuant this section shall include, at minimum, all of the following:

- A criminal records check, as required by all applicable State and Federal statutes and regulations
- A determination that the applicant has sufficient financial stability to support the child and ensure that any adoption assistance program payment or other government assistance to which the child is entitled is used exclusively to meet the child's needs
- A determination that the applicant has not abused or neglected the child while the child has been in his or her care and has fostered the healthy growth and development of the child
- A determination that the applicant is not likely to abuse or neglect the child in the future and that the applicant can protect the child, ensure necessary care and supervision, and foster the child's healthy growth and development
- A determination that the applicant can address any issues that may affect the child's well-being, including, but not limited to, the child's physical health, mental health, and educational needs
- Interviews with the applicant, each individual residing in the home, and the child to be adopted
- A review by the department, county adoption agency, or licensed adoption agency of all previous guardianship investigation reports, home study assessments, and preplacement evaluations of each applicant



## Interjurisdictional Approval

### Fam. Code § 7906.5

Within 60 days of receiving a request from another State to conduct a home study to assess the safety and suitability of placing a child who is in the custody of the requesting State, the county child welfare agency shall, directly or indirectly, do both of the following:

- Conduct and complete the home study
- Return to the requesting State a report on the results of the home study that addresses the extent to which placement in the home would meet the needs of the child

Nothing in this section shall be construed to require the county to have completed, within the applicable period, those portions of the home study concerning the education and training of the prospective foster parent or adoptive parent.

The county shall treat any home study report that is received from another State, Indian Tribe, or private agency under contract with another State, as meeting any requirements imposed by the State for the completion of a home study before placing a child in the home, unless, within 14 days after receipt of the report, the county determines, based on grounds that are specific to the content of the report, that making a decision in reliance on the report would be contrary to the welfare of the child.

## Links to Resources

California Department of Social Services Policy Manual Letter No. CCL-17-19 (Title 22, Division 6, Chapter 9.5) [full text](#) (PDF - 372 KB)

## Colorado

*Current Through February 2018*

### Who May Apply

**Citation: 12 Colo. Code Regs. 2509-6, § 7.500.31; 2509-8, § 7.708.2**

Foster parents shall be recruited who demonstrate a genuine interest in and knowledge of children and a concern for their proper care and well-being.

The county department of human/social services must verify that the individual is lawfully present in the United States.

The family foster care home parents shall be able to provide for a foster child's proper physical, mental, and character development.

Applicants shall demonstrate stability in family relationships, possess basic knowledge of child care and good nutrition, and shall cooperate with the licensing agency in programs designed to increase such knowledge.

Licenses or certificates shall not be granted to applicants who are younger than age 21 on the date of application or who lack adequate physical stamina to care for children.

Foster parents shall protect foster children from exposure to secondhand tobacco smoke. Smoking is prohibited inside the foster home or in a foster parent's or substitute caregiver's motor vehicle at all times when a child is in placement.

The financial resources of foster parents shall be adequate to ensure that the home where the care is provided is maintained in safe repair and in conformity with standards and that the requirements of these regulations can be fulfilled.

Each foster parent shall have a health assessment within 1 year prior to certification or within 30 calendar days after certification and thereafter as required, in writing, by a licensed health-care professional. Children of the foster home parents and any other persons not placed by the agency and living in the home also shall obtain a medical statement from a licensed health-care professional verifying that each such person suffers from no illness or communicable disease that would adversely affect foster children in care.

### Training Requirements

**Citation: 12 Colo. Code Regs. 2509-6, § 7.500.311**

Prior to the placement of a child, initial training shall be provided through the statewide core curriculum, county department, or child placement agency. Each applicant shall complete 12 hours of core training. Core training shall include, at a minimum, the following 10 primary topic areas:

- General overview of foster care
- Administrative and legal issues
- The reasons why children get placed in out-of-home care
- Parenting and family dynamics

- Key concepts of child growth and development
- Importance of the team approach
- Individual differences, such as ethnicity and culture
- Discipline
- Effects of fostering on the foster family
- Working with the birth family

In addition to 27 hours of precertification training, which includes 12 hours of core training, each foster parent must be certified in first aid or the equivalent and cardiopulmonary resuscitation (CPR) for the ages of the children in placement.

The county department shall train foster parents how to determine whether to approve the child's or youth's participation in an extracurricular, enrichment, cultural, or social activity is consistent with the reasonable and prudent parent standard, based upon criteria in § 7.701.200 (12 CCR 2509-8).

Each applicant shall have 20 hours of ongoing training every year. The training shall be relevant to fostering of the children being served in the foster care home or kinship foster care home. If there are children in the home and training is not completed, no additional children shall be placed until training is complete. Children who are currently in placement shall not be disrupted due to this requirement.

### **Minimum Standards for Foster Homes**

#### **Citation: 12 Colo. Code Regs. 2509-8, § 7.708.2**

The following shall be required of all family foster care homes:

- There shall be an outdoor play space free from hazards of at least 75 square feet per child.
- The presence of firearms and ammunition is strongly discouraged.
- At least 35 square feet of indoor space exclusive of halls, baths, and sleeping area shall be available for each child.
- The home shall be equipped with refrigeration; adequate light, heat, and ventilation; and plumbing.
- A comfortable bed or crib in a well-ventilated room that is not customarily used for other purposes, such as a kitchen, dining room, hall, or bathroom, shall be available for all children. There shall be a minimum of 40 square feet of floor space for each child's bed, and beds should be placed at least 2 feet apart.

The family foster care home must be located in an area that is accessible to health resources, public and private utilities, adequate and safe water supplies, sewage disposal, and fire and police protection. The home must comply with local zoning department requirements and be maintained in a clean and safe condition, free from hazards to health and safety.

Fire hazards, such as defective electrical appliances and electric cords, dangerous or defective heating equipment, or flammable material stored in such a manner as to create a risk of fire shall be corrected or eliminated. The home shall contain at least one Underwriters Laboratories (UL)-approved fire extinguisher, highly visible, easily accessible, and in working condition. A working smoke detector must be installed on each level of the family foster care home and near sleeping areas. Exit doors shall be clearly identified to all foster children. No lock or fastening to prevent free escape from the inside of any room used by the foster children shall be permitted.

The home shall have immediate access to a working telephone, and emergency numbers shall either be posted near the telephone or be immediately available.

### **Approval Process**

#### **Citation: 12 Colo. Code Regs. 2509-6, § 7.500.2**

A family assessment is conducted using the Structured Analysis Family Evaluation (SAFE) instrument. The assessment shall include, but not be limited to, the following:

- Separate and joint interviews with the applicants, all adults residing in the home (both related and unrelated to the applicant), and all children residing in the home regarding:
  - » Social history/background, including childhood history, psychiatric history, occupational history, and marriage/domestic partner history
  - » Personal characteristics of the family

- » Marital and domestic partner relationship
- » Motivation for child placement
- » An assessment as to how the child's special needs will impact the family and extended family
- » Extended family relationships
- » Physical and social environment
- » General and specialized parenting experience
- Written statements from references
- Health information
- A review of existing agency case records for prior foster home certifications or denials
- An assessment of the ability of the applicant to foster a child and to preserve continuity of the child's identity in a positive manner
- An onsite inspection of the home to determine compliance with the rules and regulations for family foster homes

Prior to full certification of a family foster home, there shall be a review of a complete background check for each adult living in the home that includes the following:

- Child abuse/neglect records check in every State where the adult has resided in the 5 years preceding the date of application for each adult (age 18 and older) living in the home
- A fingerprint-based criminal history check of State and Federal records
- A comparison search on the Colorado State Courts Data Access, using the name and date of birth with available criminal history information for each adult living in the home, to determine any crime(s) for which an applicant or other adult resident was arrested or convicted

### **Grounds for Withholding Approval**

**Citation: 12 Colo. Code Reg. 2509-6, § 7.500.312**

The application shall be denied for one or more of the following reasons:

- It has been determined that the applicant is not competent to operate a family foster home or is unable or unwilling to comply with the regulations within 3 months of application.
- The applicant or a person who resides with the applicant has been determined to be insane or mentally incompetent by a court of competent jurisdiction and the mental incompetency or insanity is of such degree that the applicant is incapable of operating a foster care home.
- The applicant has been convicted of any of the crimes listed below:
  - » Child abuse
  - » A crime of violence
  - » Any felony involving unlawful sexual behavior
  - » Any felony act of domestic violence
  - » Any felony involving physical assault, battery, or a drug-related/alcohol-related offense within the preceding 5 years
- The applicant or a person who resides with the applicant has shown a pattern of misdemeanor convictions within the preceding 10 years.

### **Kinship Foster Care**

**Citation: 12 Colo. Code Regs. 2509-4, § 7.304.21**

Kinship care services may be approved when the county department has not assumed legal authority for placement or taken legal custody of a child. The county department shall do the following:

- Enable the family to make voluntary arrangements for temporary custody or guardianship by kin
- Provide parents and kin caring for the child services to ensure the child's safety, well-being, and smooth transition back to the parent's home

- When return to parent's home is not a viable option, provide services to kin to help to provide permanency for the child
- Evaluate the noncertified kinship family addressing the areas of safety, parenting skills, potential for permanency, needs of the kinship family, a support system, strengths, and any other areas deemed necessary by the county department
- Advise the kinship providers of the types of support available
- Complete a background check for each adult (age 18 and older) living in the home

The background check shall include the following:

- Child abuse and/or neglect records checks in every State where any adult residing in the home has lived in the preceding 5 years
- Fingerprint-based criminal history record information checks from the Colorado Bureau of Investigation and the Federal Bureau of Investigation
- Reviews of the State and national sex offender registries

When the county department has assumed legal authority for placement or has been granted legal custody of a child and out-of-home placement is necessary, the county department shall determine whether there are available and willing kin to provide care for the child. If kin are available and willing, the county department shall assess the suitability of kin in accordance with the foster care certification requirements found at §§ 7.500 and 7.708.

### **Foster to Adopt**

**Citation: 12 Colo. Code Regs. 2509-6, § 7.500.351(1)**

The single assessment completed on a foster family for foster care will be accepted for adoption. The worker will check the adoption box on the single application form and, if appropriate, write a brief update.

### **Interjurisdictional Approval**

**Citation: 12 Colo. Code Regs. 2509-4, §§ 7.304.63; 7.307.52**

All out-of-state placements for kinship, foster, group, or residential care must comply with the Interstate Compact for the Placement of Children (ICPC), section 7.307.

County departments must follow Federal guidelines and shall not place children out of State who are in care under a placement contract (voluntary placements). Such placements can only be made by a parent or guardian.

When Colorado is the receiving State of an ICPC Request for Placement, all such requests, except for nonpublic adoptive placement requests, shall be sent by the sending State to the Colorado Deputy Compact Administrator who shall forward the request packet to the correct county department or licensed child placement agency.

The county department staff or licensed child placement agency staff assigned to ICPC cases shall complete a home study within 60 calendar days of receipt of the request from the sending State.

### **Links to Resources**

Colorado Department of Human Services Social Services Rules [table of contents](#)

## **Connecticut**

*Current Through February 2018*

### **Who May Apply**

**Citation: Gen. Stat. §§ 17a-114; 17a-114e; State Agencies Regs. §§ 17a-145-147; 17a-145-151; DCF Pol. Man. Ch. 41-1**

No child in the custody of the Commissioner of Children and Families shall be placed in foster care with any person, unless (i) such person is licensed for that purpose by the department, or (ii) such person's home is approved by a licensed child-placing agency, or (iii) such person has received approval; and on and after January 1, 2017, for a child age 12 or older, such child has received a foster family profile. The foster family profile shall contain information, including, but not limited to, the name and location of the school the child will attend; the name, age, and gender of each person living in the household; the sleeping arrangements; the presence of pets in the household; and a brief summary of household expectations.

*In regulation:* Foster parents shall have an income sufficient to meet the needs of their family. Money received on behalf of the child shall be expended for the care of the child.

Foster parents shall be physically, intellectually, and emotionally capable of providing care, guidance, and supervision of the child. Foster parents, other caregivers, and other persons having regular access to children in the home shall give the child humane and affectionate care. They shall be positive role models to the child and instruct the child in appropriate behavior. They shall establish limits and assist the child to develop self-control and judgment skills. Children in the home shall be encouraged to assume age-appropriate responsibility for their decisions and actions.

*In policy:* A license to provide foster care shall be granted when the applicant:

- Is a resident of Connecticut
- Is at least age 21
- Has a sufficient source of income to meet the needs of his or her family
- Has adequate space in the family's home for a foster child
- Otherwise meets and is in compliance with the prelicensing requirements and the foster care licensing regulations

### Training Requirements

**Citation: Gen. Stat. § 17a-145-151; DCF Pol. Man. Ch. 41-1**

Licensed or approved foster and prospective adoptive parents shall complete all assessment and training requirements as prescribed by the department or child-placing agency.

*In policy:* Each core foster parent shall attend six modules of training per year. One module a year shall be on a topic related to trauma and one module a year shall be related to crisis intervention. A cardiopulmonary resuscitation module is required every 2 years. Each training shall last at least 1 hour and may include conferences, classes, symposiums, or other types of training that will enhance the skills needed to care for children.

Child-specific caregivers, i.e., relative, fictive kin, and independent foster parents, shall be provided with current training information and attend postlicensing training in accordance with his or her individualized training plan, as applicable, and based on the child's specific needs.

### Minimum Standards for Foster Homes

**Citation: State Agencies Regs. §§ 17a-145-137 through 17a-145-142**

Dwelling and furnishings shall be clean, comfortable, and in good repair. State and local fire codes shall be observed by all foster families. The home and grounds shall be reasonably free from anything that constitutes a hazard to children.

There shall be sufficient indoor and outdoor space, ventilation, toilet facilities, light, and heat to ensure the health and comfort of all members of the household. All foster homes shall have smoke detectors in operating condition in sleep areas, play areas, and the basement. There shall be a working telephone with emergency numbers posted in an easily visible location.

Bedrooms for children shall be used for sleeping purposes and customary children's activities only. Children younger than age 5 shall sleep on the same floor and in close proximity to foster parents or a responsible adult.

The child's clothing shall be kept clean and in good condition, in keeping with the standards of the community. Provision shall be made for the safe storage of the child's clothing and personal possessions. Each child shall be afforded privacy appropriate to his or her growth and development.

All food for human consumption, food storage and preparation, personal cleanliness, and general care of the home shall meet generally accepted health standards.

The water supply shall be safe and adequate to meet the needs of the household.

Firearms or other types of dangerous weapons are discouraged in foster homes. All animals shall be kept in a safe and sanitary manner and shall be in compliance with all statutes and regulations regarding vaccination and generally accepted veterinary care.

### Approval Process

**Citation: Gen. Stat. § 17a-114; State Agencies Regs. § 17a-145-132**

Each applicant and any person age 16 or older living in the household are required to submit to State and national criminal history records checks prior to issuing a license. The commissioner also shall check the State child abuse registry for the name of the applicant and the name of any person age 16 or older living in the household.



*In regulation:* The department and each child-placing agency shall conduct an assessment of any applicant for a foster family license. The assessment shall include the applicant as well as all members of the applicant's household. The assessment shall determine the ability of the applicant to comply with the requirements of agency regulations. The assessment shall include, but not necessarily be limited to, the following:

- The physical condition of the home
- The health of the applicant and other members of the household
- The ability of the applicant to provide an environment that will advance the physical, mental, emotional, educational, and social development of each foster child who may be placed in the home
- The ability of the foster family to work with the department to pursue the child's treatment plan, including reunification with the birth family

### **Grounds for Withholding Approval**

#### **Citation: State Agencies Regs. §§ 17a-145-152; 17a-145-154**

A license shall be denied if any member of the household of a foster family:

- Has been convicted of injury or risk of injury to a minor or other similar offenses against a minor
- Has been convicted of impairing the morals of a minor or other similar offenses against a minor
- Has been convicted of violent crime against a person or other similar offenses
- Has been convicted of the possession, use, or sale of controlled substances within the past 5 years
- Has been convicted of illegal use of a firearm or other similar offenses
- Has ever had an allegation of child abuse or neglect substantiated
- Has had a minor removed from their care because of child abuse or neglect

The granting of a license may be denied if any member of the household of a foster family:

- Is awaiting trial, or is on trial, for charges as described above
- Has a criminal record that the department or child-placing agency believes makes the home unsuitable
- Has a current child abuse or neglect allegation pending

A license may be denied if the applicant:

- Fails to comply with applicable statutes and regulations regarding child care and placement
- Fails to comply with applicable State and local laws, ordinances, rules, and regulations relating to building, health, fire protection, safety, sanitation, and zoning
- Violates any of the provisions under which the license has been issued
- Furnishes or makes any false or misleading statements in order to obtain a license
- Refuses or fails to submit reports or make records available when requested
- Fails or refuses to admit to the property or to discuss regulatory issues with the commissioner or child-placing agency as required

### **Kinship Foster Care**

#### **Citation: Gen. Stat. § 17a-114; State Agencies Regs. §§ 17a-114-16; 17a-114-17; 17a-114-19**

The commissioner may place a child with a relative or fictive kin caregiver who has not been issued a license or approval when the placement is in the best interests of the child, provided a satisfactory home visit is conducted, a basic assessment of the family is completed. The relative or fictive kin caregiver also must attest that he or she and any adult living in the household has not been convicted of a crime or arrested for a felony against a person; for injury or risk of injury to or impairing the morals of a child; or for the possession, use, or sale of a controlled substance. Any relative or fictive kin caregiver who accepts placement of a child shall be subject to licensure by the commissioner, pursuant to regulations adopted by the commissioner or approval by a licensed child-placing agency.

The commissioner may grant a waiver from such regulations, including any standard regarding separate bedrooms or room-sharing arrangements, for a child placed with a relative or fictive kin caregiver, on a case-by-case basis, if such placement is otherwise in the best interests of the child, provided no procedure or standard that is safety-related may be so waived. The commissioner shall document, in writing, the reason for granting any waiver from such regulations.

*In regulation:* A child may be placed with a relative who is not certified for up to 45 days if a satisfactory home visit and a basic assessment of the family are completed.

Dwellings and furnishing shall be reasonably clean, comfortable, in good repair, and safe from fire. Sleeping rooms for children shall be consistent with promotion of children's health and safety.

Certified relatives shall be capable of providing care, guidance, and supervision of the child, including the handling of emergency situations involving the child.

### **Foster to Adopt**

**Citation: Gen. Stat. § 17a-114**

Any person licensed by the department may be a prospective adoptive parent.

### **Interjurisdictional Approval**

**Citation: Gen. Stat. §§ 17a-152; 17a-175; State Agencies Regs. § 17a-145-136**

Any person or entity, before bringing or sending any child into the State for the purpose of placing or caring for such child in any home or institution, either free or for board, shall make application to the Commissioner of Children and Families, giving the name, age, and a personal description of such child; the name and address of the person, home, or institution with which the child is to be placed; and such other information as may be required by the commissioner.

No sending State shall send, bring, or cause to be sent or brought into any other party State any child for placement in foster care unless the sending agency complies with the Interstate Compact on the Placement of Children and with the applicable laws of the receiving State governing the placement of children.

Prior to sending a child to a receiving State for placement in foster care, the sending agency shall furnish the appropriate public authorities in the receiving State written notice containing necessary information.

The child shall not be sent to the receiving State until the appropriate public authorities in the receiving State notify the sending agency, in writing, that the proposed placement does not appear to be contrary to the interests of the child.

*In regulation:* Each child-placing agency, foster family, or prospective adoptive family shall comply with State statutes and regulations regarding the interstate placement of children prior to accepting placement of a child from out of State.

### **Links to Resources**

Department of Children and Families Policy Manual, Chapter 41 [index](#)

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## **Delaware**

*Current Through February 2018*

### **Who May Apply**

**Citation: Code of Regs. 9-200-201, §§ 38; 39**

An applicant for foster must demonstrate the following:

- Emotional stability, good character, a responsible adult lifestyle, and freedom from abuse of alcohol or medications and freedom from use of any illegal drug
- The ability to provide the child with nurturing care, supervision, reasonable positive behavior management, and a home-like environment that is free from domestic violence
- The capacity for setting realistic expectations for a child's behavior and performance based on the child's age, ability, and special needs
- 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

The child-placing agency shall require an applicant to show evidence of a stable living arrangement for at least 1 year. Evidence may include length of relationship, a community connection, and support system.

The applicant must be at least age 21. The agency may make exceptions after documenting that a younger applicant would not endanger a child's health, safety, or well-being.

The applicant must have income to meet the household's needs and ensure the household's security and stability without the foster care payments.

An applicant and adult household members must be free 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.

The applicant must submit the names, addresses, phone numbers, and email addresses for four references. At least three of the references shall be from people not related to the applicant.

### **Training Requirements**

**Citation: Code of Regs. 9-200-201, §§ 37.2; 44.8**

An agency 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 foster parent's role as a member of a team charged with responsibility for a child's care, education, and legal rights
- Review of a placement packet/materials for a child
- Involvement of a birth parent or guardian and other family member in a child's life
- Safety procedures, including first aid and cardiopulmonary resuscitation training and the need for proper installation and safe use of a car seat
- Regulations regarding a foster home's physical environment and steps necessary for compliance
- Policies on religious participation and education
- Cultural competence and diversity awareness
- Positive behavior management policy
- Confidentiality policy
- Applicable Federal and State laws, including prudent parenting standards
- Child and adolescent development
- Abuse and neglect, including the impact of trauma on a child's development
- Child nutrition and health care
- Universal precautions
- Signs of human trafficking
- Respite care
- Background check requirements
- Emergency planning and procedures and crisis management and intervention

An agency 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.

### **Minimum Standards for Foster Homes**

**Citation: Code of Regs. 9-200-201, §§ 35; 40**

The foster home must provide a separate crib for each infant. Children of the opposite sex under age 5 may share a bedroom. Children of the same sex may share a bedroom. A child over age 1 cannot share a bedroom with an adult.

The foster home must meet the following requirements:

- Be properly maintained in compliance with State or local laws, regulations, and ordinances
- Have all flammable and hazardous materials stored safely in areas out of children's reach both inside and outside the home

- Be free of rodent and insect infestation
- Has a working carbon monoxide detector if any heating equipment burns fuel with a flame or the home has an attached garage
- Has a safe drinkable water supply and plumbing in good working condition
- Has a bathroom with a working toilet, sink, and tub or shower
- Has a kitchen in which all food preparation, storage and serving areas, and utensils are kept clean
- Has a refrigerator and stove in good working condition
- Has a stocked first aid kit
- Has an easily accessible, charged portable dry chemical fire extinguisher rated 2A 10BC or higher in the kitchen
- Has a hard-wired smoke detection system or working battery-operated smoke alarm

The foster parent must meet the following requirements:

- Prohibits smoking or vaping in the foster home and in the presence of children
- Cares for pets in a safe and sanitary way
- Has a valid driver's license and current vehicle insurance coverage
- 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

If the parent owns a firearm, he or she does all of the following:

- Has a current permit and valid registration as required by law
- Stores the firearm unloaded in a locked cabinet that is inaccessible to a child
- Stores ammunition separately from the firearm in another locked cabinet

### Approval Process

**Citation: Ann. Code Tit. 31 § 344; Code of Regs. 9-200-201, § 41**

A license to provide foster care shall not be issued until an agency has made a thorough investigation and has determined in accordance with reasonable standards:

- The good character and intention of the applicants
- That the home meets the physical, social, moral, mental, and educational needs of the child
- That the required criminal background checks are completed and approved

*In regulation:* A child-placing agency shall meet in the applicant's home at least two times, with one of these meetings including interviews with each household member. The agency shall conduct a home study and provide a written evaluation addressing the following issues:

- Motivation to provide foster care
- Willingness and ability to work cooperatively with an agency for the child's best interests
- Attitude of household members toward accepting a child
- Attitude toward a birth parent of a child
- Emotional strengths and weaknesses
- Philosophy on child-rearing, positive behavior management, parental role, and experience with children
- Communication and problem-solving skills, including willingness to seek help and resources
- Proof of income
- Marital and family relationships and family history
- Information on medical conditions, including physical and mental health issues that might affect an applicant's ability to care for a child
- Description of the home

- Type of child sought for foster care
- If applicable, experience in caring for a child with special needs
- 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
- A recommendation concerning the type of child suitable or not suitable for placement with an applicant
- Assessment of training needs and documentation of training received

### Grounds for Withholding Approval

**Citation: Ann. Code Tit. 31, § 309; Code of Regs. 9-300-301, § 6**

The following criminal convictions or entries on the child protection registry shall prohibit an individual from being a foster parent for the amount of time indicated:

- Felony convictions involving physical or sexual assault crimes against a child, an adult who is impaired, or elderly person require lifetime prohibition.
- Felony convictions involving physical or sexual assault crimes against another adult require prohibition for 10 years following the date of conviction.
- Any other convictions for a violent felony, as defined in § 4201(c) of title 11, not already included within the convictions subject to a lifetime or 10-year prohibition described above shall prohibit the individual for 7 years following the date of conviction, unless the felony is included within the crimes that can lead to entry on the child protection registry, in which case the length of time for the prohibition shall be as provided in the child protection registry regulations.
- Misdemeanor convictions against children require prohibition for 7 years following the date of conviction, unless the misdemeanor is included within the crimes that can lead to entry on the child protection registry, in which case the length of time for the prohibition shall be as provided for in the child protection registry regulations.

*In regulation:* Foster parents convicted of a sexually related offense or other offenses against children shall be prohibited from foster care without consideration of other criteria. The Adoption and Safe Families Act of 1997 prohibits individuals from becoming foster or adoptive parents if they have the following felony convictions:

- Child abuse or neglect, spousal abuse, crimes against children (including child pornography), and crimes involving violence including rape, sexual assault, and homicide committed at any time
- Physical assault, battery, and drug-related offenses committed within the past 5 years

### Kinship Foster Care

**Citation: Ann. Code Tit. 31, § 356**

The Department of Services for Children, Youth and Their Families and the Department of Health and Social Services shall establish and operate the Kinship Care Program that promotes the placement of children with relatives when a child needs out-of-home placement, when such placement is in the best interests of the child, and when the child is not in the custody or care of the State.

The Kinship Care Program shall establish eligibility guidelines for kinship caregivers to qualify for kinship care benefits and services, including the following criteria:

- The caregiver must be related to the child by blood or marriage within the fifth degree of relationship.
- The caregiver must have guardianship of the child or actively pursue guardianship.
- The child must reside in the home of the caregiver.
- The caregiver must have income of no more than 200 percent of the Federal poverty level.
- The parent or parents of a child in the kinship care program may not reside in the home of the kinship caregiver.

### Foster to Adopt

This issue is not addressed in the statutes and regulations reviewed.

### Interjurisdictional Approval

#### Citation: Code of Regs. 9-200-201, § 17.1

When accepting for placement any child who resides in another State or placing a child in another State, a child-placing agency shall comply, as appropriate, with the terms of the Interstate Compact on the Placement of Children.

### Links to Resources

Department of Services for Children, Youth and Their Families, [Foster Care Requirements](#)

State regulations [full text](#)

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### District of Columbia

*Current Through February 2018*

### Who May Apply

#### Citation: Code of Municipal Regs. § 29-6001

Foster parents should possess the following characteristics:

- Knowledge of, interest in, and regard for the principles of good child care and understanding of the foster parent's responsibility in providing care for a foster child
- Maturity and personality characteristics that:
  - » Make it possible to provide an emotional climate in which a foster child can benefit
  - » Create an atmosphere in which social skills can be enriched
  - » Help a foster child to understand placement in foster care and the child's own feelings about the placement
  - » Help maintain family ties through regular and consistent family contact in accordance with a case plan
- The flexibility to understand and work with lifestyles different from the foster parent's
- The capacity to value, respect, appreciate, and educate a foster child regarding the child's racial, ethnic, religious, and cultural heritage
- The capacity to understand that it is in the best interests of a foster child of mixed racial parentage to have healthy multiracial experiences
- The suitability and stamina to meet the demands of caring for growing foster children
- The willingness to support and encourage a foster child's educational progress
- The ability to provide a nurturing family life and meet the needs of a foster child, notwithstanding any employment outside the home
- Awareness of the way in which a child needs family life to grow and learn and the ability to provide a foster child with the skills and values that a parent customarily provides

A foster parent shall be at least age 21. A foster parent and all household members shall be in good health as documented by a health examination within the previous 24 months. A foster parent shall have sufficient family income to meet the reasonable living needs of his or her own family without relying on foster care board and care payments.

### Training Requirements

#### Citation: Code of Municipal Regs. § 29-6026

An applicant shall participate in an orientation program offered by the agency. In addition to the orientation program, an applicant shall participate in 30 hours of preservice training offered by the agency. Preservice training shall encompass the following areas:

- Roles and relationships in foster care of agency personnel, the foster parent, the foster child, and the foster child's family
- The importance of the foster child's relationship with his or her family
- Developmental needs of children in foster care
- Awareness of cultural and religious differences

- Child management and discipline techniques
- Child abuse and neglect, including prevention, reporting, investigation, and services
- Supportive services available in the community for foster children and foster parents and their families
- Self-awareness
- Communication skills
- Problem-solving
- The licensure process, including the agency's internal processes
- The procedures and practices of the Family Division of the District of Columbia Superior Court related to children in foster care

In lieu of the required training, an agency may accept training provided by another child-placing agency and completed satisfactorily by the applicant if the training and participation is properly documented and covers required areas. The agency may offer special sessions to cover any gaps in training.

A foster parent shall participate in 30 hours of inservice training to increase his or her skills and parenting abilities before the expiration of his or her license. This training shall be appropriate to the age and special needs of the foster children in the foster home and may include formal seminars or workshops, support groups, or one-on-one training.

### **Minimum Standards for Foster Homes**

**Citation: Code of Municipal Regs. §§ 29-6007; 29-6010; 29-6011; 29-6012**

A foster home shall be free from all safety hazards, including fire, sanitation, and health hazards. It shall have a working, non-coin-operated telephone. All medications, poisonous chemicals, and hazardous materials shall be kept in locked storage out of the reach of children.

All firearms shall be stored unloaded and in a locked container that is inaccessible to children and stored separately from any ammunition.

A foster parent shall monitor foster children's safety around animals and shall restrict foster children's access to potentially dangerous animals. All foster home pets shall be properly vaccinated and licensed.

The kitchen shall have the necessary equipment for safe food preparation, food storage, serving, and cleanup of meals. A foster home shall have living room or family room space and a designated dining area that are adequately furnished and accessible to all members of the household, including foster children.

A foster child's bedroom shall be sufficient in size to provide for his or her safety, privacy, and comfort. Each foster child shall have his or her own individual bed; each infant foster child shall have his or her own individual crib. The bed may not be a cot, sofa, or any type of portable bed.

A foster home shall have a minimum of one flush toilet, one washbasin with running water, and one bath or shower with hot and cold water for every eight residents.

A foster home shall be free from all fire hazards, including faulty electric cords, unsafe appliances, and unsafe fireplaces and chimneys. There shall be working smoke detectors on each floor and in hallways within 10 feet of each bedroom. The home shall have a portable dry chemical fire extinguisher on every floor.

The home shall be kept clean and free of hazards and debris. All plumbing must be in working order with an adequate supply of hot water for bathing and dishwashing. The house and premises must be kept free of rodents and insects.

### **Approval Process**

**Citation: Code of Municipal Regs. § 29-6028**

The licensing process includes the following:

- An initial contact between an applicant and the agency
- The applicant's completion of a foster parent application and forms consenting to the release of confidential information
- The applicant's completion of orientation and preservice training
- A home study
- The agency's decision to recommend the licensure or denial of the applicant as a foster parent
- The decision of Child and Family Services Agency (CFSA) to approve or deny the applicant as a foster parent



The home study shall include the following:

- The applicant's submission of a completed application
- At least two home visits by the agency with the prospective foster parent, one of which may be unannounced, with at least one of the visits including:
  - » The entire household
  - » A discussion of training
  - » A tour of the house
- Obtaining and reviewing at least three written personal references selected from relatives, neighbors, and employers or coworkers, if applicable
- If a school-aged child is in the care of the applicant and resides in the prospective foster home, obtaining and reviewing written references from personnel of the child's school
- Discussing CFSA rules on discipline and control and child abuse and neglect, including the risk of physical or sexual victimization by another child and the responsibility of the foster parent for the safety of all children in his or her care
- Obtaining verification of income and marital status
- Conducting the criminal records check and child protection register check
- Obtaining a fire department inspection
- For homes in which a foster child younger than age 6 may be placed, obtaining a lead-based paint certificate indicating no risk from lead-based paint
- Obtaining verification of current vaccinations for any pets in the home, as applicable

#### **Grounds for Withholding Approval**

**Citation: Ann. Code § 4-1305.06; Code of Municipal Regs. § 29-6029**

An individual shall not be approved to provide foster care if it is determined from the criminal records check that the individual, or an adult residing in the home of the individual, has a felony conviction for any of the following offenses or their equivalents:

- Child abuse or neglect
- An intrafamily offense, as defined in § 16-1001(8)
- A crime against children, including child pornography
- A crime involving violence, including rape, sexual assault, or homicide, but not including other physical assault or battery

An individual shall not be approved if it is determined from the criminal records check that the individual, or an adult residing in the home of the individual, has a felony conviction for any of the following offenses or their equivalents committed within the past 5 years:

- Physical assault or battery
- A drug-related offense

*In regulation:* An application for a license may be denied if it is determined the applicant cannot provide for the health, safety, or welfare of foster children. Factors to be considered in making that determination include, but are not limited to, the following:

- The applicant, household member, or prospective foster home fails to comply with any provision of regulation.
- The applicant knowingly reported false information.
- The applicant has a history of regulatory violations that demonstrate an inability to provide for the health and safety of children.
- A previous license or renewal was denied or revoked.
- The applicant prevents the agency from completing the application or renewal process.
- The applicant or a household member shows evidence of abuse of alcohol or other controlled dangerous substances, mental instability, or ongoing health problems.

The agency may deny an application for a license for other good cause.

**Kinship Foster Care****Citation: Code of Municipal Regs. § 29-6027**

A temporary license may be issued to operate a foster home only if:

- The applicant is kin to each foster child who would be placed in the home.
- The applicant has submitted an application for a foster care license.
- The applicant has:
  - » Received a satisfactory criminal records check
  - » Complied with the requirement for a child protection register check
  - » Received a satisfactory safety assessment of the home
  - » Demonstrated a willingness and ability to provide a safe and secure environment for a foster child
- All individuals age 18 or older residing in the home have:
  - » Received a satisfactory criminal records check or have applied for a records check
  - » Complied with the requirement for child protection register checks
- The foster child must be removed from his or her home immediately because of suspected or supported child abuse or neglect.

An applicant is kin to a foster child if he or she is at least age 21 and is:

- A relative of the foster child by blood, marriage, or adoption
- Identified by a relative to have close personal or emotional ties with the foster child or the child's family, which predated the foster child's placement with the individual

A temporary license:

- Permits a foster home to operate prior to issuance of an annual license and while the foster parents attempt to satisfy the requirements for a license
- Expires in 150 days from the date of issuance

A temporary license may be renewed once and for no more than 90 days if the applicant is making a good-faith effort to comply with all elements of the foster home licensing process and renewal is needed to complete the licensing process.

A temporary licensee shall actively and promptly take all steps required for full licensure. A foster child who is not kin to the applicant may not be placed in a foster home that has a temporary license.

**Foster to Adopt**

This issue is not addressed in the statutes and regulations reviewed.

**Interjurisdictional Approval****Citation: Ann. Code § 4-1422; Code of Municipal Regs. § 29-1635**

Placement of children outside the District of Columbia is subject to the provisions of the Interstate Compact on the Placement of Children.

Prior to sending a child into a receiving State for placement in foster care, the agency shall furnish the appropriate authority in the receiving State written notice of the intention to place the child in the receiving State. The notice shall contain the following:

- The name, date, and place of birth of the child
- The identity and address of the parents or legal guardian
- The name and address of the person, agency, or institution to which the agency proposes to send the child
- A full statement of the reason for the proposed action and evidence of the authority for the proposed placement

The child shall not be sent to the receiving State until the appropriate authority in the receiving State notifies the sending State, in writing, that the proposed placement does not appear to be contrary to the interests of the child.

*In regulation:* A child-placing agency in the District of Columbia that is cooperating with agencies or individuals in other States for foster or adoptive placement of a child in the District or in another jurisdiction shall comply with the interstate placement requirements of the States involved during all phases of the placement process.

### Links to Resources

Municipal regulations [full text](#)

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## Florida

*Current Through February 2018*

### Who May Apply

**Citation: Admin. Code § 65C-13.030**

A licensed out-of-home caregiver shall be a stable, responsible, and mature individual who is at least age 21.

At least one caregiver in the home shall be able to read, write, and speak English and be able to effectively communicate with both any children placed in the home and with the supervising agency. The caregiver shall have a stable income sufficient to make timely payment for current shelter, food, utility costs, and other debts without relying on board payments unless the licensed out-of-home caregiver enters into an agreement with a lead agency to provide specialized care. Applicants shall have a source of income independent of child support or alimony.

The caregiver and any household members shall provide written statements from a physician regarding their general health and whether they have any specific illness, disability, alcohol or other drug dependence, infectious diseases, and other relevant health conditions that could threaten the safety of children in the home.

### Training Requirements

**Citation: Ann. Stat. § 409.175**

As a condition of licensure, foster parents shall successfully complete a minimum of 21 hours of preservice training. The preservice training shall be uniform statewide and shall include, but not be limited to, the following areas:

- Orientation regarding agency purpose, objectives, resources, policies, and services
- The role of the foster parent as a treatment team member
- Transition of a child into and out of foster care, including issues of separation, loss, and attachment
- Management of difficult child behavior that can be intensified by placement, by prior abuse or neglect, and by prior placement disruptions
- Prevention of placement disruptions
- Care of children at various developmental levels, including appropriate discipline
- Effects of foster parenting on the family of the foster parent

Prior to licensure renewal, each foster parent shall successfully complete 8 hours of inservice training. Periodic time-limited training courses shall be made available for selective use by foster parents. Such inservice training shall include subjects affecting the daily living experiences of foster parenting.

### Minimum Standards for Foster Homes

**Citation: Admin. Code § 65C-13.030**

The exterior of the home and premises shall be free from objects, materials, and conditions that constitute a danger to children. The home shall have a safe outdoor play area on the property or within reasonable walking distance.

The home shall have sufficient space and furnishings and be accessible to all members of the family.

The home shall have a working telephone that is accessible at all times. Emergency telephone numbers shall be posted by the telephone.

Rooms used by children shall be clean and well-lit for activities such as homework, board games, and other educational or recreational opportunities.

When children are present, rooms shall be free of tobacco smoke.

Bedrooms shall have adequate space for the number of children sleeping in the room. A minimum of 40 square feet per child is required. Each child shall be provided with a clean, comfortable, permanent bed and mattress of his or her own. Infants shall have their own crib that shall be maintained in good and safe condition and have a clean and comfortable mattress that fits snugly in the crib frame. Children of any age shall not sleep on a living room sofa, cot, or foldaway bed except in extenuating circumstances.

Animals requiring vaccinations shall be current in all vaccinations. All animals shall be well-cared for and maintained. The foster family home shall have a secure method to restrict children's access to potentially dangerous animals.

The home shall be safe from fire hazards. Each floor in the home shall have a fully charged fire extinguisher. There also shall be at least one operating smoke alarm on each floor. There shall be a smoke alarm in each bedroom area.

The caregiver shall have transportation available 24 hours a day. All vehicles used to transport children shall be in safe condition, in compliance with applicable motor vehicle laws of the State, and equipped with seatbelts and approved car seats for children.

### **Approval Process**

**Citation: Ann. Stat. § 409.175; Admin. Code §§ 65C-13.023; 65C-13.025**

Upon application, the Department of Children and Families shall conduct a licensing study based on its licensing rules, shall inspect the home, and shall interview the applicant.

*In regulation:* The department shall conduct background screenings for all applicants and all adult household members. These screenings shall, at a minimum, include fingerprinting; State, local, and Federal criminal records checks; child abuse/neglect records checks; and civil court records checks regarding domestic violence complaints and orders of protection. If the applicant or any other adult household member has resided in any other State over the past 5 years, requests for abuse and neglect histories must be made of those States.

The supervising agency completing the home study shall, at a minimum, conduct two visits to the applicant's home, inspect the entire indoor and outdoor premises, document the conditions, and conduct face-to-face interviews with all household members.

Other information that will be collected includes the following:

- A minimum of three personal references that shall not be related to the applicant and a current employment reference
- Dates of preservice training
- The applicant's motivation to foster and how other family members and extended family feel about the decision to foster
- Family background and social history
- Marital status
- Medical history
- Parenting experience and discipline methods
- A description of family members' personalities and their interpersonal relationships
- A description of vehicles available for transportation and who will be the responsible drivers
- Financial capacity and income

### **Grounds for Withholding Approval**

**Citation: Ann. Stat. § 435.04; Admin. Code § 65C-13.023**

The following offenses shall disqualify an applicant for licensure:

- Sexual misconduct with developmentally disabled clients and/or mental health patients
- Adult abuse, neglect, or exploitation of aged persons or disabled adults
- Murder, manslaughter, aggravated manslaughter of an elderly person or disabled adult, or aggravated manslaughter of a child
- Vehicular homicide
- Killing of an unborn quick child by injury to the mother
- Felony assault, battery, and culpable negligence
- Assault or battery of a minor
- Kidnapping or false imprisonment
- Sexual battery, unlawful sexual activity with a minors, prostitution, lewd and lascivious behavior, or indecent exposure

- Arson, burglary, or felony theft
- Felony fraudulent sale of controlled substances
- Abuse, aggravated abuse, or neglect of an elderly person or disabled adult
- Incest, child abuse, aggravated child abuse, or child neglect
- Contributing to the delinquency or dependency of a child
- Negligent treatment of children

The security background investigation also must ensure that the applicant has not been found guilty of any offense that constitutes domestic violence.

*In regulation:* The background screenings shall ensure that no out-of-home caregiver licensed by the department and no person residing in a family foster home has been found guilty of any offense listed in § 435.04 or similar statutes of another jurisdiction at any time.

### **Kinship Foster Care**

**Citation: Ann. Stat. §§ 39.5085; 39.521; Admin. Code § 65C-28.011**

Relatives who qualify for and participate in the Relative Caregiver Program are not required to meet foster care licensing requirements under § 409.175.

If the child has been removed from the home and will be remaining with a relative or other adult approved by the court, a home study report concerning the proposed placement shall be conducted. The home study must include the following, at a minimum:

- An interview with the proposed legal custodians to assess their ongoing commitment and ability to care for the child
- Records checks of the abuse/neglect history and local and statewide criminal and juvenile records on all household members age 12 or older and any other persons who are frequent visitors in the home
- An assessment of the physical environment of the home
- A determination of the financial security of the proposed legal custodians
- A determination of suitable child care arrangements if the proposed legal custodians are employed outside of the home
- Documentation of counseling and information provided to the proposed legal custodians regarding the dependency process and possible outcomes
- Documentation that information regarding support services available in the community has been provided
- The reasonable preference of the child

*In regulation:* The department shall not make or recommend a relative or nonrelative placement if the results of criminal, delinquency, and abuse/neglect history checks indicate that the child's health, safety, or welfare may be jeopardized in the placement or if the relative or nonrelative has a disqualifying offense pursuant to § 39.0138(2).

### **Foster to Adopt**

**Citation: Admin. Code § 65C-16.002**

If the current caregiver applies to adopt the child, the application must be evaluated through an adoptive home study. The home study must assess the length of time the child has lived with the current caregiver, the depth of the relationship existing between the child and the caregiver, and whether it is in the best interest of the child to be adopted by the caregiver.

### **Interjurisdictional Approval**

**Citation: Ann. Stat. § 409.401**

Any out-of-home placement of a child outside the State is subject to the provisions of the Interstate Compact on the Placement of Children.

The child shall not be sent into the receiving State until the appropriate public authorities in the receiving State notify the sending agency, in writing, that the proposed placement does not appear to be contrary to the interests of the child.

### **Links to Resources**

Department of Children and Family Services, [Foster Care](#)  
State regulations [full text](#)

## Georgia

*Current Through February 2018*

### Who May Apply

**Citation: Rules & Regs. r. 290-9-2-.01**

An adult who has a satisfactory criminal history background check determination may apply for licensure as a foster parent.

### Training Requirements

**Citation: Rules & Regs. r. 290-9-2-.07**

The child-placing agency shall provide orientation information in person or in written form to prospective foster parents to assist them in making an informed decision about applying to become a foster parent. The orientation information must include at least the following:

- The agency's purpose and a listing of services provided
- A description of the approval process
- The minimum requirements for foster parenting
- The roles and responsibilities of foster parents
- A description of children served by the agency
- Support services available for foster parents
- Information regarding financial reimbursement for expenses in foster care
- Policies and procedures regarding appropriate behavior management and emergency safety interventions

Once an application to become a foster parent has been submitted, and prior to the approval of an applicant for placement of a child in foster care, the agency shall provide and document training for the applicant in at least the following topics:

- The agency's grievance policies and procedures
- Annual training requirements:
  - » If the child is more than 12 months old, at least 15 hours of training relevant to the type of child placed
  - » If the child is younger than 12 months old, at least 8 hours of training
- The agency's policies and procedures for behavior management techniques and emergency safety interventions
- Child abuse recognition, reporting, and investigation procedures
- Characteristics of children served and their developmental needs, including special needs, when applicable
- The agency's policies and procedures for handling medical emergencies and managing use of medications by children in care

### Minimum Standards for Foster Homes

**Citation: Rules & Regs. r. 290-9-2-.07**

The home study report shall include the following:

- A description of the neighborhood
- The physical standards of the home, including the following:
  - » The home is maintained in a condition to ensure the health and safety of children.
  - » Hazardous items are not accessible to children.
  - » Any firearms kept in the home are locked away from children.
  - » If a swimming pool is present at the home, it is fenced with a locked gate to prevent unsupervised access and it meets all applicable community ordinances.
  - » Each level of the home is equipped with a functional smoke alarm.
  - » Water supply and sewage disposal systems that, if other than public systems, have been approved by appropriate authorities.

- » Domestic pets residing with the family have been inoculated against rabies, as required by law.
- » Gas heaters are vented to avoid fire and health hazards, with any unvented, fuel-fired heaters equipped with oxygen depletion safety shut-off systems.
- Space and sleeping arrangements, such that:
  - » Only bedrooms are used as sleeping space for children.
  - » A maximum of two children may sleep in a double or larger bed and only if they are of the same sex and under age 5.
  - » No child older than age 1 may sleep in a room with an adult.
  - » Children older than age 3 of different sexes may not share a bedroom.
  - » The child's bedroom has adequate space for clothing and personal possessions.
- An assessment of community resources, including accessibility of schools, churches, recreation, medical facilities, and mental health facilities

### Approval Process

#### Citation: Rules & Regs. r. 290-9-2-.07

The agency shall make a thorough evaluation of each prospective foster family and document this evaluation in a foster home study report. The report shall include at least the following:

- The names of family members, address and telephone number, drivers' license numbers, and proof of automobile insurance, as applicable
- The motivation for foster parenting
- A description of family members
- An evaluation of marriages and family life, parenting practices, and health histories and conditions of family members
- Understanding of and adjustment to foster parenting
- Finances and occupations of family members
- Religion
- The results of a criminal records checks for each prospective foster parent and any adult residing in the home
- Preservice training the prospective foster parent and/or family may have received
- A minimum of three character references
- A description of the type of child desired by the prospective foster family

Foster homes used by the agency shall be located within a reasonable travel distance from the agency so as to be accessible for regular visits by family and agency staff.

### Grounds for Withholding Approval

#### Citation: Rules & Regs. r. 290-9-2-.04

Criminal history background checks are required for all applicants for foster parent licensure. A license shall not be issued if the foster parent or other person residing in the home has a criminal record involving any of the following crimes:

- Murder or felony murder
- Aggravated assault or battery
- Cruelty to children or to a person age 65 or older
- Rape or aggravated sodomy
- Child molestation or enticing a child for indecent purposes
- Sexual assault against persons in custody, detained persons, or patients in hospitals or other institutions
- Aggravated sexual battery
- Armed robbery
- Abuse, neglect, or exploitation of a disabled adult or elder person
- Any other offense committed in another jurisdiction that, if committed in this State, would be deemed to be a crime listed above



### **Kinship Foster Care**

This issue is not addressed in the statutes and regulations reviewed.

### **Foster to Adopt**

#### **Citation: Ann. Code § 19-8-3**

Any adult person meeting the requirements listed below, including but not limited to a foster parent, shall be eligible to apply to the department or a child-placing agency for consideration as an adoption applicant. The person may petition to adopt a child if he or she:

- Is at least age 25 or married and living with his or her spouse
- Is at least 10 years older than the child
- Has been a bona fide resident of the State for at least 6 months immediately preceding the filing of the petition
- Is financially, physically, and mentally able to have permanent custody of the child

### **Interjurisdictional Approval**

#### **Ann. Code § 39-4-4**

Any out-of-home placement of a child outside the State is subject to the provisions of the Interstate Compact on the Placement of Children.

The child shall not be sent into the receiving State until the appropriate public authorities in the receiving State notify the sending agency, in writing, that the proposed placement does not appear to be contrary to the interests of the child.

### **Links to Resources**

State regulations [full text](#)

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### **Guam**

*Current Through February 2018*

### **Who May Apply**

This issue is not addressed in the statutes and regulations reviewed.

### **Training Requirements**

This issue is not addressed in the statutes and regulations reviewed.

### **Minimum Standards for Foster Homes**

#### **Citation: Ann. Code Tit. 10, § 2407**

The Department of Public Health and Social Services shall adopt minimum standards for licensing. The standards shall be applicable to all child care facilities, including all foster family homes. The standards shall include the following:

- The operation and conduct of the facility and responsibility it assumes for child care
- The character, suitability, and qualifications of the applicant and other persons directly responsible for the care and welfare of children served
- The general financial ability and competence of the applicant to provide necessary care for children and to maintain prescribed standards
- The number of individuals or staff required to ensure adequate supervision and care of the children
- The appropriateness, safety, cleanliness, and general adequacy of the premises, including maintenance of adequate fire prevention and health standards in conformance to existing territorial laws to provide for the physical comfort, care, and well-being of children received
- Provisions for food, clothing, educational opportunities, programs, equipment, and individual supplies to ensure the healthy physical, mental, and spiritual development of children served
- Provisions to safeguard the legal rights of children

- Maintenance of records pertaining to the admission, progress, health, and termination of care of children
- Discipline of children
- Protection and fostering of the particular religious faith of the children

**Approval Process****Citation: Ann. Code Tit. 10, § 2405**

Application for a license to operate a foster family home shall be made to the department upon forms furnished by it.

Upon filing of the application, the department shall examine the home of the applicant. The examination may be made by the Social Services Division or persons designated by the department as its agent for that purpose. If, upon examination, the department is satisfied that the applicant and his or her home reasonably meet the qualifications and standards for which application for license is made, it shall issue a license to the applicant.

**Grounds for Withholding Approval**

This issue is not addressed in the statutes and regulations reviewed.

**Kinship Foster Care**

This issue is not addressed in the statutes and regulations reviewed.

**Foster to Adopt**

This issue is not addressed in the statutes and regulations reviewed.

**Interjurisdictional Approval**

This issue is not addressed in the statutes and regulations reviewed.

**Links to Resources**

Guam Annotated Code [full text](#), see article 4 (PDF - 564 KB)

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**Hawaii**

*Current Through February 2018*

**Who May Apply****Citation: Code of Rules §§ 17-1625-8; 17-1625-17 through 17-1625-20**

A married couple desiring to provide foster care for children shall submit a joint application. A single person also may apply.

Applicants shall:

- Be responsible, stable, emotionally mature individuals who exercise sound judgment and who can make appropriate decisions
- Know how to promote positive self-esteem in children and how to help children develop healthy personal relationships
- Be knowledgeable of and agree to use appropriate, nonphysical means of discipline
- Have the capacity to respect and accept into their families persons of different backgrounds and cultures
- Accept and support a child's ongoing relationships and contact with his or her family and relatives
- Accept and support the department's mandate to reunite children with their parents or out-of-home placement preferences for appropriate relatives
- Accept that foster placements are not permanent but rather intended to be temporary until a child can be reunited with their parents or placed with other extended family in a permanent placement
- Have an understanding of a child's special needs and the ability to meet them
- Not abuse substances, such as illegal drugs or alcohol

Foster parents and all adult household members shall be of reputable and responsible character and shall not have a criminal history record or background that poses a risk to the health, safety, or well-being of children in care. All members of the household shall be free from physical, emotional, or other conditions that may pose a risk to the health, safety, or well-being of foster children.

The income of the foster home shall be reasonably steady and sufficient to maintain an adequate standard of living for the family, independent of the foster care maintenance payments. The employment or business of the caregiver shall have no bearing on licensure, provided that the child or children are appropriately supervised.

**Training Requirements****Citation: Code of Rules § 17-1625-17**

The resource family and all adult household members shall show evidence of being well-adjusted persons; have sufficient ability, training, and experience in caring for children; and demonstrate the willingness and ability to work with the agency and other agencies and organizations.

**Minimum Standards for Foster Homes****Citation: Code of Rules §§ 17-1625-22 through 17-1625-24**

The foster home shall comply with acceptable State standards on housing and sanitation as follows:

- The kitchen shall have equipment that is working and in sanitary condition.
- The living room or family room shall have sufficient space and be comfortably furnished and accessible to all members of the family.
- The bedrooms shall be safe, well-lit, well-ventilated, and have adequate space.
- The bathroom shall have a sanitary flush toilet, a washbasin with running water, and a bath or shower with hot and cold water.
- The home shall have adequate fire escape exits, a fire evacuation plan, and smoke detectors installed in or near the bedrooms that are in good working order.
- The premises shall be kept in a sanitary and safe condition.
- There shall be protection from fire hazards, drugs, poisons, harmful household supplies, dangerous tools, weapons, firearms, and potentially dangerous animals.

Each foster child or infant shall be provided with an individual bed or crib, except that two siblings of the same gender may share a double bed, up to age 6. Bunk beds shall be used only as appropriate to the child's age and situation. Each bed or crib shall be of a size and design to ensure the safety and comfort of the child.

The sleeping arrangement for a foster child shall include suitable light, ventilation, and provision for proper rest. The resource family's child shall not be displaced because of the presence of a foster child. No foster child shall sleep in a detached building without supervision or in an unfurnished attic, basement, hallway, or stairwell. Individual beds shall be spaced to allow passageway between beds. A foster child over age 6 may sleep in the same bedroom with children over age 6 of the opposite sex with approval from the department or agency, with due consideration given to the safety of the child and the culture and resources available to the resource family.

**Approval Process****Citation: Code of Rules §§ 17-1625-9; 17-1625-17; 17-1625-26**

The agency receiving the application shall conduct a study of the applicants, household members, and the applicants' home to determine that the requirements of regulation are met and that the applicants and household members have the ability and personal qualities to care for foster children.

Applicants, adult household members, and employees shall submit statements indicating whether they were ever convicted of a crime and provide consents to conduct criminal history, child abuse and neglect registry, background, and any other checks as may be required by the Department of Human Services or State or Federal laws. The agency receiving the application shall conduct criminal history, child abuse and neglect registry checks, background, and any other checks deemed necessary, such as employment checks, on applicants, employees, and household members.

Foster parents and all adult household members shall show evidence of being well-adjusted persons, have sufficient ability, training, and experience in caring for children, and demonstrate the willingness and ability to work with the agency and other agencies and organizations.

Applicants shall provide two references who have adequate knowledge of the family background in terms of character and ability to care for children. Additional references shall be furnished to the agency upon request.

**Grounds for Withholding Approval****Citation: Code of Rules §§ 17-1625-8; 17-1625-13; 17-1625-17**

The agency shall deny approval of a foster home when:

- The requirements of regulation are not met.
- The applicant or a household member does not demonstrate the ability, skills, or personal qualities to provide safe and appropriate care for foster children.
- The applicant or a member of the household poses a potential risk to foster children.

Foster parents and adult household members shall not have any of the following:

- A felony conviction, at any time, for child abuse or neglect; spousal abuse; a crime against children, including child pornography; or a crime involving violence, including rape, sexual assault, or homicide, but not including other physical assault or battery
- A felony conviction, within the past 5 years, for physical assault, battery, or a drug-related offense

Other grounds for denial of approval include the following:

- Convictions of any other crimes, the circumstances of which indicate that the foster parent or adult household member poses a risk to the health, safety, or well-being of children
- An employment history indicating violence, alcohol or drug abuse, and any other violation of employer rule or policy, the circumstances of which indicate that the applicant or adult household member may pose a risk to the health, safety, or well-being of children
- Background information that shows that the individual has been identified as and confirmed to have abused or neglected a child or whose parental rights were terminated
- Information that shows that any member of the household may pose a risk to the health, safety, or well-being of a child, including, but not limited to, repeated allegations of child abuse and/or neglect, or arrests for offenses such as driving under the influence, violations of protective orders, or any sex crime

**Kinship Foster Care****Citation: Rev. Stat. §§ 587A-9; 587A-10**

When the Department of Human Services receives protective custody of a child from the police, the department shall:

- Assume temporary foster custody of the child if, in the discretion of the department, the department determines that the child is subject to imminent harm while in the custody of the child's family
- Make every reasonable effort to inform the child's parents of the actions taken, unless doing so would put another person at risk of harm
- Place the child in emergency foster care while the department conducts an appropriate investigation, with placement preference being given to an approved relative, unless the child is admitted to a hospital or similar institution

The department shall provide the child's relative an application to be the child's resource family within 15 days of the relative's request to provide foster placement for the child. If the application is submitted and denied, the department shall provide the applicant with the specific reasons for the denial and an explanation of the procedures for an administrative appeal.

The department and authorized agencies shall make reasonable efforts to identify and notify all relatives of the child within 30 days after assuming foster custody of the child.

**Foster to Adopt**

This issue is not addressed in the statutes and regulations reviewed.

**Interjurisdictional Approval****Citation: Rev. Stat. § 350E-1**

Any out-of-home placement of a child outside the State is subject to the provisions of the Interstate Compact on the Placement of Children.

The child shall not be sent into the receiving State until the appropriate public authorities in the receiving State notify the sending agency, in writing, that the proposed placement does not appear to be contrary to the interests of the child.

### Links to Resources

Hawaii Department of Human Services, [Foster and Adoptive Care](#)

State regulations [full text](#) (PDF - 810 KB)

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### Idaho

*Current Through February 2018*

#### Who May Apply

**Citation: Admin. Code § 16.06.02.402**

Foster parents must be physically and emotionally suited to care for children and to deal with the problems presented by children placed away from their own parents, families, and homes. An applicant for licensure as a foster parent shall meet all of the following qualifications:

- Be age 21 or older
- Be of good character
- Have the maturity, interpersonal qualities, temperament, and life experiences that prepare the foster parent to provide foster care
- Express a willingness to provide care for the kind of children the children's agency has available for placement
- Demonstrate an understanding of the care that must be provided to the children served by the children's agency or express a willingness to learn how to provide that care
- Have adequate time to provide care and supervision for children
- Have a defined and sufficient source of income and be capable of managing that income to meet the needs of the foster family without relying on the payment made for the care of a foster child
- Have the physical, mental, and emotional health to ensure appropriate care of children
- Establish and maintain a harmonious home life to give children the emotional stability they need
- Express a willingness and demonstrate the ability to accept a child into the home as a member of the family
- Express a willingness and demonstrate the ability to work with a foster child's legal family, future family, or Indian Tribe
- Demonstrate a willingness and ability to comply with the licensing rules for foster homes

#### Training Requirements

**Citation: Admin. Code § 16.06.02.408**

Each foster parent shall comply with the following training requirements:

- Each applicant for a foster home license shall receive an orientation related to the children's agency foster care program and services.
- Each applicant must complete no less than 10 hours of training no later than 1 year following the issuance of an initial foster care license.
- The foster parent must complete no less than 10 hours of training on an annual basis following the initial training.
- The foster parent must complete any training identified by the children's agency as meeting the individual needs of the foster parent.
- The foster parent must complete any additional training that may be required by the children's agency foster parent training plan.

**Minimum Standards for Foster Homes****Citation: Admin. Code §§ 16.06.02.430 through 16.06.02.445**

The home must be maintained in good repair, in a clean condition, and free from safety hazards and dangerous equipment.

A furnace, fireplace, water heater, and other heat-producing equipment shall be properly installed and maintained. Portable heating devices shall not be used during sleeping hours.

There shall be at least one smoke detector on each floor of the home, including the basement; one in each bedroom used by a foster child; and one in areas of the home that contain heat-producing equipment other than stoves and clothes dryers. There shall be at least one carbon monoxide detector. A house that does not have equipment that produces carbon monoxide or does not have an attached garage is exempt from this requirement.

Firearms shall be stored unloaded and equipped with a trigger lock; unloaded, fully inoperable, and incapable of being assembled and fired; unloaded and locked in a cabinet or storage container that is inaccessible to children; or locked in a gun safe that is inaccessible to children.

The home shall have adequate heat, light, and ventilation. The home shall have a minimum of one flush toilet, one washbasin, and one bathtub or shower that have warm and cold running water, all of which shall be in good working order.

A foster parent shall possess a valid driver's license, be insured in accordance with law, and abide by all traffic laws, including the requirement that all children are in proper safety restraints while being transported.

Unless previously approved by the licensing agency, there shall be an operating telephone in a foster home.

A bedroom occupied by a foster child shall have sufficient space for the storage of clothing and personal belongings. A child shall have a bed that is appropriate for the age and development of the child.

**Approval Process****Citation: Admin. Code §§ 16.06.02.404; 16.06.02.405**

Each applicant for a foster home license, and any other adult member of the household, must participate in a criminal history and background check.

A foster parent's child who turns age 18 and lives continuously in the home is not required to have a criminal history and background check. After turning age 18, if the foster parent's adult child no longer lives in the foster parent's home and subsequently resumes living in the home, he or she will be considered an adult member of the household and must complete a criminal history and background check within 15 days of his or her return.

An applicant shall participate in the process and tasks to complete an initial evaluation for foster care licensure by doing the following:

- Cooperating with the children's agency in conducting an initial foster home study
- Providing a medical statement indicating the applicant is in such physical and mental health so as to not adversely affect either the health or quality of care for children placed in the home
- Providing three satisfactory references, one of which may be from a person related to the applicant

An applicant shall provide the children's agency with any information needed to complete the initial family home study, including:

- Education
- Verification of marriages and divorces
- Religious and cultural practices
- A statement of income and financial resources and the family's management of these resources
- Individual and family functioning and interrelationships with each member of the household
- Previous criminal convictions and valid incidents of child abuse and neglect
- Family history, including childhood experiences and the applicant's parents' methods of discipline and problem-solving
- The attitudes toward foster care by immediate and extended members of the family and other persons who reside in the home
- Adequacy of the applicant's house, property, and neighborhood for the purpose of providing foster care, as determined by onsite observations

**Grounds for Withholding Approval****Citation: Admin. Code §§ 16.05.06.210; 16.05.06.230**

The following disqualifying crimes will result in an unconditional denial being issued:

- Crimes against vulnerable adults
- Arson, robbery, or mayhem
- Crimes against nature or incest
- Forcible sexual penetration by use of a foreign object
- Hiring, employing, or using a minor to engage in certain acts
- Human trafficking
- Injury to a child
- Kidnapping
- Lewd conduct with a minor
- Murder or manslaughter
- Poisoning or attempted strangulation
- Rape; or sexual battery, sexual abuse, ritualized abuse, sexual exploitation of a child
- Felony stalking or domestic violence
- Sale or barter of a child
- Video voyeurism
- Enticing of children
- Any felony punishable by death or life imprisonment

The following disqualifying crimes will result in an unconditional denial for 5 years from the date of the conviction:

- Any felony not described above
- Misdemeanor domestic violence
- Failure to report abuse, abandonment, or neglect of a child
- Misdemeanor forgery, counterfeiting, identity theft, insurance fraud, or public assistance fraud
- Sexual exploitation of a child by electronic means
- Operating a certified family home without certification

A conditional denial may be issued when an individual discloses or the criminal history and background check reveals any of the following:

- There is a substantiated child protection or adult protection complaint.
- The department determines there is a potential health and safety risk to vulnerable adults or children.
- The individual has falsified or omitted information on the application form.
- The department determines additional information is required.

**Kinship Foster Care****Citation: Admin. Code § 16.06.01.401**

The department will make meaningful reasonable attempts, both verbally and in writing, to inform, in priority order, individuals identified below of the potential imminent placement and the requirements for consideration as a placement resource. The department will place children in a safe and trusted environment consistent with the best interests and special needs of the children. Ideally, placement priority will be given in the following order:

- Immediate family
- Extended family members
- Nonfamily members with a significant established relationship with the child
- Other licensed foster parents



After preliminary screening, within 72 hours of decision to place, departmental staff will make reasonable attempts to inform immediate family members of the way to become a placement resource. Placement will in all cases include consideration of the following:

- The family assessment conducted in accordance with the provisions of department practice standards
- The ability of potential alternate care providers to address and be sensitive to the unique and individual needs of the child and ability to comply and support the plan for the child and his or her family
- The involvement of the family in planning and selecting the placement

The department will use a family unity meeting concept and make reasonable efforts to gather immediate and extended family members and other significant supporters to identify family strengths relevant to creating a safe environment for the child. This process will be fully reported to the court along with resulting plans and commitments.

### **Foster to Adopt**

**Citation: Admin. Code § 16.06.01.790**

The procedure and requirements are the same for all adoptive applicants. This includes foster parents who want to be considered as adoptive parents for a child who has a plan of adoption. These requirements include compliance with the Indian Child Welfare Act, the Multi-Ethnic Placement Act of 1994, and the Interethnic Adoption Provisions of 1996.

### **Interjurisdictional Approval**

**Citation: Ann. Code § 16-2102; Admin. Code § 16.06.01.030**

Any out-of-home placement of a child outside the State is subject to the provisions of the Interstate Compact on the Placement of Children.

The child shall not be sent into the receiving State until the appropriate public authorities in the receiving State notifies the sending agency, in writing, that the proposed placement does not appear to be contrary to the interests of the child.

*In regulation:* When necessary to encourage all possible positive contacts with family, including extended family, placement with family members or others who are outside the State of Idaho will be considered. On very rare occasions, the department may contract with a residential facility out of State if it best serves the needs of the child and is at a comparable cost to facilities within Idaho. When out-of-State placement is considered in the permanency planning for a child, such placement will be coordinated with the respective interstate compact administrator according to the provisions of the Interstate Compact on the Placement of Children. Placements must be in compliance with all State and Federal laws.

### **Links to Resources**

Idaho Department of Health and Welfare, [Foster Care and Adoption Programs](#)  
State regulations [full text](#) (PDF - 2,529 KB)

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## **Illinois**

*Current Through February 2018*

### **Who May Apply**

**Citation: Admin. Code Tit. 89, §§ 402.12; 402.14**

The licensees shall be either a single person or two persons in marriage or civil union with each other. Each foster parent shall be willing and able to assume appropriate responsibilities for the child or children received for care.

Foster parents shall be stable, law-abiding, responsible, mature individuals, at least age 21. All members of the foster family shall be free from active alcohol or substance dependency.

An individual may be allowed to share the living arrangements only at the discretion of the supervising agency. The foster family is responsible for reporting to the supervising agency that an individual may be sharing the living arrangements prior to the individual moving into the home or prior to licensure. The individual will be subject to the same requirements as other members of the household, such as health certification and background checks.

The foster family shall have sufficient financial resources to provide basic necessities for themselves and their own children.

Foster parents and all members of the household shall provide medical evidence that they are free of communicable diseases or physical and mental conditions that affect the ability of the family to provide care. Before licensing, the foster parents shall furnish the supervising agency with a medical report on forms provided by the agency for each member of the household. A medical report shall be obtained for the foster parents, their children, other persons residing in the foster home, and child care assistants. The medical reports shall not be more than 1 year old.

### **Training Requirements**

**Citation: Admin. Code Tit. 89, § 402.12**

As a condition of initial licensure, each foster parent shall complete Prelicensure Foster PRIDE/Adopt PRIDE Training or an equivalent prelicensure foster parent training that has been approved by the Department of Children and Family Services. As part of prelicensure training, each foster parent shall receive training regarding the importance of maintaining sibling relationships and the child's sense of attachment to his or her siblings, the importance of maintaining sibling relationships over the child's lifespan, and the impact on the child if those relationships are severed.

In addition, each foster parent shall complete, as a condition of license renewal, 16 clock hours of approved inservice training. The foster home license shall not be renewed until each single foster parent and at least one foster parent in a married couple, or couple in a civil union, has completed educational advocacy training by the department or approved agency that, if completed in the most recent licensing cycle, may count toward the 16 clock hours of inservice training. Child welfare agencies may require foster families under their supervision to complete additional training as a condition of continued supervision by the agency.

### **Minimum Standards for Foster Homes**

**Citation: Admin. Code Tit. 89, §§ 402.8; 402.9**

The foster home shall be clean, well-ventilated, free from observable hazards, properly lighted and heated, and free of fire hazards. The water supply of the foster family home shall comply with the requirements of the local and State health departments. Licensees in foster family homes with pools, hot tubs, ponds, outdoor fountains, decorative water ponds, fishponds, or the like must have current cardiopulmonary resuscitation certification.

All firearms and ammunition shall be locked up at all times in places inaccessible to children. The home shall comply with all requirements of the State laws and municipal codes for household pets. Certificates of inoculation for rabies shall be available for inspection.

The home shall have an operating telephone on the premises. The home shall be equipped with a minimum of one approved smoke detector in operating condition on every floor level, including basements and occupied attics. A foster home shall be equipped with a minimum of one approved carbon monoxide detector within 15 feet of every sleeping room.

Each foster child shall be provided his or her own separate bed or crib. Children under age 6 may share a bedroom with related children of the opposite sex who also are under age 6. Unrelated children under age 2 may share a bedroom with children of the opposite sex who also are under age 2 if each child is provided a separate bed or crib. A foster child may share a bedroom with his or her own children of either sex if each child is provided a separate bed or crib.

There shall be a minimum of 40 square feet for the first child occupying a bedroom and a minimum of 35 square feet for each additional child sharing the room. Sleeping rooms shall be comfortable and shall be furnished suitably for the age and sex of the child.

No person shall smoke tobacco in a foster home, a vehicle while transporting a foster child, or within 15 feet of entrances, exits, windows that open, and ventilation intakes that serve the home.

### **Approval Process**

**Citation: Admin. Code Tit. 89, §§ 402.12; 402.13**

The capability of the foster parents to provide care shall be considered prior to licensure of the foster family home. A decision to establish the age and number of children permitted in the home shall be based on an assessment of the foster family and shall consider at least the following:

- The foster parents' capability to provide care, including an evaluation of the caregivers' health, strength, and mobility
- The number, chronological and functional age, characteristics, and needs of the children currently under the care of the foster parents, including the foster parent's own children under age 18, all other children under age 18 receiving full-time care, and children receiving daycare services in the foster family home

- The caregivers' ability to appropriately care for and adequately supervise the children in the home
- The number of foster parents in the home and the availability and experience of child care assistants

All members of the household age 13 and older (except for foster children) shall have passed the background check.

Foster home applicants shall provide the names and addresses of at least three persons who are not related to them who can attest that the applicants are of reputable and responsible moral character.

As a condition of issuance of a license, foster parents shall furnish information of any offenses, other than minor traffic violations, for which they have been convicted and the disposition of the convictions. The department shall make a determination concerning the suitability of the foster parents in working with the child in accordance with 89 Ill. Adm. Code 385 (Background Checks).

All members of the foster family who transport foster children shall submit to annual verification of their driver's license, automobile liability insurance, and driving records. Any vehicle used to transport foster children shall be equipped with appropriate safety restraints.

### **Grounds for Withholding Approval**

#### **Citation: Comp. Stat. Ch. 225 § 10/4.2**

No applicant may receive a license if that person has been declared a sexually dangerous person or has been convicted of committing or attempting to commit any of the following offenses listed in 89 Ill. Admin Code § 402, Appendix A. This includes, but is not limited to, the following:

- Murder or manslaughter
- A sex offense
- Kidnapping
- Aggravated battery of a child
- Criminal sexual assault or sexual abuse
- Child abandonment

Except as provided below, no applicant may receive a license to operate a foster family home who has been convicted of committing any of the following offenses:

- Kidnapping and related offenses
- Felony aggravated assault
- Felony violation of an order of protection
- Offenses against property
- Felony unlawful use of weapons
- Felony contributing to the criminal delinquency of a juvenile
- Certain drug-related offenses

A license may be issued if all of the following requirements are met:

- The relevant criminal offense occurred more than 10 years prior to the date of application.
- The applicant had previously disclosed the convictions to the department for purposes of a background check.
- After the disclosure, the department either placed a child in the home or the foster family home license was issued.
- During the background check, the department had assessed and waived the conviction in compliance with the existing statutes and rules in effect at the time of the waiver.
- The applicant meets all other requirements and qualifications to be licensed as a foster family home.
- The applicant has a history of providing a safe, stable, home environment and appears able to continue to provide a safe, stable, home environment.

**Kinship Foster Care****Citation: Admin. Code Tit. 89, § 301.80**

A child may be placed in the home of a relative when the department has reason to believe that the relative can safely and adequately care for the child in the absence of formal licensing, including training. Fictive kin and godparents are considered to be related to a child when the child is in need of a substitute care placement. Prior to placement with a relative, staff of the placing agency shall visit the home of the proposed caregiver and determine whether the following conditions for placement are met:

- Background checks of the Child Abuse and Neglect Tracking System and Statewide Child Sex Offender Registry have been completed on all adult members of the household and children age 13 and older.
- A check of the Law Enforcement Agency Data System (LEADS) on all adult members of the household is completed. If the results of the LEADS check identify prior criminal convictions listed in Appendix A of 89 Ill. Adm. Code 301 for any adult member of the household, children shall not be placed in the relative's home unless a waiver has been granted.
- The home is free from observable hazards.
- Medicines, dangerous household supplies, and dangerous tools are stored in places inaccessible to children.
- Any firearms and ammunition are locked up at all times and inaccessible to children.
- Basic utilities (water, heat, and electricity) are in operation.
- Sleeping arrangements are suitable to the age and sex of the children.
- The relative can provide basic necessities for themselves and their own children.
- No member of the household appears to have a communicable disease that could pose a threat to the health of the children or an emotional or physical impairment that could affect the ability of the caregiver to provide routine daily care to the children.
- There is no evidence of current drug or alcohol abuse by any household member.
- The relative has immediate access to a telephone when needed.

**Foster to Adopt****Citation: Comp. Stat. Ch. 750, § 50/15.1; Admin. Code Tit. 89, § 402.28**

Any person over age 18 who has cared for a child for a continuous period of 1 year or more as a licensed foster parent may apply to the child's guardian for consent to adopt the child. The guardian shall give preference and first consideration to that application over all other applications for adoption of the child, but the guardian's final decision shall be based on the welfare and best interests of the child. In arriving at this decision, the guardian shall consider all relevant factors, including, but not limited to, the following:

- The wishes of the child
- The interaction and interrelationship of the child with the foster parent
- The child's need for stability and continuity of relationship
- The wishes of the child's birth parent as expressed in writing prior to that parent's execution of a consent for adoption
- The child's adjustment to his or her present home, school, and community
- The mental and physical health of all individuals involved
- The family ties between the child and the foster parent and the value of preserving family ties between the child and the child's relatives, including siblings
- The background, age, and living arrangements of the foster parent
- The criminal background check report

The final determination of the propriety of the adoption shall be within the sole discretion of the court. The court shall base its decision on the welfare and best interests of the child.

*In regulation:* An adoptive home shall be licensed as a foster family home before placement of an unrelated child for adoption.

## Interjurisdictional Approval

### Citation: Comp. Stat. Ch. 45, § 15/1

Any out-of-home placement of a child outside the State is subject to the provisions of the Interstate Compact on the Placement of Children.

The child shall not be sent into the receiving State until the appropriate public authorities in the receiving State notify the sending agency, in writing, that the proposed placement does not appear to be contrary to the interests of the child.

### Links to Resources

Department of Children and Family Services, [Policy Guides](#)

State regulations [index](#)

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## Indiana

*Current Through February 2018*

### Who May Apply

#### Citation: Admin. Code Tit. 465, §§ 2-1.5-3; 2-1.5-5; 2-1.5-6; 2-1.5-7

Foster parents shall be persons at least age 21 to whom a license to operate, maintain, or conduct a foster family home for children is granted by the Department of Child Services. Foster parents must have a stable living arrangement and may be a married couple, an unmarried cohabitating couple who have lived together for at least 1 year, or a single person. For married spouses and unmarried cohabitating couples, both individuals must be approved as foster parents.

Foster parents shall be as follows:

- Persons whose behaviors, circumstances, and physical and mental health contribute to the safety and well-being of children
- Persons who demonstrate strengths in skill areas, as set out by the department, that will permit them to undertake and perform the responsibilities of meeting the needs of children, providing continuity of care, and working with the department

Foster parents shall demonstrate that the household has sufficient income and appropriate fiscal management to maintain its stability and security without a foster care payment. Foster care payments received on behalf of the child are intended for the sole benefit and care of the child while in foster care.

The physical and mental health of all members of the foster family or other individuals living in the foster family home, excluding foster children, shall be such that it will not be detrimental to the health and welfare of the foster children. All household members must present a medical history form that is completed by a physician or certified health practitioner at initial licensure and relicensure.

Foster parents, household members, and those who work or volunteer in the foster family home and have or will have direct contact on a regular and continuing basis with children shall be responsible individuals of reputable character who exercise sound judgment and display the capacity and motivation to provide good care for children.

### Training Requirements

#### Citation: Admin. Code Tit. 465, § 2-1.5-22

Each foster parent applicant shall do the following:

- Successfully complete preservice training as a part of the family preparation process prior to being initially licensed as a foster home, as specified by the department, but in no case less than 10 hours of training
- Submit evidence of the successful completion of a current course in first aid prior to initial licensure
- Submit evidence of the successful completion of a current course in infant, child, and adult cardiopulmonary resuscitation (CPR) prior to initial licensure
- Submit evidence of the successful completion of a current course in universal precautions prior to initial licensure and maintain continuous certification during the licensing period and at relicensure

Within 1 year after the preservice training requirement has been met, and annually thereafter, each licensed foster parent shall be required to successfully complete the inservice training requirements as specified by the department, but in no case less than 15 hours annually, prior to being relicensed as a foster home. The foster parent shall keep documentation of training completed and have it available for review by licensing staff.

The foster parent must maintain continuous certification for both first aid and CPR during the licensing period and at relicensure. An updated Red Cross first aid manual and Red Cross CPR manual, or their equivalents, shall be available in the foster home.

### **Minimum Standards for Foster Homes**

**Citation: Admin. Code Tit. 465, §§ 2-1.5-8 through 2-1.5-12**

The foster family home shall be maintained to provide adequately for the health, safety, and moral welfare of all occupants.

The home shall have:

- Adequate indoor or outdoor recreation space
- Working utilities at all times
- Adequate light at all times
- Heating, air cooling, and ventilation
- Access to a working telephone

Foster parents shall not allow children placed in the home to be exposed to secondhand smoke in their home or vehicle.

Bedrooms shall be clearly identified as bedrooms. Living, dining, and other areas not commonly used for sleeping shall not be used for a bedroom. Children age 6 and older who share a room shall be of the same sex. Children over 12 months of age shall not share a bedroom with adults, except when illness or developmental disabilities require close supervision and only with the approval of the department. In no event shall a child ever sleep in the same bed as an adult. The home shall have sufficient bedroom space to allow at least 50 usable square feet for each child.

Sanitary bathroom facilities that provide privacy shall be available. Water provided for bathing shall be kept at a comfortable temperature.

Household pets must have current vaccinations. Pets known to be vicious or infected with any disease transmittable to humans may not be kept by the foster parents.

Firearms shall be unloaded and locked up to prevent unauthorized use. Ammunition or other items that can be used to make a weapon operable shall be locked separately from the weapon.

The home shall be kept free from all unnecessary fire and safety hazards. The home shall have one smoke detector that is within 10 feet of each bedroom door, with at least one smoke detector in operating condition on each level of the home, and at least one fire extinguisher in operating condition on each floor of the home. A carbon monoxide detector shall be required unless only electricity is used for cooking and heating the home.

### **Approval Process**

**Citation: Ann. Code § 31-27-4-5; Admin. Code Tit. 465, § 2-1.5-7**

An applicant must apply for a foster family home license on forms provided by the department. An applicant must submit with the application a statement attesting whether the applicant has been charged or convicted of a felony or a misdemeanor relating to the health and safety of children.

The department shall conduct a criminal history check of all household members in order to determine whether the subject of a national fingerprint-based criminal history check has a record of the following:

- A conviction for a felony
- A conviction for a misdemeanor relating to the health and safety of a child
- A juvenile adjudication for a nonwaivable offense, as defined in § 31-9-2-84.8, that, if committed by an adult, would be a felony

*In regulation:* At the time of initial application, the applicant or applicants for a license shall provide the department or child-placing agency with the names, addresses, and telephone numbers of at least four persons, two of whom must be unrelated to the applicant by blood, marriage, or adoption. These persons may be contacted to determine the applicant's character, community reputation, financial stability, and suitability to care for children or to have contact with children. Additional persons may be contacted to attest to the applicant's character and suitability to care for children or to have contact with children. The department or child-placing agency may, at its discretion, require references for each household member over age 18.

**Grounds for Withholding Approval****Citation: Ann. Code §§ 31-27-4-6; 31-27-4-13; 31-9-2-84.8**

The following constitute sufficient grounds for a denial of a license application:

- A determination of child abuse or neglect by the applicant, an employee of the applicant, or a person residing in the applicant's home who is age 18 or older
- A criminal conviction of the applicant of any of the following:
  - » A felony or a misdemeanor related to the health and safety of a child
  - » A misdemeanor for operating a child care center or foster family home without a license
- A determination by the department that the applicant made false statements in his or her application for licensure
- A determination by the department that the applicant made false statements in the records required by the department
- A determination by the department that the applicant previously operated a child care center or foster family home without a license

The department shall deny a license when an applicant fails to meet the requirements for a license. The department shall deny a license to an applicant who has been convicted of a nonwaivable offense, as defined in § 31-9-2-84.8. A 'nonwaivable offense' means a conviction of any of the following felonies:

- Murder, voluntary manslaughter, or reckless homicide
- Causing or assisting suicide
- Battery within the past 5 years
- Domestic battery
- Aggravated battery
- Kidnapping
- Criminal confinement within the past five 5 years
- Human and sexual trafficking
- A felony sex offense
- Arson within the past 5 years
- Incest
- Neglect of a dependent
- Child selling
- A felony involving a weapon within the past 5 years
- A felony relating to controlled substances within the past 5 years
- An offense relating to material or a performance that is harmful to minors or obscene
- A felony of operating a vehicle while intoxicated within the past 5 years

**Kinship Foster Care****Citation: Ann. Code § 31-34-4-2**

If the court orders out-of-home placement, the department must consider placing the child with a suitable and willing relative or de facto custodian before considering any other out-of-home placement.

Before the department places a child with a relative or a de facto custodian, the department shall complete an evaluation based on a home visit of the relative's home. The department also shall conduct a criminal history check of each person who is currently residing in the home.

The department may not place the child in the home if any household member has:

- Committed an act resulting in a substantiated report of child abuse or neglect
- Been convicted of a nonwaivable offense



A court may order or the department may approve an out-of-home placement if:

- The person has:
  - » Committed an act resulting in a substantiated report of child abuse or neglect
  - » Been convicted of the following offenses within the past 5 years:
    - Battery
    - Felony criminal confinement
    - Felony arson
    - A felony involving a weapon
    - A felony relating to controlled substances
    - Felony operating a vehicle while intoxicated
  - » Had a juvenile adjudication for a nonwaivable offense that, if committed by an adult, would be a felony
- The person's commission of the offense, delinquent act, or act of abuse or neglect is not relevant to the person's present ability to care for a child, and the placement is in the best interests of the child.

In considering the placement, the court or the department shall consider the following:

- The length of time since the person committed the offense, delinquent act, or abuse or neglect
- The severity of the offense, delinquent act, or abuse or neglect
- Evidence of the person's rehabilitation, including the person's cooperation with a treatment plan, if applicable

### **Foster to Adopt**

**Citation: Child Welf. Man., Ch. 10, § 4**

The department will partner with the resource parent(s) to help prepare a child for the adoption process. The department will support the resource parent(s)' decision regarding their pursuit of adoption, if the department agrees that it is in the best interests of the child.

The family case manager will:

- Discuss with the resource parent(s) whether they wish to pursue adoption of the child
- Include the resource parent(s) in the planning and implementation of the adoptive placement process, regardless of whether they wish to pursue adoption or not

### **Interjurisdictional Approval**

**Citation: Ann. Code § 31-28-4-1**

As required by the Interstate Compact on the Placement of Children, a child shall not be sent, brought, or caused to be sent or brought into the receiving State until the appropriate public authorities in the receiving State shall notify the sending agency, in writing, to the effect that the proposed placement does not appear to be contrary to the interests of the child.

### **Links to Resources**

Indiana Department of Child Services, [Foster Parent Requirements](#)

Child Welfare Policies, [Chapter 12: Foster Family Home Licensing](#)

State regulations [full text](#) (PDF - 1,794 KB)

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## **Iowa**

*Current Through February 2018*

### **Who May Apply**

**Citation: Admin. Code § 441-113.12**

Foster parents shall be at least age 21. The age of foster parents shall be considered as it affects their ability to care for a specific child and function in a parental role.

The foster family shall have sufficient income and resources to provide adequately for the family's own needs.

The foster parent shall respect the foster child's religious background and affiliation.

Foster parents shall be stable, responsible, and physically able to care for the type of child placed. They shall be mature individuals who are not unsuited by reason of substance abuse, lewd or lascivious behavior, or other conduct likely to be detrimental to the physical or mental health or morals of the child. They shall exercise good judgment in caring for children and have a capacity to accept agency supervision.

The foster parents shall:

- Provide evidence of marital adjustment and stability
- Have realistic expectations of foster children
- Have time available to parent foster children
- Be able to accept and deal with acting-out behavior with realistic expectations and good judgment
- Include foster children in normal family life
- Have the ability to be accepting and loving toward a foster child entering the home
- Be able to support the case permanency plan for the foster child and be willing to cooperate with visits, transportation, or other activities that support the child's connection to and reunification with the child's family
- Ensure that all family members are aware of having foster children in the home
- Articulate their strengths and concerns and limitations, which is essential to matching foster children with foster parents appropriately

### **Training Requirements**

#### **Citation: Ann. Stat. § 237.5A**

As a condition for initial licensure, each applicant shall complete 30 hours of foster parent training offered or approved by the Department of Human Services. If the applicant has completed relevant training or has a combination of completed relevant training and experience, and the department deems such training or combination to be an acceptable equivalent to all or a portion of the initial licensure training requirement, or based upon the circumstances of the child and the applicant the department finds there is other good cause, the department may waive all or a portion of the training requirement.

Prior to renewal of licensure, each individual licensee shall complete annually 6 hours of foster parent training. The training shall include, but is not limited to, physical care, education, learning disabilities, referral to and receipt of necessary professional services, behavioral assessment and modification, self-assessment, self-living skills, and biological parent contact. An individual licensee may complete the training as part of an approved training program offered by a public or private agency with expertise in the provision of child foster care or in related subject areas. The department shall adopt rules to implement and enforce this training requirement.

### **Minimum Standards for Foster Homes**

#### **Citation: Admin. Code §§ 441-113.5; 441-113.7**

The foster home shall be safe, clean, well-ventilated, properly lighted, properly heated, and free from vermin and rodents. There shall be safe outdoor space provided according to the age and developmental needs of the foster child for active play. The foster child shall be protected against hazards, including, but not limited to, traffic, pools, railroads, waste material, and contaminated water.

All bedrooms used by foster children must have permanent walls; a door that closes; a working window that opens from the inside; and a closet, wardrobe, armoire, or dresser. The minimum bedroom area per child shall be 40 square feet.

Each child shall be provided a standard bed or a crib for infants and toddlers who cannot safely use a standard bed. Children over age 6 shall not share a bedroom with a child of the opposite sex.

Smoking and vaping shall be prohibited in the foster home or any vehicle when the foster child is present.

All toilet facilities shall be maintained in clean and working condition. Ventilation shall be provided in all rooms where foster children eat, sleep, and play, either by windows that can be opened or by mechanical venting systems. Windows and doors used for ventilation shall be screened.

Any floor of a house, including the basement, used for sleeping of foster children shall be equipped with the following:

- A working smoke detector
- A window exit that opens from the inside and is large enough to allow the foster child to pass easily through it

- Hallways that allow unrestricted access to an exit
- A working carbon monoxide detector

The home shall have at least one operable fire extinguisher.

All weapons, firearms, and ammunition shall be inaccessible to a child of any age.

Foster parents shall have a valid Iowa driver's license and adequate motor vehicle insurance. They shall ensure that appropriate child safety restraints, as required by Iowa law, are used for all foster children.

### Approval Process

**Citation: Ann. Stat. § 237.8; Admin. Code §§ 441-113.3; 441-113.13; 114-113.14**

If a person is being considered for licensure, and if the person has been convicted of a crime or has a record of founded child abuse, the department shall perform an evaluation to determine whether the crime or founded child abuse warrants prohibition of licensure.

*In regulation:* The worker for the recruitment and retention contractor shall complete a family home study. The worker shall hold at least two face-to-face interviews with the applicant and at least one face-to-face interview with each member of the household. A physical inspection of the home is required to verify compliance with the standards in this chapter.

The assessment of the prospective foster family shall evaluate the family's ability to parent a child. The assessment shall include the applicant's motivation for foster care; emotional stability; marital relationship and history; ability to cope with stress; medical, mental, and emotional conditions; and ability to provide for a child's physical, medical, and emotional needs.

Each applicant and anyone age 14 or older living the applicant's home shall be checked for records with the following:

- The Iowa central abuse registry
- The Iowa division of criminal investigation
- The Iowa sex offender registry
- Iowa Courts Online

Each applicant and any other adult living in the household also shall be checked for records on the child abuse registry of any State where the person has lived during the past 5 years. Each applicant also shall be fingerprinted for a national criminal history check. Other adults living in the home may be fingerprinted if the department determines that a national criminal history check is warranted.

At least three additional unsolicited references shall be checked for all applicants in addition to a minimum of three references provided by the applicant. Reference checks shall include only those areas related to the applicant's ability to care for children.

### Grounds for Withholding Approval

**Citation: Ann. Stat. §§ 237.5; 237.8**

The administrator may deny an application for a license if the applicant or licensee violates this chapter or department rules or knowingly makes a false statement concerning a material fact or conceals a material fact on the license application.

An individual applying to be a foster parent licensee shall not be granted a license and an evaluation shall not be performed if the individual has been convicted of any of the following felony offenses:

- Within the 5-year period preceding the application date, a drug-related offense
- Child endangerment or neglect or abandonment of a dependent person
- Domestic abuse
- A crime against a child, including, but not limited to, sexual exploitation of a minor
- A forcible felony

### Kinship Foster Care

**Citation: Ann. Stat. § 232.84**

Within 30 days after the entry of an order transferring custody of a child to an agency for placement, the agency shall exercise due diligence in identifying and providing notice to the child's grandparents, aunts, uncles, adult siblings, parents of the child's siblings, and adult relatives suggested by the child's parents, subject to exceptions due to the presence of family or domestic violence. The notice content shall include, but is not limited to, all of the following:

- A statement that the child has been or is being removed from the custody of the child's parent or parents

- An explanation of the options the relative has under Federal, State, and other law to participate in the care and placement of the child on a temporary or permanent basis, including, but not limited to, assistance and support options, options for participating in legal proceedings, and any options that may be lost by failure to respond to the notice
- A description of the requirements for the relative to serve as a foster family home provider or other type of care provider for the child and the additional services, training, and other support available for children receiving such care
- Information concerning the option to apply for kinship guardianship assistance payments

**Foster to Adopt**

This issue is not addressed in the statutes and regulations reviewed.

**Interjurisdictional Approval**

**Citation: Ann. Stat. § 232.158**

Any out-of-home placement of a child outside the State is subject to the provisions of the Interstate Compact on the Placement of Children.

The child shall not be sent into the receiving State until the appropriate public authorities in the receiving State notify the sending agency, in writing, that the proposed placement does not appear to be contrary to the interests of the child.

**Links to Resources**

State regulations [full text](#) (PDF - 188 KB)

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**Kansas**

*Current Through February 2018*

**Who May Apply**

**Citation: Admin. Regs. § 28-4-811; Placement Serv. Stds. Man.**

Each caregiver shall be qualified by the temperament, emotional maturity, judgment, and the understanding of children necessary to maintain the health, comfort, safety, and welfare of children in foster care.

*In policy:* Each family foster parent shall be at least age 18 at the time of application for licensure and have been a member of the household for at least 1 year prior to application. Each family foster parent shall provide evidence of child care experience and knowledge of child care methods that will enable any child to develop his or her potential

**Training Requirements**

**Citation: Admin. Regs. § 28-4-806**

Before a license is issued, each applicant shall participate in and successfully complete the following:

- A face-to-face, instructor-led family foster home preparatory program approved by the department
- A face-to-face, instructor-led first aid training course that lasts at least 3 hours
- Training in universal precautions
- Medication administration training

Each licensee shall obtain at least 8 hours of training in each licensing year, including at least 2 hours obtained through participation in group training, including workshops, conferences, and academic coursework. The training topics shall provide the opportunity to develop competency in two or more of the following areas:

- Attachment issues and disorders
- Behavior and guidance, including managing aggressive behavior and deescalation methods, including the use of time-out
- Child development
- Communicating with the families of children in foster care
- Constructive problem-solving
- Health and home safety
- Human sexuality

- Interactions with children
- Regulations governing family foster homes
- Medication administration
- Posttraumatic stress disorder
- Separation issues
- Specific topics related to children with special needs

Each licensee shall participate in any additional or alternative training required by the sponsoring child-placing agency.

### **Minimum Standards for Foster Homes**

**Citation: Admin. Regs. §§ 28-4-816; 28-4-820; 28-4-821; 28-4-823**

A vehicle used for transporting a foster child must meet the following requirements:

- The driver shall hold a valid driver's license.
- The vehicle shall be maintained in a safe operating condition and covered by accident and liability insurance as required by law.
- Each individual shall be secured by the use of a seatbelt or a child safety seat when the vehicle is in motion.
- Smoking in the vehicle is prohibited whether or not the foster child is physically present in the vehicle.

The home shall meet all legal requirements as to zoning, fire protection, water supply, and sewage disposal. The home shall be constructed, arranged, and maintained to provide for the health, safety, and welfare of all occupants and contain sufficient furnishings and equipment to accommodate both the foster family and each child in foster care. At least one bathroom shall have at least one sink, one flush toilet, and one tub or shower. All fixtures shall be working at all times.

A working telephone shall be on the premises and available for use at all times. A smoke detector shall be installed on each level of the home and in each room used for sleeping. One operable carbon monoxide detector shall be installed in an area adjacent to each room used for sleeping.

Each bedroom shall have at least 70 square feet and at least 45 square feet for each child sharing the room. The child shall share the room only with children of the same sex. Each child shall have a separate bed or crib. If bunk beds are used, the upper bunk shall be protected on all sides with rails.

The outside premises of the home shall be free from any objects, materials, and conditions that constitute a danger to the health or safety of a foster child. The play area shall be located, arranged, and maintained to allow for supervision by the caregiver and to reduce the risk of injury. Play equipment shall be located in an area free from hazards, be age appropriate, and be in good repair.

### **Approval Process**

**Citation: Admin. Regs. §§ 28-4-802; 28-4-805**

Each family assessment shall include at least one individual interview with each household member who is at least age 7 and at least one visit in the family foster home.

With each application, the applicant shall submit a request to conduct a background check by the Kansas Bureau of Investigation and a background check by the Kansas Department of Social and Rehabilitation Services in order to comply with the provisions of K.S.A. 65-516. Each request shall be submitted to the department on a form provided by the department. The request shall list the required information for the following:

- Each individual age 10 and older who resides, works, or regularly volunteers in the family foster home, excluding children placed in foster care
- Each caregiver age 14 and older
- Each resident of a home in which informal visitation occurs who is at least age 10

Each individual who received a family foster home license on or after July 1, 2007, shall obtain the following:

- For each individual age 18 and older residing in the home, a child abuse and neglect background check from each previous State of residence throughout the 5-year period before the date of application
- For each licensee, a fingerprint-based background check from the National Crime Identification Databases

### Grounds for Withholding Approval

**Citation: Ann. Stat. § 65-516; Admin. Regs. § 28-4-803**

No licensed child care facility, including a foster home, may have on the premises a person who has:

- A felony conviction for a crime against persons, including murder, manslaughter, assault, battery, or kidnapping
- A felony violation of any provision of the controlled substances act
- A conviction of any act described in chapter 21, including sex offenses, sexual exploitation, incest, abuse, endangerment of a child, or promoting obscenity to minors
- Committed an act of physical, mental, emotional abuse or neglect, or sexual abuse and who is listed in the child abuse and neglect registry, and:
  - » The person has failed to successfully complete a corrective action plan that had been deemed appropriate.
  - » The record has not been expunged.
- Been convicted of arson
- Been adjudicated a juvenile offender for any act described above
- Been convicted of a crime that requires registration as a sex offender
- Had a child removed from the home based on a finding of physical, mental, or emotional abuse or neglect or sexual abuse, and the child has not been returned to the home or the child reaches majority before being returned to the home and the person has failed to satisfactorily complete a corrective action plan approved by the Department of Health and Environment
- Had parental rights terminated
- Signed a diversion agreement pursuant to § 22-2906, et seq., or an immediate intervention agreement pursuant to § 38-2346, involving a charge of child abuse or a sexual offense
- An infectious or contagious disease

*In regulation:* The granting of a license to any applicant may be refused if the applicant is not in compliance with the requirements in Chapter 65 for licensing child care facilities and all regulations governing family foster homes.

### Kinship Foster Care

**Citation: Ann. Stat. § 38-2255; Placement Serv. Stds. Man.**

For a child who has been removed from the custody of a parent, the court may enter an order awarding custody to a relative of the child or to a person with whom the child has close emotional ties. This person shall not be required to be licensed under article 5 of chapter 65 of the Kansas Statutes.

*In policy:* A 'relative foster home' provides 24-hour care in the home of a person related to the child. Checks of criminal records and the child abuse/neglect central registry have been completed on all members of the family age 10 and over, and the child's referring agency has completed an assessment of the home to determine the child's safety and well-being needs will be met by placement in the relative's home. If department foster care licensing standards are met, relatives may receive financial assistance for the related child from the child's case management provider.

'Kinship/nonrelated kin care' is 24-hour care in a family home setting for not more than 30 days, on a one-time basis, for a specific child with whom the kinship care provider has an existing supportive relationship with the child or the child's parent.

Informal care/kinship care should be the first choice for placement when the child's family cannot provide adequate care. If the kin are not related to the child, they shall be required to meet foster care licensing standards and regulations in order to provide out-of-home services. To expedite placement of children with nonrelated kin, the requirement for the completion of the training required prior to a child being placed in the home is waived. The nonrelated kin shall be required to complete the preservice training prior to licensure.

### Foster to Adopt

This issue is not addressed in the statutes and regulations reviewed.

## Interjurisdictional Approval

**Citation: Ann. Stat. § 38-1202**

Any out-of-home placement of a child outside the State is subject to the provisions of the Interstate Compact on the Placement of Children.

The child shall not be sent into the receiving State until the appropriate public authorities in the receiving State notify the sending agency, in writing, that the proposed placement does not appear to be contrary to the interests of the child.

### Links to Resources

[Placement Service Standards Manual](#) (PDF - 1,536 KB)

[Foster Care and Residential Facility Licensing](#)

State regulations [full text](#) (PDF - 265 KB)

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## Kentucky

*Current Through February 2018*

### Who May Apply

**Citation: Admin. Regs. Tit. 922, § 1:310**

The applicant must:

- Be age 21 or older, unless an exception is granted
- Have U.S. citizenship or legal immigrant status
- Be free of any communicable or infectious disease and any illness or condition that would present a health or safety risk to a child placed in his or her home
- Verify that he or she has a source of income separate from foster care reimbursement

### Training Requirements

**Citation: Admin. Regs. Tit. 922, § 1:310**

A child-placing agency shall develop and maintain an orientation and preparation curriculum that provides a minimum of 24 hours of orientation and preparation to a prospective foster parent, to include the following:

- Child-placing agency program description with mission statement
- Information about the rights and responsibilities of the home
- Background information about the foster child and the child's family
- An example of an actual experience from a foster parent that has fostered a child
- Information regarding:
  - » The stages of grief
  - » Identification of the behavior linked to each stage
  - » The long-term effect of separation and loss on a child
  - » Permanency planning for a child, including independent living services
  - » The importance of attachment on a child's growth and development and how a child may maintain or develop a healthy attachment
  - » Family functioning, values, and expectations of a foster home
  - » Cultural competency
  - » How a child enters and experiences foster care, and the importance of achieving permanency
  - » The importance of birth family and culture and helping children leave foster care
- Identification of changes that may occur in the home if a placement occurs, to include:
  - » Family adjustment and disruption



- » Identity issues
- » Discipline issues and child behavior management
- Specific requirements and responsibilities of a foster parent

The agency must maintain an ongoing foster home preparation and training program that provides a minimum of 6 hours of foster home training annually.

### **Minimum Standards for Foster Homes**

**Citation: Admin. Regs. Tit. 922, § 1:310**

The applicant's home must:

- Not present a hazard to the health and safety of a child
- Be well-heated and ventilated
- Comply with State and local health requirements regarding water and sanitation
- Provide indoor or outdoor recreation space appropriate to the developmental needs of a child placed in the applicant's home

No more than four children, including the applicant's own children, shall share a bedroom. A foster parent shall not share a bedroom with a child in the custody of a State agency unless prior approval is obtained from the State agency. Each child must be provided his or her age- and size-appropriate bed.

Alcoholic beverages, poisonous or hazardous materials, ammunition and firearms, an animal that presents a danger to a child, and medication must be kept inaccessible to a child. Any household animal must be vaccinated in accordance with statute.

The applicant must possess first aid supplies with unexpired dates that are stored in an easily accessible place. The home must have a working telephone and a working smoke alarm within 10 feet of each bedroom. A working carbon monoxide detector must be installed in a home with gas heating or appliances.

### **Approval Process**

**Citation: Rev. Stat. § 199.462; Admin. Regs. Tit. 922, § 1:310**

Before an applicant is approved to provide foster care, the Cabinet for Health and Family Services shall require a criminal background investigation of the applicant and any adult household members by means of a fingerprint check by the Department of Kentucky State Police and the Federal Bureau of Investigation.

*In regulation:* A child-placing agency shall complete a home study and approve the foster family home prior to the placement of a child. Documentation of the home study shall include the following:

- A minimum of two home visits for the purpose of conducting personal interviews with each member of the applicant's household
- Documentation of references, including three personal references who are not related to the applicant and two credit references
- A statement from a health professional that verifies that no member of the applicant's household has an illness or condition that would present a health or safety risk to a child
- Verification that the applicant's financial stability has been assessed and approved in accordance with the agency's written policies and procedures
- Proof that the agency performed background checks on the applicant and any member of the applicant's household
- Documentation that the applicant has access to transportation that meets the child's needs, including restraint requirements
- If an applicant or household member will be transporting a foster child, proof that the individual possesses a valid driver's license and has automobile or driver's insurance coverage
- Documentation that the applicant's home meets the minimum standards for a foster family home

**Grounds for Withholding Approval****Citation: Admin. Regs. Tit. 922, § 1:490**

An applicant shall not be approved if:

- A criminal records check reveals that the applicant or adult member of the household has a:
  - » Felony conviction involving the following:
    - A spouse, a child, sexual violence, or death
    - Physical abuse, battery, a drug, or alcohol within the 5-year period prior to application
  - » Criminal conviction relating to child abuse or neglect
  - » Civil judicial determination related to child abuse or neglect
- A child abuse or neglect check reveals that the applicant, adolescent member of the household, or adult member of the household, has been found to have:
  - » Committed sexual abuse or sexual exploitation of a child
  - » Been responsible for a child fatality or near fatality related to abuse or neglect
  - » Had parental rights terminated involuntarily
- An address check of the Sex Offender Registry and supporting documentation confirm that a sex offender resides at the applicant's home address.

**Kinship Foster Care****Citation: Rev. Stat. § 199.462**

Before an applicant is approved to provide foster care or relative caregiver services to a child or be considered a fictive kin placement for a child, the cabinet shall request either of the following:

- A criminal background investigation of the applicant and any of the applicant's adult household members by means of a fingerprint check by the Department of Kentucky State Police and the Federal Bureau of Investigation
- Records of all conviction information for the applicant and any of the applicant's adult household members from the Justice and Public Safety Cabinet

If a child is placed and resides in a fictive kin home for more than 72 hours, the cabinet shall take action, including, but not limited to, both of the following:

- Provide information on how to recognize and report child abuse or neglect
- Ensure that, within the first 5 days of a child younger than age 5 being placed in a fictive kin home, the fictive kin has completed a one-time course of 1.5 hours of training covering the prevention and recognition of pediatric abusive head trauma, as defined in § 620.020

**Foster to Adopt**

This issue is not addressed in the statutes and regulations reviewed.

**Interjurisdictional Approval****Citation: Admin. Regs. Tit. 922, § 1:370**

Children in the custody of the cabinet may be placed in out-of-State facilities after a thorough in-State facility search, documented in the case record, is unsuccessful in finding placement that serves the needs of the child. The out-of-State placement shall take into consideration the following circumstances:

- The facility's ability to meet the child's needs
- The facility's location in relation to the parent's home
- The parent's involvement with the child and their means of transportation
- The permanency goal for the child
- The cost of services is comparable to similar in-State services, when available

No child shall be placed in an out-of-State facility until the agency staff verify the following:

- The facility is licensed by and in good standing with licensing authorities in the State in which the facility is located.
- Contact is made with the social service personnel in the State where the facility is located to assess the facility's reputation and the quality of care.
- The commissioner shall approve the placement of children in out-of-State facilities.
- The placement of children in out-of-State facilities shall comply with the Interstate Compact on Placement of Children (ICPC).

Through the ICPC, the Department for Community-Based Services shall request courtesy supervision for each child placed in an out-of-State facility. The department also shall request a report every 6 months as a result of the courtesy supervision. Individuals designated by the facility where the child is placed shall be invited to participate in the case-planning conferences, either in person or by telephone conferencing. The permanency hearing for the child shall assess whether the out-of-State placement continues to meet the needs of the child according to the established case plan.

### Links to Resources

State regulations [full text](#)

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## Louisiana

*Current Through February 2018*

### Who May Apply

**Citation: Admin. Code Tit. 67, § 7313(B)**

The foster parent applicant must verify that he or she is legally married or single and provide proof of United States citizenship or legal alien status.

The foster parent applicant must be at least age 21 and younger than age 65. If the foster parent is a relative, he or she shall be considered if he or she is between age 18 and 21 or over age 65 and is able to meet the needs of the child to be placed in his or her home.

The applicant must have sufficient income, separate from foster care reimbursement, to meet the needs of the family.

Each member of the applicant's household shall submit a statement that is signed by a licensed physician or licensed health-care professional verifying that the individual:

- Is free of a communicable or infectious disease
- Has no illness or condition that would present a health risk, including past and present mental health conditions, or a safety risk to a child placed in the applicant's home
- Is physically able to provide necessary care for a child

The foster parents shall have access to reliable transportation, school, recreation, medical care, and community facilities. A foster parent who drives shall possess a valid driver's license and proof of liability insurance and abide by passenger restraint laws.

Foster parents shall have or develop an adequate support system for supervising and providing care for the children on an ongoing basis to allow foster parents opportunities for conducting personal business and for enjoying occasional breaks from the responsibility of caring for the children.

### Training Requirements

**Citation: Admin. Code Tit. 67, § 7313(B)**

The agency shall develop and provide orientation and preparation to a prospective foster parent, to include the following:

- Program description with mission statement
- Information about the rights and responsibilities of the home
- Background information about the foster child and the child's family
- An example of an actual experience from a foster parent that has fostered a child
- Information regarding the stages of grief, the behavior linked to each stage of grief, and the long-term effect of separation and loss on a child

- Permanency planning for a child, including independent living services
- The importance of attachment on a child's growth and development and how a child may maintain or develop a healthy attachment
- Family functioning, values, and expectations of a foster home
- Cultural competency
- How a child enters care and experiences foster care, and the importance of achieving permanency
- Identification of changes that may occur in the home if a placement occurs, including the following:
  - » Family adjustment and disruption
  - » Identity issues
  - » Discipline issues and child behavior management
  - » Specific requirements and responsibilities of a foster parent

The foster parent(s) shall annually participate in a minimum of 15 hours of approved training. The hours may be shared among the adult members of the family, however, each adult shall receive a minimum of 5 hours and shall maintain a record of all preparation and training completed.

All foster parents shall receive training or training materials regarding reasonable and prudent parenting. The training shall include, but is not limited to, the following topic areas:

- Age or developmentally appropriate activities
- The role of the foster parents and of the agency
- Allowing for normalcy for the child while respecting the parent's residual rights

#### **Minimum Standards for Foster Homes**

**Citation: Admin. Code Tit. 67, § 7313(B)**

A foster home shall be reasonably safe, in good repair, and comparable in appearance and maintenance to other family homes in the community. The home and the exterior around the home shall be free from objects, materials, and conditions that constitute a danger to the children served.

A foster home shall have a safe outdoor play area either on the property or within a reasonable distance of the property. Any play equipment on the property shall be safe, well-constructed, and suitable for the children served.

All cooking areas and equipment shall be in working and sanitary condition. The home shall have a comfortable dining area with sufficient furniture to allow all members of the household to eat together. It shall have living space that is comfortably furnished and accessible to all members of the family.

No more than four children to a bedroom are permitted. Each child shall have his or her own bed, and each infant shall have his or her own crib. Children over age 6 may not share a bedroom with a person of the opposite sex. Children shall not share a bedroom with adults. The home shall have sufficient bedroom space to allow at least 75 square feet for each child and an additional 55 square feet for each additional child in the room.

A foster home shall have a minimum of one flush toilet and one washbasin and tub or shower with hot and cold running water. The home shall have a continuous supply of clean drinking water. All plumbing in the home shall be in working order.

A foster home shall be well-heated and ventilated. Foster parents shall have access to a telephone within a reasonable distance of the home. They shall ensure the safe storage of drugs, poisons, firearms, or other harmful materials.

A foster home shall be free from fire hazards and equipped with an operating smoke alarm within 10 feet of each bedroom. There also shall be a portable chemical fire extinguisher in the cooking area of the home.

#### **Approval Process**

**Citation: Admin. Code Tit. 67, § 7313**

The agency shall perform a State and national criminal background check on the applicant and any member of the applicant's household. In addition, an inquiry of the State central registry for household members who are age 18 and older shall be conducted. If the applicant or any other adult living in the home resided in another State within the preceding 5 years, the agency shall obtain information from that State's abuse and neglect registry.

The agency shall complete a home study on an applicant prior to placement of a child in the home. The home study shall include:

- Proof of the applicant's identity
- Three personal references who are not related to the applicant and one reference who is related to the applicant but does not live in the home

The home study also shall include:

- At least two home visits and a third visit that may be a home or office visit, including separate face-to-face interviews with each age-appropriate household member and an interview with an adult child of the applicant who does not live in the home regarding the applicant's parenting history
- A discussion of the motivation to provide foster care
- Background and social information, including, but not limited to, the following:
  - » Family background, customs, and relationship patterns
  - » Family interaction patterns and how a new child would fit in and affect family relationships
  - » Hobbies, interests, social contacts, and community involvement
  - » A discussion of the past and present mental and physical health of the applicant and family members
  - » A discussion of religious faith, affiliation, practices, attitudes towards religion, and openness to the religion of others
  - » An assessment of the attitude of each family member and significant others involved with the family toward the placement of a child into the home
  - » Disciplinary beliefs and practices
  - » Child care plans if the parents work outside of the home

### **Grounds for Withholding Approval**

**Citation: Rev. Stat. § 46:51.2; Admin. Code Tit. 67, § 7313(A)**

Except for emergency placement, no child shall be newly placed in a foster home for temporary care or for adoption until it is determined that no adult living in such home has been convicted of or pled nolo contendere to a crime listed in § 15:587.1(C), including, but not limited to, murder, manslaughter, feticide, rape, kidnapping, rehoming of a child, criminal neglect of family, criminal abandonment, felony carnal knowledge of a juvenile, pornography involving juveniles, prostitution, contributing to the delinquency of juveniles, cruelty to juveniles, desertion of juveniles, crimes of violence as defined in § 14:2(B), sex offenses as defined in § 15:541, obscenity, voyeurism, sale of minor children, or convictions for attempt or conspiracy to commit any of those offenses.

No child shall be newly placed in a foster home for temporary care, except for emergency placement, until it is determined that the prospective foster or adoptive parent has not been convicted of or pled nolo contendere to a drug-related crime unless 5 or more years have elapsed between the date of placement and the date of successful completion of any sentence, deferred adjudication, or period of probation or parole.

*In regulation:* No person who is recorded on the State central registry with a valid (justified) finding of abuse or neglect of a child can reside in the home.

### **Kinship Foster Care**

**Citation: Rev. Stat. §§ 46:286.1; 46:283**

When a child has been removed from home and is in the custody of the Office of Children and Family Services, the office shall make reasonable attempts to place the child with a relative for kinship foster care. If the relative is approved to provide foster care services, the relative shall be eligible to receive payment for the full foster care rate.

The eligibility standards for becoming a kinship foster parent include the following:

- The person must be related to the child's parent or stepparent within the second degree.
- The kinship foster parent shall be age 21 or older.

A person shall be eligible to become a kinship foster parent only upon the completion of an investigation to ascertain whether there is a State or Federal record of criminal history for the prospective kinship foster parent or any other individual residing in the prospective parent's home.

The office shall determine whether the person is able to care effectively for the child by completing all of the following:

- Reviewing personal and professional references
- Observing the kinship foster parent with household members during a home visit
- Interviewing the kinship foster parent

In emergency situations, relatives and friends of the foster child who have applied to be foster parents and who appear to meet eligibility criteria may be certified by the department for one 90-day period without the required training.

The department may establish separate minimum training requirements for relatives of a foster child. These minimum requirements shall include 10 hours of preservice training, participation with the department in periodic home visits and legally mandated status reviews, and annual training as prescribed in the child's service plan at the status review.

### **Foster to Adopt**

**Citation: Rev. Stat. § 46:286.13**

Foster parents have the right for first consideration as a placement option for a child previously placed in their home and for a child placed in their home who becomes available for adoption, if relative placement is not available.

### **Interjurisdictional Approval**

**Citation: Children's Code Art. 1610; Admin. Code Tit. 67, § 7313(A)**

Any out-of-home placement of a child outside the State is subject to the provisions of the Interstate Compact on the Placement of Children (ICPC).

The child shall not be sent into the receiving State until the appropriate public authorities in the receiving State notify the sending agency, in writing, that the proposed placement does not appear to be contrary to the interests of the child.

*In regulation:* The provider accepting any child who resides in another State shall show proof of compliance with the terms of the ICPC. Proof of compliance shall include clearance letters from the compact officers of each State involved.

The provider shall send written notice to the administrator of the ICPC on forms provided by the department before placing into or receiving a child from another State. No interstate placement shall occur without prior approval from the compact administrator from the receiving State. The provider shall conduct or accept only a State-approved home study for interstate foster home placements.

### **Links to Resources**

Department of Children and Family Services, [Foster Parenting](#)

[The Foster Parent Handbook for the Foster and Adoptive Families of Louisiana](#) (PDF - 714 KB)

State regulations [full text](#) (see part V, subpart 8, chapter 73)

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## **Maine**

*Current Through February 2018*

### **Who May Apply**

**Citation: Code of Rules 10-148-016, §§ 2; 9**

An applicant for a license to operate a family foster home must reside in Maine and intend to reside in Maine for the period required for completion of the licensing/approval process.

Foster parents must be at least age 21. The members of the foster family having responsibility for caring for the foster children shall be emotionally stable, mature, and law-abiding individuals who are able to exercise good judgment in meeting the needs of a child and shall not engage in practices detrimental to the welfare of children.

Members of the household responsible for foster children will have successfully resolved any serious conflicts/experiences in their past, including, but not limited to, substance abuse, family violence, sexual abuse, relationship difficulties, and other personal issues that could negatively impact a child. Members of the household or persons frequenting the foster home shall not engage in practices detrimental to the welfare of children.

The relationships within the foster family should be generally positive and adequately meet the social, emotional, and developmental needs of each family member through a combination of family and community relationships and activities and acceptance of diversity.

Members of the household responsible for foster children will have the capacity to understand and meet the developmental and individual needs of children and the flexibility to treat a child in a manner consistent with those needs.

The foster family shall have an ongoing, predictable income to ensure that the home is maintained in conformity with the requirements of these regulations.

### **Training Requirements**

#### **Citation: Code of Rules 10-148-016, § 9**

Applicants shall have completed an introductory training program for foster parents or its equivalent offered or approved by the Department of Health and Human Services prior to being licensed. Exceptions to the completion of an introductory training may be made when the foster parents are applying for a license with the intent to care for a specific child and have an already-established relationship with the child and where no other foster children will be living. Exceptions to this rule must receive prior approval from the Foster Care Licensing Supervisor.

Foster parents shall participate in ongoing training of at least 18 hours for the licensees' combined hours of training, with at least 6 of those hours completed by the secondary foster parent, if applicable, within the 2-year licensing period. The training must be related to the needs of the children in foster care and approved by the licensing agency. At the time of initial and renewal licensure, the Foster Care Licensing Worker will provide the licensees with a list of required training and approved training options. Documentation of required training must be provided to the Foster Care Licensing Worker at the time of license renewal.

### **Minimum Standards for Foster Homes**

#### **Citation: Code of Rules 10-148-016, § 9**

The premises must be kept in a state of cleanliness and maintained in a condition ensuring health and safety. All potentially harmful materials must be stored in locked storage areas or kept in a place inaccessible to children.

Foster homes shall have indoor plumbing appropriate and adaptable to the needs of the foster children and accessible without passing through a designated sleeping area. The toilet and bath facilities must be in good repair, in sanitary condition, have doors, and provide reasonable privacy.

Foster parents who transport foster children in their own vehicles shall comply with all State laws governing motor vehicle operation, including current driver license, vehicle registration, inspection, insurance, and use of age-appropriate passenger restraint systems.

The foster home shall have adequate heat, light, and ventilation for safe and comfortable occupancy, with adequate family living space for the comfort of family members for meals and recreation. The foster home shall have adequate furniture in good repair for all living areas. The foster home must have a telephone and answering machine or answering service. The dining area shall have adequate space for eating.

Bedrooms shall meet the following criteria:

- Each bedroom used by foster children shall contain at least 40 square feet of floor space per person, except that a room for one child shall contain at least 60 square feet of floor space.
- No adult shall share a bedroom with a child over age 1.
- No child over age 5 may sleep in the same room with a child of the opposite sex.
- Each foster child must have a separate bed with adequate, clean bedding.

### **Approval Process**

#### **Citation: Code of Rules 10-148-016, §§ 2; 9**

Following the receipt of a complete application, the department will evaluate the adequacy of care planned or provided for foster children and the adequacy of the premises in accordance with the applicable laws and regulations. At the time of application, the applicant shall:

- Sign a consent allowing a licensed medical personnel to provide a medical statement that attests that the applicant and any household members are free of any communicable or contagious disease or illness that may affect the quality of child care provided



- Provide names and contact information for three persons who are acquainted with but not related to the applicant to serve as references
- Undergo fingerprinting for fingerprint-based checks of national crime information databases
- Submit releases signed by each adult member of the household to request criminal history records
- Disclose to the department the following information regarding themselves or persons residing in their home:
  - » Arrests or convictions for sexual or violent crimes
  - » Arrests or convictions for operating under the influence or for any other activity that involves substance abuse
  - » Admission to a mental health or substance abuse treatment facility
  - » Any serious physical problems
  - » Whether a child protective services unit has ever investigated the family situation for allegations of child abuse or neglect
  - » Any suspensions or revocations of previous licenses
  - » The removal of children from their care or custody
  - » Any denial of approval to adopt

No license to operate a foster home can be issued until such home passes a satisfactory inspection for fire safety and fire protection.

### **Grounds for Withholding Approval**

**Citation: Code of Rules 10-148-016, § 9**

The department shall not grant a license to persons convicted of a felony involving child abuse or neglect; spousal abuse; a crime against a child or children, including child pornography; or a crime involving violence, including rape, sexual assault, or homicide.

The department shall not grant a license to persons convicted within the last 5 years of a felony involving physical assault, battery, or a drug-related offense.

An application may be denied if the applicant has an open child protective services (CPS) case or a closed substantiated and/or indicated CPS case. An open CPS case includes a pending disposition of an open report, a case open for assessment, or a case open for services.

### **Kinship Foster Care**

**Citation: Rev. Stat. Tit. 22, §§ 4003; 4005-E**

A relative may make a request in writing for placement of a related child. In making a decision on the request, the court shall make placement with a relative a priority for consideration if that placement is in the best interests of the child. There is a rebuttable presumption that contact with the relative is not in the best interests of the child if the court finds that the relative has been:

- Convicted of domestic abuse in which the victim was a minor at the time of the offense and the relative was at least 5 years older than the minor, except that, if the offense was gross sexual assault, and the minor victim submitted as a result of compulsion, the presumption applies regardless of the ages of the relative and the minor victim at the time of the offense
- Adjudicated of sexually abusing a person who was a minor at the time of the abuse

### **Foster to Adopt**

This issue is not addressed in the statutes and regulations reviewed.

### **Interjurisdictional Approval**

**Citation: Rev. Stat. Tit. 22, § 4255**

Prior to sending a child to another State for placement, the public child-placing agency in the sending State shall provide a written request for assessment to the receiving State. Upon receipt of a request from the public child welfare agency of the sending State, the receiving State shall initiate an assessment of the proposed placement to determine its safety and suitability. If the proposed placement is a placement with a relative, the public child-placing agency of the sending State may request a determination of whether the placement qualifies as a provisional placement. The public child-placing agency in the receiving State may request from the child-placing agency in the sending State, and is entitled to receive, supporting or additional information necessary to complete the assessment.

## Links to Resources

State regulations [full text](#)

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### Maryland

*Current Through February 2018*

#### Who May Apply

**Citation: Code of Regs. 07.02.25.04; 07.02.25.05**

An applicant shall be at least age 21 and a U.S. citizen or legal immigrant admitted for legal residence.

All family members and other household members shall undergo an initial medical examination and formal medical reexaminations at least every 2 years. The initial examination shall include the analysis of tuberculosis tests or x-rays.

If a resource parent is age 60 or older, the local department shall observe and document that the resource parent's strength is adequate to meet the needs of children in care.

A resource family shall have sufficient income and financial stability to provide reasonable living conditions for their own family without depending upon the reimbursement for basic foster care.

Resource parents shall have the following characteristics:

- Knowledge of, interest in, and regard for the principles of good child care; understanding of the resource parents' responsibility in providing good child care; and understanding of the requirements for approval
- Maturity and personality characteristics that help maintain the family ties through regular and consistent family contact
- The capacity to value, respect, appreciate, and educate a child regarding the child's racial, ethnic, religious, and cultural heritage
- The suitability in age and physical stamina to meet the demands of caring for growing children
- The willingness to support and encourage a child's educational progress and take an active role by attending school conferences and similar activities whenever possible
- The ability to provide adequate family life and meet the needs of a foster child, notwithstanding any employment outside the home
- Awareness of the way in which a child needs family life to grow and learn and the ability to provide the child with the values that parents customarily provide, including training and opportunities for socialization

#### Training Requirements

**Citation: Code of Regs. 07.02.25.14**

A local Department of Social Services shall provide or arrange for a minimum of 27 hours of preservice training during the recruitment and mutual selection process of resource parents before formal approval of a home and before placing a child in the home. This training includes the following:

- Roles and relationships in foster care among local department personnel, the resource parent, the child's birth parent, and the child
- Separation anxiety and the importance of the child's family and the child's communication with them
- Developmental needs of children in care
- Special needs children
- Awareness of cultural and religious differences
- Child management and discipline techniques
- Child abuse and neglect
- Supportive services available in the community for children and foster families
- Self-awareness
- Communication and problem-solving skills

Resource parents shall acquire a minimum of 10 hours of training a year, as approved by the administration, including 2 hours of training in behavior management every other year. The training shall consist of continuing work on the areas listed above for the preservice training and any additional topics, as needed.

### **Minimum Standards for Foster Homes**

#### **Citation: Code of Regs. 07.02.25.04**

A resource family home shall meet applicable public health and sanitary standards. The local department shall have, in writing, the approval of the local health department before approving the resource home. A resource home worker shall inspect the home to ensure that general safety standards are met.

Prescription and nonprescription drugs, dangerous household supplies, tools, firearms, and any other household items that are potentially life threatening or injurious to children shall be kept in a safe location, inaccessible to children.

The local department shall have, in writing, the approval of the local or State fire officials that a resource family home meets the safety requirements of the local fire department and any other applicable State or local requirement before approving the resource home.

Resource homes that rely on the combustion of fossil fuels for heat, ventilation, hot water, or clothes dryer operation shall have a carbon monoxide alarm. The resource home shall have an approved working smoke detector or detectors installed.

The family living quarters shall be adequate to provide space for foster children without disrupting the usual sleeping and living arrangements of the family group. A foster child's sleeping and living quarters shall have provision for privacy, study at home, and storage of clothes, toys, and personal possessions.

Each child shall have an individual bed that may not be stacked in vertical bunk bed formation. Except for children younger than age 2, boys and girls may not sleep in the same room. A teenaged parent may share a bedroom with the parent's infant child until the child reaches age 2.

A resource parent who maintains a pet in the home shall ensure that the pet is appropriately licensed or registered, vaccinated, and leashed.

A resource parent shall ensure that the child has legal and safe transportation.

### **Approval Process**

#### **Citation: Code of Regs. 07.02.25.04; 07.02.25.06**

Before a resource home may be approved, an applicant and all household members age 18 and older shall apply for State and Federal criminal background checks. In addition, the local department shall request information from the State-maintained child abuse and neglect registry of any State in which an applicant or another adult in the household has lived within the last 5 years to determine whether an individual in the household has a prior indicated finding of abuse or neglect. The applicant also shall undergo a child support clearance to determine any child support arrears owed. If found that the applicant does have a child support arrearage, the applicant shall be given the chance to correct the arrearage.

As part of the home study process, the resource home worker shall:

- Conduct at least three visits at the home of the prospective resource parent
- Obtain three personal references, as follows:
  - » Two of the references shall be supported by a personal interview.
  - » Only one of the references may be a relative.
  - » If there is a school-aged child in the prospective resource family, references from school personnel shall be requested.
- Obtain verification of income
- Obtain verification of marital status, if applicable
- Request a health and sanitary inspection of the home by the local health department
- Make certain that fire safety approval is obtained
- Provide preservice training for the prospective resource family and ensure that all material contained in the preservice training is provided to the family

One of the home visits shall include a meeting with each resource parent individually, and other visits shall include the entire family, a discussion of training, and a tour of the house.

### **Grounds for Withholding Approval**

**Citation: Code of Regs. 07.02.25.04; 07.02.25.18**

The department may not approve or continue to approve as a resource home any home in which an individual has an indicated child abuse or neglect finding.

The department may not approve as a resource home any home in which an adult in the household:

- Has a felony conviction for:
  - » Child abuse or neglect
  - » Spousal abuse
  - » A crime against a child, including child pornography
  - » A crime of violence including rape, sexual assault, or homicide, but not including other physical assault or battery
  - » Human trafficking
- In the 5 years before the date of the application, has a felony conviction involving physical assault, battery, or a drug-related offense

The local department may deny an application if:

- The applicant or the home in which the care is provided fails to meet the requirements of this chapter.
- An evaluation of the application form by the local department reveals that the applicant knowingly reported false information.
- The applicant has a history of regulatory violations that demonstrates an inability to provide for the health and safety of the children.
- The applicant has previously had approval denied or revoked by any local department, unless the local department is satisfied that the condition that was the basis for the denial or revocation has been corrected.
- The applicant prevents the local department from completing its responsibilities for approval.
- An evaluation of criminal records or child abuse or neglect records indicates behavior harmful to children.
- Based on substantial, credible evidence, the local department concludes that the applicant cannot provide for the health, safety, or welfare of the children in care because of abuse of alcohol or other controlled dangerous substances, mental instability, or any other condition that creates reasonable doubt as to the applicant's ability to provide foster care.

### **Kinship Foster Care**

**Citation: Code of Regs. 07.02.25.10**

A local department shall give priority consideration as a placement resource to relatives when a child is committed to the department for out-of-home placement. In order to approve a relative as a kinship parent, a local department shall conduct the following:

- State and Federal criminal background checks and child protective services clearances
- An assessment of the relative, with particular attention given to:
  - » Their relationship with the child and the child's parents
  - » The care provided by the relative to other children in the relative's home
  - » Their knowledge and understanding of the circumstances that led to the need for the child's placement
  - » Their role in the past in helping or protecting the child and their present ability to protect the child placed in the relative's home
  - » Their ability to understand the need for protection
  - » Their willingness to assume legal responsibility for the child if reunification is not possible within 12 to 18 months
  - » Their willingness to cooperate with the local department

- An assessment of their willingness and ability to:
  - » Work with birth parents and encourage reunification
  - » Enforce the visitation schedule developed by the department with the child's parents
  - » Support and encourage the child's educational progress
  - » Ensure that the child attends school, as required
  - » Refrain from using corporal punishment as a method of discipline
- A home inspection to verify that the home is physically safe and appropriate and has:
  - » Adequate heat, light, water, refrigeration, cooking, and toilet facilities
  - » Functioning smoke and carbon monoxide detectors
  - » Safety precautions regarding firearms and prescription and nonprescription drugs, dangerous household supplies, tools, and any other household items that are potentially life threatening or injurious to children
  - » Otherwise met basic health and safety standards

**Foster to Adopt****Citation: Code of Regs. 07.02.25.04(N)**

A home shall be approved as both foster care and adoption placement, and the dually approved home shall be considered a resource home.

**Interjurisdictional Approval****Citation: Fam. Law § 5-604; Code of Regs. 07.02.25.06**

Any out-of-home placement of a child outside the State is subject to the provisions of the Interstate Compact on the Placement of Children (ICPC).

The child shall not be sent into the receiving State until the appropriate public authorities in the receiving State notify the sending agency, in writing, that the proposed placement does not appear to be contrary to the interests of the child.

*In regulation:* A home study for a relative placement, foster care, or adoption that is referred from another State under the ICPC shall be:

- Forwarded to the appropriate local department within 5 calendar days of receipt at the Maryland ICPC Office
- Completed by the local department and returned to the Maryland ICPC Office within 45 calendar days of receipt
- Forwarded to requesting State within 60 calendar days from the date of the receipt of the request at the Maryland ICPC Office

**Links to Resources**

[Maryland Resource Parent Handbook](#) (PDF - 7,634 KB)

**Massachusetts**

*Current Through February 2018*

**Who May Apply****Citation: Code of Regs. Tit. 110, §§ 7.100; 7.104**

A person will be eligible to apply to be a foster parent if:

- The person's home meets the physical standards as set forth in regulation.
- The person's schedule would not require that a foster child of preschool age spend in excess of 50 hours per week in child care or that a foster child in the first grade or beyond spend more than 25 hours in child care each week.
- The person has a stable source of income sufficient to support the household.
- The person has a stable housing history.
- The person possesses the basic ability to read and write in English or in his/her primary language.
- The person has a working telephone.

- The person is at least age 18.
- The person is a U.S. citizen or has been granted legal permanent resident status.
- The premises of the home are free of any animal that would pose a danger to a foster child.

In order to be licensed, an applicant must meet the following requirements:

- The applicant must demonstrate the ability:
  - » To provide a safe, supportive, nurturing, and stable family environment
  - » To respect the child's racial, ethnic, linguistic, cultural, and religious background
  - » To accept and support the child's relationship with his or her parents, siblings, and other family members
  - » To work with the Department of Children and Families and the foster child's parents in implementing the child's service plan
- The applicant or any household member must:
  - » Be free of any physical, mental, or emotional illness or handicap that would impair his or her ability to provide appropriate care
  - » Have a record that is free of criminal conduct that bears upon his or her ability to assume the responsibilities of a foster/preadoptive parent

### Training Requirements

**Citation: Code of Regs. Tit. 110, § 7.103; Tit. 102, § 5.10(2)**

After the department receives a completed application, the department shall arrange for the foster/preadoptive applicant to attend the department's approved foster/preadoptive service orientation, education, and support training program for the type of foster care the applicant seeks to provide. The training program will include, but not be limited to, the information required by 102 CMR 5.10(2) (see below). The training is designed to ensure that the foster/preadoptive family will provide adequate foster care (including health care), abide by the foster/preadoptive parent agreement, and comply with applicable State and Federal laws and regulations. The foster/preadoptive applicant's participation will be recorded in the foster/preadoptive applicant's record.

The agency shall provide an orientation for foster parent applicants. The orientation shall include general information on the following:

- The characteristics, needs, and number of children available for foster care
- The role of the placement agency, the children served by the agency, and the services provided by the placement agency
- The agency philosophy and policy regarding discipline of children
- Separation and loss and the circumstances under which children require placement
- The legal rights and responsibilities of foster parents
- Fostering children with special needs

### Minimum Standards for Foster Homes

**Citation: Code of Regs. Tit. 110, § 7.105**

An applicant's home must meet the following requirements:

- The home must be clean, safe, free of obvious fire and other hazards, and of sufficient size to accommodate comfortably and appropriately all members of the household and the approved number of foster children.
- The home must have safe and adequate lighting, ventilation, hot and cold water, plumbing, electricity, and heat.
- The home must be furnished with a refrigerator and cooking stove in safe, working condition.
- No foster child over age 1 shall share a bedroom with an adult, except if the foster children had been sharing a bedroom in the foster home prior to their 18th birthday and one of the children turns age 18.
- The home must have sufficient furniture to allow each child to sleep in a separate bed and to have adequate storage space for his or her personal belongings.
- No foster child over age 4, except for siblings up to age 8, shall share a bedroom with a child of the opposite sex.

- The home must have bedrooms that provide at least 50 square feet per child, except for kinship homes if the bedrooms provide at least 35 square feet per child, and shall accommodate no more than four children per bedroom.
- Each floor of the home, including the basement, shall be equipped with smoke detectors in working order.
- If the home uses well water, it shall be tested and determined safe, and a report of the test shall be furnished to the department.
- No more than four foster children shall reside in the foster home at any one time, and at no time shall the total number of children residing in the home exceed six. Exceptions may be made to accommodate siblings.
- Any firearm located in the home shall be licensed and registered in accordance with State law, shall be trigger locked or fully inoperable, and shall be stored without ammunition in a locked area. Ammunition shall be stored in a separate locked area.

### Approval Process

**Citation: Ann. Laws Ch. 119, § 26A; Code of Regs. Tit. 110, § 7.107**

As part of the department's licensing and background record check process, the department shall conduct fingerprint-based checks of the State and national criminal history databases for all applicants and all household members age 15 or older. The department also shall obtain from the sex offender registry board all available sex offender registry information associated with the address of all persons in the household who are age 15 or older.

*In regulation:* A comprehensive assessment will be performed by the department and shall include at least the following:

- An interview with each household member as appropriate to her/his age and verbal capacity, including an individual interview with each applicant
- Home visits
- Contacts with personal references supplied by the applicant and other individuals seen by the department as useful to the assessment
- Contact with a licensed physician who has conducted a current medical examination of the applicant and each household member
- Contact with the employer for each employed applicant
- Contact with the school for school-age children living in the home and younger children who participate in a preschool or child care program
- A check of the department's central registry
- For any applicant who has lived out of State within the 5 years prior to application, a check of the central registry of child abuse and neglect of each State in which the applicant lived
- A check of the State criminal offender record information
- A fingerprint-based check of the national crime information databases for each foster/preadoptive parent during the initial license study
- A specific assessment of the applicant's ability to meet the special needs of the children the department will be placing
- Successful completion of the department's training program, unless waived
- Confirmation that the applicants and the applicants' home meet the standards established by regulation

### Grounds for Withholding Approval

**Citation: Ann. Laws Ch. 119, § 26A; Code of Regs. Tit. 110, § 7.100**

The department shall reject the application if a record check reveals a State felony conviction for any of the following:

- Assault and battery upon a child
- Assault with intent to rape
- Rape and abuse of a child
- Posing or exhibiting a child
- Incest
- Indecent assault and battery



- Inducing a minor into prostitution
- Murder
- Unnatural acts with a child under age 16
- Human trafficking
- Physical assault, battery, or a drug-related offense that was committed in the past 5 years

*In regulation:* An individual will not be approved to be a foster parent if he or she:

- Has criminal record that, in the judgment of the department, bears adversely upon the individual's ability to assume and carry out the responsibilities of a foster parent
- Is identified by the department as alleged to be responsible for abuse or neglect of a child in a screened-out report of child abuse or neglect or supported in an investigation that was referred to the district attorney
- Has a history of involvement with the department, including, but not limited to, being the victim or the perpetrator of child abuse or neglect, which in the judgment of the department would bear adversely on the person's ability to assume and carry out the responsibilities of a foster parent
- Is not a resident of the Commonwealth
- Does not meet the requirements for applying to be a foster parent, as described above in 110 CMR 7.100 and 7.104

### **Kinship Foster Care**

**Citation: Code of Regs. Tit. 110, § 7.108**

Kinship or child-specific placements may occur when a specific child is to be placed into a specific home and that home is not available for other foster children.

If the department determines that an emergency kinship or child-specific placement is necessary, the department will first conduct an initial eligibility screening of the individual seeking to become the child's foster parent, all household members, and the home that shall include the following:

- Criminal records and child abuse and neglect history checks on all household members age 14 older
- A home visit
- A determination that the home meets the physical standards set forth in regulation
- Interviews of all household members

If an emergency placement is made, the individual is deemed eligible to apply to become the approved family for the child and may submit a completed foster/preadoptive application. The department shall complete a comprehensive assessment of the foster/preadoptive application within 40 working days after placement. If the assessment reveals compliance with standards, the placement shall be approved, but solely for the child for whom an emergency placement had been made. If the assessment reveals that the requisite standards are not met, the placement shall not be approved, and the child for whom an emergency placement had been made shall be removed from the home.

When the department is not considering the kinship or child-specific home for an emergency placement, the department shall conduct an initial eligibility screening of the proposed caregivers. If the proposed caregivers are determined to be eligible, they shall submit a completed foster/preadoptive application to the department, and the department shall complete a foster/preadoptive assessment within 40 working days after receiving the completed application.

### **Foster to Adopt**

**Citation: Code of Regs. Tit. 110, § 7.200**

Any foster parent may seek to become the preadoptive placement for a child for whom the department's long-term goal is adoption. A foster parent may be approved as the preadoptive placement for a particular child if the department determines, after assessment, that adoption by the foster parent will further the best interests of that child.

Whenever a child is placed with a family who has been approved as a preadoptive placement and the child is not yet free for adoption, the preadoptive family:

- Shall be informed, plainly and clearly, that the child placed with them is not yet and may not become free for adoption
- Shall be required to acknowledge their understanding and voluntary assumption of the 'legal risk' nature of the placement

- Shall periodically be updated by the assigned social worker or adoption worker about the legal status of the child in their care
- Shall be informed they are not parties to and should not expect to become parties to any proceeding brought by the department or to receive legal advice from department legal staff in connection with any such proceeding

All preadoptive parents who have a child in preadoptive placement shall have a full or abbreviated reevaluation, as appropriate:

- Whenever the department learns of factors affecting the suitability of the placement
- Within 30 days prior to an adoption if the adoption occurs more than 1 year after approval of the preadoptive placement
- Annually in accordance with 110 CMR 7.113

The reevaluation shall be in writing and a copy shall be given to the preadoptive parents.

### **Interjurisdictional Approval**

**Citation: Code of Regs. Tit. 110, §§ 7.514; 7.516**

Any sending agency that intends to send or place a Massachusetts child into another State shall give advance written notice of its intention to the Compact Administrator of the Commonwealth and of the receiving State. The sending agency must provide the following information:

- The name, date, and place of birth of the child
- The identity and address of the parents
- A statement of the reasons for such proposed action
- A social assessment of the child and family
- Copies of all court documents relating to custody of the child
- A home study of the proposed placement conducted by a placement agency licensed or approved by the receiving State
- Evidence of the authority of the sending agency to place the child

All placements of children across State borders into the Commonwealth shall require the advance approval, in writing, of the Compact Administrator of the Commonwealth. Approval of the placement requires the submission of an application that includes the following:

- The name, date, and place of birth of the child
- The identity and address of the parents
- The name and address of the person or institution to which the sending agency proposes to place the child
- A statement of the reasons for the proposed action
- A social assessment of the child and family
- Copies of all court documents relating to custody of the child
- A home study of the proposed placement conducted by a placement agency licensed or approved by the Office for Children
- Evidence of authority of the sending agency to place the child

The receiving agency shall arrange for the actual placement of the child and shall supervise the placement if requested to do so by the sending agency. Within 30 days, the receiving agency shall conduct a home study of the family with whom placement is to be made and make a recommendation on the suitability of the placement to the Compact Administrator of the Commonwealth.

### **Links to Resources**

Massachusetts Department of Social Services, [A Guide for Foster and Pre-Adoptive Parents](#) (PDF - 3,256 KB)

[Guía para padres temporales y preadoptivos](#) (PDF - 1,669 KB)

State regulations [full text](#) (PDF - 517 KB)

**Michigan**

*Current Through February 2018*

**Who May Apply**

**Citation: Admin. Code R 400.9201; R 400.9202**

A foster home applicant shall meet all of the following qualifications:

- Be age 18 or older
- Be of good moral character
- Express a willingness to provide care for children who are served by the agency
- Demonstrate an understanding of the care that must be provided to the children or express a willingness to learn how to provide that care
- Have adequate time to provide care and supervision for the children
- Have a defined source of income, and be capable of managing that income, to meet the needs of the foster family
- Be of such physical, mental, and emotional health to ensure appropriate care of children
- Express a willingness, and demonstrate the ability, to work with a foster child's family or future family
- Be of responsible character and be suitable and able to meet the needs of children and provide for their care, supervision, and protection
- Demonstrate a willingness and ability to comply with the licensing rules for foster homes
- Be residing in the United States legally

To ensure the safety and welfare of a foster child, a member of the household shall meet all of the following qualifications:

- Be of good moral character and suitable to assure the welfare of children
- Be in a state of physical, mental, and emotional health that will not impair the care of a foster child
- Be willing to accept a foster child into the foster home as a member of the household

**Training Requirements**

**Citation: Admin. Code R 400.12307; 400.12312**

Foster parent orientation shall consist of all of the following areas:

- Purposes of foster care
- Characteristics and needs of the children placed by the agency
- Attachment and separation issues
- Impact of fostering on the foster family
- Role of the foster family
- Licensing process
- Grievance procedure
- Importance of a child's family
- Parent and sibling visits
- Agency foster care policies and procedures
- Foster parent training requirements
- Supportive services and resources
- Provisions of the Children's Ombudsman Act
- Provisions of the Child Protection Act
- Foster care review board appeal procedures

An agency shall develop a foster parent training plan with the participation of foster parents. The foster parent training plan shall provide for all of the following:

- The individual training needs of the foster parents
- No less than 12 hours of training to be completed by each person named on the license before a recommendation for licensure is made
- No less than an additional 12 hours of training during the next 2 years
- No less than 6 hours of training annually in subsequent years

No more than 6 hours of the orientation may be included as part of the 12 hours of training. The training shall address all of the following areas:

- Characteristics and needs of children
- Safe sleep practices for infants
- Effective parenting
- Behavior management
- Importance of the foster child's family
- Concurrent planning
- Role of the agency
- Emergency procedures, first aid, and fire safety
- Preparation of the foster child for independence

At least one adult member of the household shall have training and maintain current certification in first aid from the American Heart Association or the American Red Cross or other institution approved by the department.

#### **Minimum Standards for Foster Homes**

**Citation: Admin. Code R 400.9301 through 400.9310**

A foster parent shall ensure that the property, structure, premises, and furnishings of a foster home are constructed and maintained in a clean and safe condition and in good repair. The home must have adequate heat, light, and ventilation.

A foster parent shall ensure that all animals are safe to be around members of the household and the children who may be placed in the home. Animals shall be licensed and vaccinated in accordance with the laws of the municipality where the foster home is located.

The home must have at least one smoke detector on each floor of the home, including the basement, and one between the sleeping area and the rest of the home. In a home that has more than one sleeping area, a smoke detector must be installed to protect each separate sleeping area.

The home must have at least one carbon monoxide detector that is installed and maintained in an area of the home as recommended by the manufacturer.

The foster home must have at least one flush toilet, one washbasin that has warm and cold running water, and one bathtub or shower that has warm and cold running water, all of which shall be in working order. The water supply for the home must be from a source that is approved for a private home by the health authority.

Bedrooms must:

- Provide an adequate opportunity for both rest and privacy
- Have no less than 40 square feet of floor space per person
- Not be a room that is primarily used for purposes other than sleeping

All bedding and equipment shall be in good repair and shall be cleaned and sanitized before being used by another person.

A foster parent shall ensure that an operating telephone is available in the foster home.

An individual shall not smoke any substance inside the foster home while foster children are placed in the home. An individual shall not smoke any substance inside a vehicle while transporting foster children.

**Approval Process****Citation: Admin. Code R 400. 12310**

An agency social service worker shall complete a written initial foster home evaluation before certifying the home for licensure. The report shall be an assessment of all of the following:

- Visits at the applicants' residence for observations of and interviews with each member of the household to determine all of the following:
  - » Marital and family status and history
  - » Educational history and any special skills and interests
  - » Employment history and current financial status
  - » Physical, mental, and emotional health of each member of the household
  - » Any history of substance abuse
  - » Parenting skills and methods of discipline
  - » Adjustment and special needs of the applicant's own children
  - » Experiences with own parents and any history of out-of-home care
  - » Reason for applying to be a foster family
  - » Previous experience in providing foster care
  - » Willingness and ability to parent cross-racially or cross-culturally
  - » Capacity and disposition to give a foster child guidance, love, and affection
  - » Family's willingness to work with a foster child's family
  - » Existence of social support system and alternate care providers
- Previous adoption evaluations or placements
- Previous criminal convictions and substantiated child abuse or neglect reports
- Three current references from persons not related to the applicants
- A medical statement for each member of the household that indicates that the member has no known condition which would affect the care of a foster child
- Safety and maintenance of the applicant's house and property
- Assessment of the neighborhood, schools, and community and available resources
- Training needs of the family

**Grounds for Withholding Approval****Citation: Admin. Code R 400.9205; R 400.12325**

If an applicant or adult household member is identified on the central registry as a perpetrator of child abuse or neglect in this State or any other State or Canadian province, he or she shall not be licensed or reside in a licensed foster home.

An agency shall recommend to the department the denial of license issuance only when both of the following conditions exist:

- The foster parent falsifies information provided during the licensing process or willfully and substantially violates the act, the licensing rules for foster homes, or the terms of the license.
- The applicant or the foster parent has been informed, in writing, of the facts and the basis for the recommended action.

**Kinship Foster Care****Citation: Comp. Laws § 722.954a**

If a child has been placed in a supervising agency's care, the supervising agency shall, within 30 days, identify, locate, notify, and consult with relatives to determine placement with a fit and appropriate relative who would meet the child's developmental, emotional, and physical needs. The notification shall include the following:

- Specify that the child has been removed from the custody of the child's parent
- Explain the options the relative has to participate in the care and placement of the child, including any option that may be lost by failing to respond to the notification

- Describe the requirements and benefits, including the amount of monetary benefits, of becoming a licensed foster family home
- Describe how the relative may subsequently enter into an agreement with the department for guardianship assistance

Not more than 90 days after the child's removal from his or her home, the supervising agency shall do all of the following:

- Make a placement decision and document in writing the reason for the decision
- Provide written notice of the decision to the child's attorney, guardian, guardian ad litem, mother, and father; the attorneys for the child's mother and father; each relative who expresses an interest in caring for the child; the child, if the child is old enough to be able to express an opinion regarding placement; and the prosecutor

Before determining placement of a child in its care, a supervising agency shall give special consideration and preference to a child's relative or relatives who are willing to care for the child, are fit to do so, and would meet the child's developmental, emotional, and physical needs. The supervising agency's placement decision shall be made in the best interests of the child.

### **Foster to Adopt**

This issue is not addressed in the statutes and regulations reviewed.

### **Interjurisdictional Approval**

**Citation: Comp. Laws § 3.711**

Any out-of-home placement of a child outside the State is subject to the provisions of the Interstate Compact on the Placement of Children.

The child shall not be sent into the receiving State until the appropriate public authorities in the receiving State notify the sending agency, in writing, that the proposed placement does not appear to be contrary to the interests of the child.

### **Links to Resources**

[Michigan Department of Human Services, Licensing Rules for Foster Family Homes and Foster Family Group Homes for Children](#) (PDF - 250 KB)

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## **Minnesota**

*Current Through February 2018*

### **Who May Apply**

**Citation: Admin. Code R. 2960.3060**

At least one of the following must apply to the applicant:

- He or she has at least the equivalent of 2 years of full-time experience caring for or working with the issues presented by the children they will care for, whether they are the applicant's own children or other children.
- He or she agrees to receive training in child care and development, as needed, in order to meet the individual needs of the children placed in the foster home.
- He or she is related to the child needing foster care.
- He or she is an important friend with whom the child has resided or had significant contact.

The applicant must be at least age 21 at the time of application.

The applicant and household members must provide a signed statement that indicates that they are receiving all necessary medical care, do not pose a risk to the child's health, and are physically able to care for foster children.

The applicant and adult household members must sign a statement that they have been free of chemical use problems for the past 2 years.

### **Training Requirements**

**Citation: Admin. Code R. 2960.3070**

A nonrelative foster parent must complete a minimum of 6 hours of orientation before admitting a foster child. The foster parent's orientation must include the following:

- Emergency procedures
- Relevant laws and rules, legal issues, and reporting requirements

- Cultural diversity, gender sensitivity, culturally specific services, cultural competence, and information about discrimination and racial bias issues
- The role and responsibilities of the foster parent in the development and implementation of the case plan and in court and administrative reviews of the child's placement
- Requirements of the licensing agency

Each foster parent must complete a minimum of 12 hours of training per year in one or more of the areas listed below or in other areas as agreed upon by the licensing agency and the foster parent. The topics listed are examples of inservice training that could be useful to a foster parent:

- Crisis intervention, including suicide prevention
- Children's psychological, spiritual, cultural, sexual, emotional, intellectual, and social development
- First aid and life-sustaining treatment, such as cardiopulmonary resuscitation
- Preparing foster children for independent living
- Parenting children who have suffered physical, emotional, or sexual abuse, or domestic violence
- Caring for children with disabilities
- Management of sexual perpetration, violence, bullying, and exploitative behaviors
- Medical technology-dependent or medically fragile conditions

### **Minimum Standards for Foster Homes**

**Citation: Admin. Code R. 2960.3040; 2960.3050**

The foster home must comply with applicable fire, health, building, and zoning codes.

A foster child must be provided with a separate bed suitably sized for the child, except that two siblings of the same sex may share a double bed. A foster child must not be assigned sleeping space in a building, apartment, trailer, or other structure that is separate from the foster family home or in an unfinished attic, an unfinished basement, a hall, or any other room normally used for purposes other than sleeping.

A foster child must have an identified space for clothing and personal possessions with cabinets, closets, shelves, or hanging space sufficient to accommodate clothing and personal possessions.

The dining area must be able to accommodate, at one time, all persons residing in the home.

Prior to licensure, the foster home must be inspected by a licensing agency employee using the home safety checklist. The applicant must correct deficiencies in the foster home that were identified by the agency. The licensing agency may require a health inspection if the foster home's condition could present a risk to the health of a foster child.

The license holder must give the licensing agency a floor plan of the foster home showing emergency evacuation routes. Emergency procedures must include a plan for care of children, evacuation, temporary shelter, and gathering at a meeting place to determine if anyone is missing.

A foster home serving children younger than age 6 must not keep reptiles, chickens, or ducks as pets. A foster home serving children age 6 and older that keeps reptiles, chickens, or ducks as pets must require a thorough hand washing following the handling of the animal, its food, and anything the animal has touched. Pets in family residences must be immunized and maintained as required by local ordinances and State law.

### **Approval Process**

**Citation: Admin. Code R. 2960.3060**

The applicant and household members must submit to a background study. Background checks must be conducted by the Department of Human Services according to § 245A.04, subd. 3, and by the Department of Corrections according to § 241.021, subd. 6.

The applicant must obtain at least three letters of reference that provide information about the applicant's support system, interactions with children, and ability to accept different points of view.

The licensing agency must make a determination as to whether the applicant can provide appropriate structure and is suitable to be licensed if either of the following has occurred:



- A child for whom the applicant is legally responsible was removed from the applicant's home and placed in out-of-home care within 1 year prior to the date of application.
- The applicant has a child in voluntary foster care.

The licensing agency may consult with a specialist in such areas as health, mental health, or chemical dependency to evaluate the abilities of the applicant to provide a safe environment for foster children. The licensing agency and the specialist must evaluate each applicant individually.

At minimum, there must be one in-home interview and documented interviews with all household members over age 7. The applicant must demonstrate the ability to:

- Provide consistent supervision and positive and constructive discipline
- Work within agency and State policies
- Share responsibility for the foster child's well-being with the child's social worker, school, and legal parents
- Actively support the foster child's racial or ethnic background, culture, and religion and respect the child's sexual orientation
- Accept the foster child's relationship with his or her family and to support visitation and family reunification efforts
- Meet the foster child's special needs, if any, including medical needs, disabilities, or emotional disturbance

### **Grounds for Withholding Approval**

**Citation: Admin. Code R. 2960.3020**

The Commissioner of Human Services shall deny a license if the applicant fails to fully comply with laws or rules governing the program or fails to cooperate with a placing or licensing agency. Failure to fully comply shall be indicated by the following:

- Documentation of specific foster home deficiencies that may endanger the health or safety of children
- Failure to be approved by fire, building, zoning, or health officials
- Documentation of a disqualification of the applicant for licensure regarding a background study that has not been set aside
- Any other evidence that the applicant is not in compliance with applicable laws or rules governing the program

### **Kinship Foster Care**

**Citation: Ann. Stat. § 245A.035**

A county agency may place a child with a relative who is not licensed to provide foster care on an emergency basis, provided the requirements of this section are met.

Before an emergency placement may be made, the following requirements must be met:

- The county agency must conduct an initial inspection of the premises where the placement is to be made to ensure the health and safety of any child placed in the home.
- At the time of the inspection or placement, the county agency must provide the relative being considered for an emergency placement an application form for a child foster care license.
- Whenever possible, prior to placing the child in the relative's home, the relative being considered for an emergency placement shall provide the information required by § 245C.05.
- If the county determines, prior to the emergency placement, that anyone requiring a background study prior to licensure of the home is disqualified, and the disqualification is one that the commissioner cannot set aside, an emergency placement must not be made.

The relatives with whom the emergency placement has been made shall complete the child foster care license application and necessary paperwork within 10 days of the placement. The granting of a child foster care license to a relative shall be under the procedures in this chapter and according to regulation. In licensing a relative, the commissioner shall consider the importance of maintaining the child's relationship with relatives as an additional significant factor in determining whether a background study disqualification should be set aside or a variance should be granted.

### **Foster to Adopt**

**Citation: Ann. Stat. § 259.41**

In the case of a licensed foster parent seeking to adopt a child who is in the foster parent's care, any portions of the foster care licensing process that duplicate requirements of the adoption home study may be submitted in satisfaction of the relevant requirements of this section.

**Interjurisdictional Approval****Citation: Ann. Stat. § 260.851**

Any out-of-home placement of a child outside the State is subject to the provisions of the Interstate Compact on the Placement of Children.

The child shall not be sent into the receiving State until the appropriate public authorities in the receiving State notify the sending agency, in writing, that the proposed placement does not appear to be contrary to the interests of the child.

**Links to Resources**

State regulations [full text](#)

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**Mississippi**

*Current Through February 2018*

**Who May Apply****Citation: Code of Rules 18-006-106**

Applicants must be residents of the state of Mississippi. A legal alien may obtain a license if all adult household members are legally in the United States.

The applicants must:

- Be at least age 21
- Be financially self-sufficient and have an adequate income, exclusive of the foster care maintenance payment, to meet the needs of the family

Married applicants must verify they are legally married. Previous marriages and divorces must be verified. Applicants may not have unrelated adults living in the home.

The applicants must have knowledge and understanding of:

- The type of children needing placement
- Child development
- Separation, loss, and attachment issues
- Appropriate child behavior management practices

The applicant must be able to protect children from harm, give and receive appropriate affection, and have the ability to maintain the child's permanent connections. The applicant also must have the willingness and ability to commit the time necessary to provide supervision and guidance. At least one parent in the home must be able to assist a child with checking homework assignments and giving help, as needed, with their homework.

Resource applicants must demonstrate:

- Their understanding that the use of corporal punishment or mechanical restraints of any kind cannot be used
- The ability to discipline the foster child with kindness based on the child's age and developmental stage and taking into consideration the child's past traumas and experiences
- The understanding that they may not withhold food for any reason
- An understanding that verbal abuse, threats, and remarks of a derogatory nature regarding any foster child or his or her birth family is inappropriate and unacceptable

The applicant(s) shall possess competent physical, cognitive, mental, and emotional capacities with reasonable life expectancy that is anticipated to continue through the minority of the child.

**Training Requirements****Citation: Ann. Code § 43-15-13(6)(a); Code of Rules 18-006-106**

The Department of Child Protection Services, with the cooperation and assistance of the State Department of Health, shall develop and implement a training program for foster care parents to indoctrinate them as to their proper responsibilities upon a child's entry into their foster care. The program shall provide a minimum of 12 clock-hours of training. The foster care training program shall be satisfactorily completed by such foster care parents before or within 90 days after child placement with the parent.

*In regulation:* All caregivers in the home are expected to complete 27 hours of preservice training that consists of the following:

- Mississippi PATH (Parents as Tender Healers) (15 hours), that focuses on the following areas:
  - » Working to foster permanent connections
  - » Separation and attachment
  - » Developmental stages
  - » Behavior management
- Universal blood-borne pathogens (1 hour video)
- Car seat safety (up to 3 hours)
- First aid and cardiopulmonary resuscitation (CPR) training (up to 5 hours)
- Travel/finance training (up to 3 hours)

Resource parents who have a swimming pool or body of water on their property must be CPR certified.

All adults residing in the home who will participate in the care of a foster child must receive no less than 10 hours of ongoing annual training. Resource parents shall be permitted to attend any training session, seminar, workshop, or conference specifically dealing with children or parenting issues that has been approved by the National Association of Social Workers, Mississippi Chapter or the Child Welfare Training Institute.

### **Minimum Standards for Foster Homes**

**Citation: Code of Rules 18-006-106**

The resource home must meet the following requirements:

- Be well-heated or cooled and well-ventilated
- Have a working telephone
- Provide safe storage of hazardous chemicals, cleaning materials, medications, and firearms
- Ensure that outside play areas are maintained clean and free of hazards
- Have a continuous supply of clean drinking water, interior plumbing, and a functional sewage system
- Have at least one operable smoke detector in each living area and located in close proximity to sleeping areas
- Have a readily visible and fully charged fire extinguisher
- Ensure that household pets and outdoor animals have current vaccinations
- Have a written plan for emergencies and evacuation of the home during any type of fire or natural disaster

The interior home environment shall be safe and sanitary. The home shall have the following:

- A kitchen equipped for safe and sanitary preparation, serving, and storage of food
- An operable refrigerator, stove, and oven
- At least one flushing toilet with a seat and lid, one wash basin, and one bathtub or shower

No more than four same-sex children shall share a bedroom. Each foster child shall have a standard bed appropriate to the child's age and needs. Children under age 18 months shall sleep in a crib. Children over age 18 months shall not sleep in the same room with an adult who is older than age 21. Children over age 3 shall not share a room with a child of the opposite gender.

Resource families must be able to provide transportation for children in care. Parents who transport children in their own vehicles shall provide proof of a valid driver's license, properly maintained vehicles, registration, inspection, and vehicle insurance. Children must be in an age-appropriate passenger restraint system at all times. Smoking in a vehicle or the home when the foster child is present is prohibited.

### **Approval Process**

**Citation: Code of Rules 18-006-106**

Following receipt of an application, the licensure specialist must complete the screening process, which includes the following:

- Fingerprinting the applicant
- Conducting local criminal background checks on all household members age 14 and older

- Conducting checks of department records for prior history
- Conducting checks of the child abuse central registry and the sex offender registry

The applicant shall supply four character references; only one of these references may be a close relative (parent, sibling, grandparent, aunt, uncle, or first cousin). Adult children who do not live in the home should be contacted as additional references. The licensure specialist also must seek at least two additional references not named by the applicants. These references may be school personnel, law enforcement staff, clergy, other licensed resource parents, neighbors, or other department staff.

The licensure specialists shall conduct a minimum of three home visits and a minimum of four home study interviews with the applicants, as outlined below. Each home visit should be conducted approximately 1 week apart, as follows:

- At the first home visit, interview one is a joint interview that is conducted to 'get to know the applicants.'
- At the second home visit, interviews two and three are conducted separately, scheduled back-to-back, with each applicant.
- At the third home visit, interview four is a joint interview that should focus on the marriage (for married applicants) or support system (for a single applicant) and the applicants' parenting plan. This is also where questions that still need answering are addressed.

During the home study process, the licensure specialist will discuss with the applicants their plans related to employment and their willingness and ability to take time from work, as necessary, to meet the needs of the children.

### **Grounds for Withholding Approval**

#### **Citation: Code of Rules 18-006-106**

Any applicant or person residing in the home who has been convicted of a crime or who has a pending indictment of a crime, whether misdemeanor or a felony, that bears negatively upon the individual's fitness to have responsibility for the safety and well-being of children will be evaluated as to his or her fitness to be licensed as a resource parent. This evaluation will include, but is not limited to, child abuse or neglect; domestic violence; crimes against children; crimes involving violence, including rape, sexual assault, homicide, physical assault, or battery; or drug-related offenses. If one of the following felony offenses has been committed, a license shall not be granted:

- Felony offense against a spouse or former spouse
- Felony offense against children, including child pornography, child abuse, or child neglect
- A crime involving violence, including sexual assault, rape, or homicide, but not including other physical assault/battery
- Felony physical assault or battery or a felony drug-related offense within the last 5 years

Other grounds for denial may include, but are not limited to:

- A person residing in the home:
  - » Has been convicted of a crime that would prevent licensure
  - » Has a record of evidenced child maltreatment
  - » Refused to submit to background checks
- The minimum standards are not met.
- There is just cause to deny the license. 'Just cause' exists when:
  - » The conditions in the home would or could be physically, mentally, or emotionally harmful to a child placed in the home.
  - » The applicant has a history of alcohol or drug use without documentation of successful treatment and aftercare.
  - » The applicant has been involved in illegal activity.
  - » The applicant makes ethnic or racial slurs about certain groups of people or expresses other extremist views during the home study process.
  - » The applicant shows an inability to work with the department.

### **Kinship Foster Care**

#### **Citation: Code of Rules 18-006-106**

First priority for placement shall be given to a relative when it is suitable and appropriate to do so. If a child is in department custody and placed with a relative, the relative must be licensed as a resource family within 90 days of placement.

All foster care settings, including relative, fictive kin placements, and court-ordered nonrelative placements, shall be screened prior to the initial placement of foster children to ensure that children receive safe, sufficient, and appropriate care. Screenings shall include criminal and local law enforcement checks and child welfare background checks of all household members who are at least age 14.

The department shall maintain an expedited process for licensing screened relative, fictive kin caregivers, and court-ordered nonrelative placements to enable a child to be placed quickly upon entering foster care. The licensing process for these placements shall take place in two steps:

- An emergency process that enables a child to be placed with relatives/fictive kin/court-ordered nonrelatives as soon as the child enters placement, following an initial screening of the relative's home
- A full licensing process, to be completed no later than 90 calendar days after the child has entered placement

The department may waive non-safety-related licensing requirements for relatives/fictive kin foster placements in individual cases, in accordance with Federal regulations. Federal guidelines clearly state that waivers are to be used only on a case-by-case basis and that all foster care licensing standards should provide equal protection in terms of safety, sanitation, civil rights, and admission policies for all children in care, regardless of their special situations. Children living in the homes of relatives are entitled to no less protection than children living in nonrelative foster homes.

### **Foster to Adopt**

**Citation: Code of Rules 18-006-106**

A resource home is a single-family home licensed to provide care for a child in the custody of the department when that child cannot return safely to his or her own home for a period of time, temporarily or permanently. A resource home may be a foster, adoptive, or kinship care home.

While all applicants may not want to provide both foster and adoptive care, the same licensing process is required in either program area. All applicants applying to become a resource family shall go through an initial screening, assessment home study, preservice training, and meet the resource licensing requirements.

The department utilizes a single application for licensing resource homes, including foster, adoptive, and kinship care homes. This includes placing children in suitable foster and adoptive homes approved by licensed child-placing agencies in cases where restoration to the biological family is not safe, possible, or appropriate, thus creating resource families, both temporary and permanent.

### **Interjurisdictional Approval**

**Citation: Ann. Code § 43-18-1**

Any out-of-home placement of a child outside the State is subject to the provisions of the Interstate Compact on the Placement of Children.

The child shall not be sent into the receiving State until the appropriate public authorities in the receiving State notify the sending agency, in writing, that the proposed placement does not appear to be contrary to the interests of the child.

### **Links to Resources**

Department of Child Protection Services [Foster Care Policy](#) (PDF - 342 KB)

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## **Missouri**

*Current Through February 2018*

### **Who May Apply**

**Citation: Code of State Regs. Tit. 13, § 35-60.030**

Applicants for foster care licensure shall be at least age 21. They must be U.S. citizens, either through birth or naturalization, or be able to verify lawful immigration status.

Foster parents must be able to acquire skills and demonstrate performance-based competence in the care of children, including, but not limited to, the following:

- Protecting and nurturing
- Meeting developmental needs and addressing developmental delays

- Supporting relationships between children and families
- Connecting children to lifetime relationships
- Working as a member of a professional team

Foster parents shall be responsible, mature individuals of reputable character who exercise sound judgment, display the capacity to provide good care for children, and display the motivation to foster.

At the time of application for a license, foster parents shall authorize their physician to submit a statement regarding his/her opinion of the mental health of each foster family member and certifying that a physical examination was completed within the past year and that all household members were free from communicable disease or are not a threat to the health of foster children and are up to date on all immunizations.

Foster parents and all foster family members must be determined by a physician to be in good physical and mental health.

### **Training Requirements**

**Citation: Code of State Regs. Tit. 13, § 35-60.030**

Prior to licensure, each adult with parenting responsibilities is required to successfully complete a competency-based training approved by the Children's Division.

To maintain a foster home license, each foster parent shall meet performance-based criteria as part of a professional family development plan and complete a prescribed number of foster parent training hours as approved by the licensing authority during each 2-year licensure period. The subject of training shall be directly tied to the foster parent professional development plan and related to the needs and ages of children in their care.

### **Minimum Standards for Foster Homes**

**Citation: Code of State Regs. Tit. 13, §§ 35-60.040; 35-60.050**

The location of the foster home shall have access to schools, recreational, religious, or other community resources.

The home shall be constructed, arranged, and maintained to provide adequately for the health and safety of all occupants. It shall be of size and space and shall have furnishings and equipment to accommodate comfortably both the foster family and foster children. All flammable liquids, matches, cleaning supplies, poisonous materials, medicines, or other hazardous items shall be stored so as to be inaccessible to the children. Any firearms and ammunition shall be stored so as to be inaccessible to children.

The home's interior shall be free from an accumulation of visible dirt and any evidence of vermin and rodent infestations. All rooms shall have proper lighting and ventilation. The home shall have space for indoor play and access to outdoor play space.

Foster children of the opposite sex age 6 or older shall not sleep in the same room. Foster children age 2 or older shall not sleep in the bedroom of the foster parents, except for special temporary care, such as during a child's illness. Foster children should never sleep in a bed with foster parents. Each bed or crib shall be of a size as to ensure the comfort of the foster child. Each foster child under age 2 shall have a separate bed.

All foster homes shall have a working telephone or an agency-approved form of emergency contact. An operable smoke detector shall be installed near all sleeping areas. A charged fire extinguisher shall be located near the kitchen area. A carbon monoxide detector shall be required in all homes with gas appliances.

Any private vehicle used to transport foster children must have proper insurance coverage. Safety standards for the vehicle shall be within the minimum requirements and be operated by a person with a valid operating license. All children shall be secured in the car by car seats or seat belts, as required by law.

### **Approval Process**

**Citation: Code of State Regs. Tit. 13, §§ 35-60.010; 35-60.030**

Any applicant, any household member age 17 and older, and any child younger than 17 who has been certified as an adult for the commission of a crime, or has been convicted of any crime, shall register with the Family Care Safety Registry and submit signed release forms and fingerprints for the purpose of obtaining background screening for child abuse and neglect, criminal, and circuit court records.

The home study shall include the following information about the foster family:

- Family size and household composition
- Ethnic and racial background

- Religious preferences and practices
- Lifestyles and practices
- Educational practices
- Employment

Personal information elicited in the home assessment shall determine whether the foster parent can do the following:

- Structure the home environment so that it is safe and healthy for the child
- Express positive feelings toward the child verbally and physically
- Recognize and respond appropriately to the child's verbal and physical expressions of needs and wants
- Consistently use basic behavior management techniques in dealing with the child
- Consistently use appropriate techniques to discipline the child and not use corporal punishment on any child in the custody of the division
- Guide the child toward increasing independence
- Behave in a way that recognizes the immaturity of the child

All information collected for the home study will be condensed to comprise a foster home profile that will be available to team members so that placement decisions can be made in the best interests of the child. The profile will not contain any protected health information, financial information, or information on birth or adopted children of the foster family.

#### **Grounds for Withholding Approval**

**Citation: Ann. Stat. § 210.496**

The Children's Division may refuse to issue either a license or a provisional license to an applicant who:

- Fails consistently to comply with the applicable provisions of Ann. Stat. §§ 208.400 to 210.535 and any applicable rules
- Violates State laws or rules relating to the protection of children
- Furnishes or makes any misleading or false statements to the division
- Refuses to make available any records required by the division in making an investigation
- Fails or refuses to admit authorized representatives of the division at any reasonable time for the purpose of investigation
- Fails or refuses to submit to an investigation by the division
- Fails to provide, maintain, equip, and keep in safe and sanitary condition the premises used for the care of children being served, as required by law, rule, or ordinance applicable to the location of the foster home
- Fails to provide financial resources adequate for the satisfactory care of and services to children being served and the upkeep of the premises

#### **Kinship Foster Care**

**Citation: Ann. Stat. § 210.565**

Whenever a child is placed in a foster home and the court has determined that foster home placement with relatives is not contrary to the best interests of the child, the division shall give foster home placement to relatives of the child. The division shall make diligent efforts to locate the grandparents of the child and determine whether they wish to be considered for placement of the child. Grandparents who request consideration shall be given preference and first consideration for foster home placement of the child.

The preference for placement and first consideration for grandparents or preference for placement with other relatives shall only apply when the court finds that placement with the grandparents or other relatives is not contrary to the best interests of the child, considering all circumstances. If the court finds that it is contrary to the best interests of a child to be placed with grandparents or other relatives, the court shall make specific findings on the record detailing the reasons why the best interests of the child necessitate placement of the child with persons other than grandparents or other relatives.

The age of the child's grandparent or other relative shall not be the only factor that the division takes into consideration when it makes placement decisions and recommendations to the court about placing the child with such grandparent or other relative. A grandparent or other relative may, on a case-by-case basis, have standards for licensure not related to safety waived for specific children in care that would otherwise impede licensing of the grandparent's or relative's home.



For any Native American child placed in protective custody, the division shall comply with the placement requirements set forth in the Indian Child Welfare Act (25 U.S.C. § 1915).

**Foster to Adopt****Citation: Ann. Stat. §§ 210.566; 453.070**

If a child becomes free for adoption while in foster care, the child's foster family shall be given preferential consideration as adoptive parents.

Any adult person or persons age 18 or older, who, as foster parent or parents, have cared for a foster child continuously for a period of 9 months or more and have bonded with the child, as evidenced by the positive emotional and physical interaction between the foster parent and child, may apply for the placement of the child with them for the purpose of adoption if the child is eligible for adoption. The agency and court shall give preference and first consideration for adoptive placements to foster parents. However, the final determination of the propriety of the adoption of such foster child shall be within the sole discretion of the court.

**Interjurisdictional Approval****Citation: Ann. Stat. §§ 210.620; 210.622**

Prior to sending a child to a receiving State, the public child-placing agency shall submit a written request for assessment to the receiving State. The assessment shall evaluate the prospective placement to determine whether the placement meets the individualized needs of the child, including, but not limited to, the child's safety and stability; health and well-being; and mental, emotional, and physical development.

Upon receipt of a request from the public child welfare agency of the sending State, the receiving State shall initiate an assessment of the proposed placement to determine its safety and suitability. If the proposed placement is a placement with a relative, the public child-placing agency of the sending State may request a determination of whether the placement qualifies as a provisional placement.

The public child-placing agency in the receiving State may request from the public child-placing agency or the private child-placing agency in the sending State and shall be entitled to receive supporting or additional information necessary to complete the assessment.

The public child-placing agency in the receiving State shall complete or arrange for the completion of the assessment within the timeframes established by the rules of the Interstate Commission.

Notwithstanding the provisions above, the division may enter into an agreement with a similar agency in any State adjoining Missouri that provides for the emergency placement of abused or neglected children across State lines, without the prior approval required by the interstate compact. A request for approval shall be initiated if the placement extends beyond 30 days.

**Links to Resources**

[Missouri Resource Parent Handbook](#) (PDF - 3,174 KB)

State regulations [full text](#) (PDF - 102 KB)

**Montana**

*Current Through February 2018*

**Who May Apply****Citation: Admin. Rules R. 37.51.301**

Foster parents must:

- Be at least age 18
- Be physically, mentally, and emotionally competent to care for children
- Like and understand children
- Be in good general health
- Be of good moral character
- Be able to demonstrate the foster home has sufficient resources to meet the needs of their existing family, independent of foster care reimbursements

- Comply with State laws, including those that relate to the possession or use of drugs, alcohol, tobacco, and firearms
- Have lived together for at least 24 months, unless an exception is granted by a department regional administrator

No person residing in or visiting the foster home may pose a risk or threat to the safety and well-being of children in the home. The foster home shall protect the foster child from exposure to sexual or violent language and behavior inappropriate to the child's age, including, but not limited to, physical activity; visual or other media depictions; and music, including lyrics.

### **Training Requirements**

**Citation: Admin. Rules R. 37.51.1401; 37.51.1405**

Each applicant shall attend an orientation and preservice training of no less than 18 hours prior to issuance of a regular license. The foster parents must obtain a total of at least 15 hours of training for relicensure.

Annual training is intended to help the foster parents gain further understanding regarding such issues as child maltreatment, child growth and development, family dysfunction, permanency planning, emergency or long-term medical needs of children, and age-appropriate preparation of youth for independent living.

Training must be provided or approved by the department and may include training on the following topics:

- Separation and grieving
- Loss and attachment
- Alternatives to physical discipline and an explanation of the department's policy on physical discipline
- Positive parenting techniques
- The roles and responsibilities of the department and foster parents
- Birth family rights and responsibilities
- How and why children come into foster care
- Types and behaviors of children in foster care
- Confidentiality
- Sexual abuse
- Drugs and alcohol
- Interpersonal communications
- Foster parent insurance

### **Minimum Standards for Foster Homes**

**Citation: Admin. Rules R. 37.51.816; 37.51.901; 37.51.902; 37.51.1001**

Each foster child must sleep in a room designated as a bedroom that provides for privacy. Children of the opposite sex who are age 5 or older must not share a bedroom. Children over age 24 months may not routinely sleep in the same room with an adult, unless approved by the department.

Each child must be provided with his or her own bed, which must be at least 30 inches wide and of a length that is adequate for the child's height. Children under age 2 must sleep in a crib.

The home and its premises shall be comparable to other residences of the community and neighborhood in which it is located.

The foster parents shall keep the home clean and in good repair, and the premises shall be kept free from objects, materials, and conditions that constitute a danger to the occupants. All foster homes shall be equipped with a telephone. The foster home must have an adequate and safe sewage disposal system.

Any pet or animal present at the home shall not pose a threat to the safety or well-being of any child placed in the home. Guns and ammunition shall be kept in locked storage, with guns stored separately from ammunition. Any outdoor play area shall be maintained hazard free.

A working smoke detector shall be located in each bedroom and in the hallway leading to the bedroom, with at least one smoke detector on each level of the foster home. Each foster home in which fuel-burning heat or appliances are used must have at least one carbon monoxide detector installed in the home. Each foster home must have a workable portable fire extinguisher.

Foster parents and any person transporting foster children shall possess a valid driver's license and shall meet at least the minimum liability insurance coverage requirements set by State law. No vehicle shall begin moving until all children are seated and secured in age-appropriate safety restraints.

### **Approval Process**

**Citation: Admin. Rules R. 37.51.305; 37.51.310; 37.51.311**

A personal statement-of-health form provided by the department must be completed for each person in the applicant's household. The form must be submitted to the department with the initial licensure application and a new form must be submitted prior to relicensure.

Satisfactory criminal background, motor vehicle, and child and adult protective services checks are required for each person living in the household. Persons formerly licensed as foster parents will be treated as new applicants if the former foster parents have not been licensed for a period of more than 1 year or if the foster parents have lived out of State for any period of time since being licensed in Montana.

If an applicant has children, a child protective services check will be requested from all States in which an applicant has lived since the birth date of the applicant's oldest child. If an applicant does not have children, a child protective services check will be requested from all States in which the applicant has lived in the previous 15 years.

The department may require a psychological evaluation or medical examination and/or a signed authorization for release of medical or psychological records from any person applying for licensure as a foster parent or any member of the household of a person applying for licensure as a foster parent.

### **Grounds for Withholding Approval**

**Citation: Admin. Rules R. 37.51.210; 37.51.216**

An applicant against whom child abuse or neglect has been substantiated or who has been convicted of abuse, sexual abuse, neglect, or exploitation of an elderly person or person with a developmental disability shall be denied a foster care license, unless an exception is granted by the department, after careful review of extenuating circumstances that justify the issuance of a restricted license.

An applicant whose child has been in foster care shall be denied a foster care license, unless an exception is granted because the circumstances leading to the placement no longer exist.

The department shall deny a license upon finding that the applicant or member of the applicant's household has a conviction for any of the following types of crimes:

- A felony involving violence, such as homicide, spousal abuse, and felony aggravated assault
- Acts and other crimes against children, older persons, or developmentally disabled persons
- Other crimes, such as misdemeanor assault and battery, robbery, burglary, or a drug-related offense within the previous 5 years

The department may deny a license upon a finding that:

- The foster home is not in compliance with fire safety standards or any other licensing requirements.
- The foster parent has made any material misrepresentations to the department regarding any aspect of the foster home.
- The foster parent has been named as the perpetrator of child abuse or neglect in a substantiated report.
- The foster parents or anyone living in the foster home may pose any risk or threat to the safety or welfare of a child placed in the foster home.
- The foster home has failed to protect the health, welfare, or safety of a child or the foster home presents a threat to the health, welfare, or safety of a child.

### **Kinship Foster Care**

**Citation: Admin. Rules R. 37.51.207**

The department may, at its discretion, issue a provisional license restricted for care of a specific child or children for any period up to 4 months to any license applicant for a youth foster home or kinship foster home that has:

- Met all licensing requirements for fire safety
- Completed and signed a release of information form provided by the department

- Submitted completed fingerprint cards on all adult household members
- A satisfactory child protective and adult protective services check for all adults present in the home
- Agreed in writing to comply fully with all licensing requirements established by these rules prior to the expiration of the provisional license

The department may, at its discretion, renew a provisional license for no more than 2 months if the license applicant shows good cause for unintentional failure to comply fully with all licensing requirements within the time period covered by the prior provisional license.

### **Foster to Adopt**

This issue is not addressed in the statutes and regulations reviewed.

### **Interjurisdictional Approval**

**Citation: Ann. Code § 41-4-101**

Any out-of-home placement of a child outside the State is subject to the provisions of the Interstate Compact on the Placement of Children.

The child shall not be sent into the receiving State until the appropriate public authorities in the receiving State notify the sending agency, in writing, that the proposed placement does not appear to be contrary to the interests of the child.

### **Links to Resources**

Department of Public Health and Human Services, Child and Family Services Division, [Becoming a Foster Parent in Montana](#)  
State regulations [full text](#)

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## **Nebraska**

*Current Through February 2018*

### **Who May Apply**

**Citation: Admin. Code Tit. 395, §§ 3-001.02B; 3-001.03C; 3-001.3D; 3-001.04**

To be licensed for foster care, a person must be the age of majority. If legally married, both spouses must be licensed and meet all regulations in this section.

All adults providing foster care shall:

- Be mentally and physically able to provide care and supervision
- Exercise reasonable judgment in caring for children
- Not engage in or have a history of behaviors that would injure or endanger the health or morals of children
- Provide:
  - » Three favorable character references, only one of which may be related to the applicant
  - » Health reports indicating they are physically capable of caring for children
- Cooperate with the licensing agency

### **Training Requirements**

**Citation: Admin. Code Tit. 395, § 3-001.28**

The licensee must complete training as follows:

- Before initial licensure, no less than 21 clock-hours of preservice training approved by the Department of Health and Human Services that has been obtained within the 12 months immediately prior to licensure
- For license renewal, at least 12 clock-hours of department-approved inservice trainings annually within the effective dates of his or her license

The applicant/licensee must provide written documentation of training received.

**Minimum Standards for Foster Homes****Citation: Admin. Code Tit. 395, §§ 3-001.15; 3-001.17; 3-001.18**

Foster home licensees shall ensure that safety restraints are available and used for each child transported.

The licensee shall ensure the following:

- A minimum of 35 square feet per individual, excluding bedrooms, bathrooms, and kitchen
- That bedrooms or sleeping areas provide:
  - » At least 35 square feet for each child
  - » Each child with a bed, bedding, and a place to store his or her belongings
  - » Separate bedrooms for children of opposite sexes
- That the water supply meets acceptable standards
- That drugs, cleaning agents, poisons, and other potentially hazardous items, materials, or equipment are inaccessible to youth
- That all weapons and firearms are unloaded and locked or stored in a locked cabinet and stored separately from all ammunition
- That the grounds are clean, well-drained, and hazard-free
- That household pets have no history of aggression, are licensed as required, and are current on any necessary vaccinations
- That the home has:
  - » At least two exits on grade level
  - » At least two means of escape from every level of the home that is used for sleeping
  - » Operable smoke detectors located on each level of the home

**Approval Process****Citation: Rev. Stat. § 71-1903; Admin. Code Tit. 395, § 3-001.05**

Before issuance of a license, the department shall conduct an investigation to assess the character of the applicant and any member of the applicant's household to ensure the proper care and treatment of children.

The department may request the State Fire Marshal to inspect such places for fire safety and may conduct sanitation and health standards investigations to determine if standards of health and sanitation set by the department are being met.

Before the foster care placement of any child in Nebraska by the department, the department shall require a national criminal history record information check of the prospective foster parent and each member of such prospective foster parent's household who is age 18 or older. The department shall provide two sets of legible fingerprints for each person to the Nebraska State Patrol for submission to the Federal Bureau of Investigation. A child may be placed in foster care by the department prior to the completion of a criminal history record information check in emergency situations, as determined by the department.

*In regulation:* The licensee and all other members of the household must submit to required background checks, as follows:

- Each household member age 13 and older must be checked with:
  - » The central registry in any State the applicant has lived within the past 5 years
  - » The adult protective services central registry
- Each household member age 18 and older must be checked with:
  - » The appropriate local law enforcement agency
  - » The sex offender registry for any State in which the applicant has lived within the past 5 years
  - » State-level criminal history
  - » Fingerprint-based national criminal history check with the Federal Bureau of Investigation

**Grounds for Withholding Approval****Citation: Admin. Code Tit. 395, §§ 3-001.08; 3-003.04**

If the individual has a criminal history or history of child abuse or neglect, the department will determine if the criminal history allows or prohibits licensure, based on the following criteria:

- **Ineligible:** A person convicted of a felony involving abuse or neglect of a child, spousal abuse, a crime against a child or children (including child pornography) or a crime of violence (including rape, sexual assault, or homicide, but not including other physical assault or battery) is ineligible to provide foster care. A person who is identified as a perpetrator on a central registry or equivalent in any State is ineligible to provide foster care.
- **Ineligible for 5 years:** A person convicted of a felony involving physical assault (other than a crime of violence described above), battery, or a drug-related offense is ineligible to provide foster care for 5 years after the date of conviction.
- **Eligible at department's discretion:** If a person has been convicted of a crime that does not otherwise result in ineligibility, the department will review the facts and circumstances of the conviction to determine whether the person is eligible to provide foster care.

In order to be complete, a home study must be in writing, include information regarding all required elements, and have the written approval of the department. If at any point, the department determines that the subject of the home study is unable or unwilling to provide the required care, the home study will be considered incomplete, and approval of placement will be denied.

**Kinship Foster Care****Citation: Rev. Stat. § 71-1904; Admin. Code Tit. 395, §§ 3-001.22; 3-002.01**

The department may issue a waiver for any licensing standard not related to children's safety for a relative home that is pursuing licensure. Such waivers shall be granted on a case-by-case basis upon assessment by the department based upon the best interests of the child. A relative home that receives a waiver pursuant to this subsection shall be considered fully licensed for purposes of Federal reimbursement under the Federal Fostering Connections to Success and Increasing Adoptions Act of 2008 (P.L. 110-351).

*In regulation:* The department in its discretion may waive the following licensing requirements for an applicant who is related by blood, marriage, or adoption to the child requiring placement:

- That no more than one relative may provide a reference
- The maximum number of persons for whom care can be provided
- The minimum square feet needed per child
- That a home has at least two exits on grade level
- Training

Emergency approval of a relative or kinship is allowed when approval prior to placement is unfeasible, subject to the following requirements:

- Visit to the home of the potential caregiver, including a face-to-face meeting with at least one of the prospective adult caregivers
- Assurance that there is adequate housing
- Assurance that the adult caregiver is able to adequately meet the needs of the child
- Completion of relevant background checks on all household members

Emergency approval will not extend beyond 60 days from the date of placement without an extension by the department.

**Foster to Adopt**

This issue is not addressed in the statutes and regulations reviewed.

**Interjurisdictional Approval****Citation: Rev. Stat. § 43-1103; Admin. Code Tit. 395, § 3-001.07C**

Prior to sending a child to a receiving State, the public child-placing agency shall submit a written request for assessment to the receiving State. The sending State and the receiving State may request additional information or documents prior to finalization of an approved placement.

Upon receipt of a request from the public child-placing agency of the sending State, the receiving State shall initiate an assessment of the proposed placement to determine its safety and suitability. If the proposed placement is a placement with a relative, the public child-placing agency of the sending State may request a determination for a provisional placement.

The public child-placing agency in the receiving State shall approve a provisional placement and complete or arrange for the completion of the assessment within the timeframes established by the rules of the Interstate Commission.

*In regulation:* If the Interstate Compact on Placement of Children applies to the placement, the department will include the results of all background checks except for the national criminal history check when appropriate or can state that there is no known criminal history.

### Links to Resources

State regulations [full text](#) (PDF - 148 KB)

## Nevada

*Current Through February 2018*

### Who May Apply

**Citation: Admin. Code §§ 424.255 through 424.265**

Foster home parents shall:

- Be competent adults with a demonstrated ability to exercise sound judgment and decision-making
- Be willing to be a team member with the agency in establishing and carrying out agency goals for the child
- Possess skills necessary to live amiably as a family group
- Have the character and personality to give care to children
- Accept and respect each child as an individual
- Be kind and friendly
- Have knowledge and understanding of child care and problems of children
- Be flexible in their approaches to child care
- Participate in and effectively apply training as required
- Be prepared to serve as an appropriate role model for foster children and their parents
- Present a positive image to the community
- Maintain good community relationships

The integrity and conduct of foster home parents shall be above reproach, especially with regards to their role as foster caregivers.

An applicant to be a foster parent must be age 21 or older. The age of the foster parent should be considered only as it affects his or her physical energy, flexibility, or ability to care for a specific child and in relation to the probable duration of the care of a particular child.

The foster family must have demonstrated sound money-management practices and financial responsibility. Households receiving aid to dependent children or food stamps may apply to become foster parents but should contact their eligibility worker to determine how the foster care payment will affect their benefits under those programs.

### Training Requirements

**Citation: Admin. Code § 424.270**

Applicants for a license to operate a foster home must attend at least 8 hours of training in foster parenting provided or approved by the agency that provides child welfare services. If the home has a pool, hot tub, another free-standing body of water, or a sauna, the applicants also must complete training in cardiopulmonary resuscitation and pool safety before licensure.

Foster parents must attend 4 hours annually of training in foster parenting that is provided or approved by the agency that provides child welfare services.



The annual training or portions of the annual training may for good cause, as determined by the agency that provides child welfare services, be obtained from another agency that places foster children, as a substitute for the training provided by the agency that provides child welfare services, if at least one foster parent participates in the training.

### **Minimum Standards for Foster Homes**

**Citation: Admin. Code §§ 424.350 through 424.425**

A foster home should be reasonably accessible to educational and religious facilities, medical care, recreational facilities, special facilities for training and guidance of children to be served, fire services and visits from parents and agency staff. The grounds of a foster home must include outdoor space as a recreational area suitable for the size, number, and age of the children accepted for foster care.

The foster home must have at least 200 square feet of living space per occupant, including foster children. All rooms used as living or sleeping quarters, including kitchens and lavatories, must be clean, lighted, well-ventilated, and heated. Rooms must have furnishings comfortable and suitable for use by children, as appropriate.

Rooms used by children for sleeping must have a minimum of 35 square feet per child and 3 feet of floor space between beds.

Children of the opposite sex who are age 5 or older must not share a bedroom, and children over age 12 months must not sleep in the same room with an adult.

Each child must be provided with his or her own bed that must be at least 30 inches wide and of a length that is adequate for the child's height.

A family foster home must have the following:

- At least one toilet and one tub or shower and at least one washbasin with hot and cold running water
- Portable fire extinguishers on each story of the structure
- Smoke detectors in every room where foster children sleep
- A telephone, where available

### **Approval Process**

**Citation: Rev. Stat. §§ 424.031; 424.033; Admin. Code §§ 424.120; 423.130; 424.275**

The licensing authority shall obtain from appropriate law enforcement agencies information on the background and personal history of each applicant and residents of a foster home who are age 18 or older (other than a resident who remains in foster care after age 18) to determine whether the person investigated has been arrested for, has charges pending for, or has been convicted of any crime that would disqualify him or her for approval.

For each person being investigated, the licensing authority shall conduct a child abuse and neglect screening in every State in which the person has resided during the immediately preceding 5 years.

*In regulation:* A licensing authority representative shall conduct a fair and impartial investigation of each foster home after receipt of an application for licensure and shall investigate the home to determine whether the licensing requirements are met. A licensing authority representative may visit the foster home at any time, announced or unannounced, to determine compliance with licensing requirements and must be available for consultation as appropriate. The licensing authority representative shall visit each foster home at least once during the annual licensing period. That visit may be conducted as part of the initial issuance of a license or the renewal of a license.

A licensing authority representative shall conduct a fair and impartial inspection of each foster home at initial licensing and at least one visit annually thereafter. The licensing authority representative may request any health, fire, building, or other inspection if he or she has any reason for concern regarding the health or safety of the foster home.

Adults who provide foster care for children shall provide evidence of their character and ability to care for children. The licensing authority must have received at least five satisfactory references for such a person.

### **Grounds for Withholding Approval**

**Citation: Admin. Code §§ 424.110; 424.185 through 424.195**

Intentional misrepresentation or omission of information on a foster home application is cause for the immediate denial of the application or revocation of the license. Such a denial or revocation is not subject to appeal.

The licensing authority shall deny a license to operate a foster home for a failure or refusal to comply with the licensing requirements for a foster home. The licensing authority shall evaluate that compliance based on information gathered as well as on its interpretation of that information considering its experience with foster children and foster homes. The first responsibility of the licensing authority is to ensure licensed foster homes can provide for foster children. The licensing authority is not required to prove noncompliance in those areas that are a matter of judgment but may deny, suspend, or revoke licensure based on reasonable doubt. Any applicant who has a finding of substantiated abuse or neglect of a child or whose own children have been in foster care or otherwise placed outside of the home for the purpose of adoption or foster care must be denied a license to operate a foster home. A license to operate a foster home must not be issued if the applicant or a household member has ever had a felony conviction for the following:

- Child abuse or neglect
- Spousal abuse
- Any crime against children, including child pornography
- Any crime involving violence, including rape, sexual assault, or homicide, but not including any other physical assault or battery
- Physical assault, battery, or a drug-related offense, if the offense was committed within the last 5 years

**Kinship Foster Care****Citation: Rev. Stat. § 128.110**

If the child is placed in the custody and control of a person or agency qualified to receive children for placement, the person or agency, in seeking to place the child, may give preference to the placement of the child with any person related within the fifth degree of consanguinity to the child whom the person or agency finds suitable and able to provide proper care and guidance for the child, regardless of whether the relative resides within the State.

**Foster to Adopt**

This issue is not addressed in the statutes and regulations reviewed.

**Interjurisdictional Approval****Citation: Rev. Stat. § 127.330**

Any out-of-home placement of a child outside the State is subject to the provisions of the Interstate Compact on the Placement of Children.

The child shall not be sent into the receiving State until the appropriate public authorities in the receiving State notify the sending agency, in writing, that the proposed placement does not appear to be contrary to the interests of the child.

**Links to Resources**

State regulations [full text](#)

**New Hampshire**

*Current Through February 2018*

**Who May Apply****Citation: Admin. Rules, He-C 6446.04**

Any person, regardless of race, sex, religion, ethnicity, marital status, sexual orientation, national origin, or physical or mental disability may apply for a foster family care license or permit. The applicant, or at least one applicant if more than one person is applying together, shall:

- Be a legal resident of the State of New Hampshire
- Be at least age 21 as of the date of the application
- Have sufficient income to meet monthly expenses of the household and the foster home and to provide for the needs of children in care
- Be able to communicate in English

- Have a high school diploma or its equivalent
- If the applicant will transport children in care, show proof of possession of the following:
  - » A valid New Hampshire driver's license
  - » An automobile that has passed its most recent State inspection
  - » Automobile liability insurance

Each applicant shall demonstrate his or her ability to:

- Provide a child in care with a safe, nurturing, and stable family environment that is free from abuse and neglect
- Ensure that a child in care receives routine and emergency medical and dental care
- Provide for the basic needs of a child in care, including those for food, clothing, shelter, and supervision
- Honor and uphold the bill of rights for children in foster care
- Promote the physical, mental, educational, and emotional development of a child in care
- Show respect for the linguistic, ethnic, spiritual, and cultural background of a child in care
- Respect the legal rights and responsibilities of the parents of the child in care
- Discipline a child in care in a safe, nonthreatening, and instructive manner
- Demonstrate freedom from physical, mental, or emotional illness that would impair his or her ability to provide for the care of children

### Training Requirements

**Citation: Admin. Rules, He-C 6446.13; 6446.21**

Prior to the issuance of an initial license, the applicant shall attend in its entirety prelicensing training required by the Division for Children, Youth and Families. The prelicensing training shall consist of a total of at least 21 hours of training that shall include, but is not limited to, the following:

- An orientation to the foster care system
- A review of the laws and regulations pertaining to foster care
- The impact of trauma on child growth and development
- Understanding grief and loss
- Maintaining family connections, including with birth parents
- The guidance and positive discipline of children
- The impact of sexual abuse and maintaining a safe environment

Each foster parent shall complete a minimum of 16 hours of competency-based inservice training during the 2-year licensing period, which shall be provided through direct face-to-face training, online or web-based training programs, video presentations, or workbook or other printed material, all of which shall be related to foster care, adoption, or the specific needs of a child placed in the home. The inservice training shall:

- Be recommended and preapproved by the licensing agency
- Be offered in units of training that are a minimum of 1 hour in duration
- Offer skill and competency building to foster parents to meet the needs of the children in care related to the following:
  - » Child growth and development
  - » Foster family management, including household organization, setting standards, and stress management
  - » Family systems
  - » Specialized medical care

**Minimum Standards for Foster Homes****Citation: Admin. Rules, He-C 6446.10**

The foster home shall be constructed, arranged, maintained, and furnished to provide for the health and safety of household members and all children in care. The foster home shall:

- Include a minimum of one indoor bathroom for every eight persons in the household
- Include at least one telephone for incoming and outgoing calls
- Provide a separate bed for each child in care
- Include a bedroom separate from adults for each child in care who is older than age 1
- Provide a bedroom separate from children of the opposite gender who are over age 5
- Have documentation from the local or State fire inspector that the foster home conforms to the fire safety code
- Be equipped with an approved smoke detector outside each separate sleeping area and on each floor and at least one working fire extinguisher
- Have documentation by a local health officer that the home conforms to the applicable local building, sanitation, and maintenance standards

If the applicant is the owner of the foster home, he or she shall provide proof of possessing current homeowner's insurance that includes liability coverage. If the applicant rents the foster home, he or she shall provide proof of possessing current renter's insurance that includes liability coverage.

All weapons and firearms in the foster home shall be kept in a locked cabinet, storage container, or be secured with trigger locks. Ammunition shall be stored and locked separately from the weapon or firearm.

**Approval Process****Citation: Admin. Rules, He-C 6446.07; 6446.08; 6446.09; 6446.11; 6446.12**

The applicant shall submit the names and contact information for five references, in accordance with the following:

- Each reference shall be a person who has known the applicant for more than 1 year.
- No more than one reference shall be a person related to the applicant by blood or marriage.
- All five references shall be positive in order to constitute a complete application for licensure.

The applicant and all household members age 17 and older shall be subject to a criminal records search through State and local police and other States in which the individual has resided for the preceding 7 years. The applicant(s) and all household members 21 years old or older shall be subject to a Federal Bureau of Investigation fingerprint record check.

The applicant and all household members age 17 and older shall be subject to a central registry check to determine if their name appears as a perpetrator in the central registry. Any applicants and household members age 17 or older who have lived outside the State of New Hampshire within the past 7 years shall be subject to a child abuse and neglect registry check in each State they have resided in the past 7 years.

The applicant and all household members shall meet in the foster home with representatives of the licensing agency at least once prior to the issuance of a permit and at least twice prior to the issuance of a license for a sufficient amount of time to allow representatives of the licensing agency to evaluate the foster home and assess the abilities of the applicant. The applicant and all household members shall cooperate with the licensing agency during the home study and family assessment process.

**Grounds for Withholding Approval****Citation: Rev. Stat. §170-E:35; Admin. Rules, He-C 6446.29**

The department may refuse to issue a license to any person who:

- Neglects or abuses children in his or her care
- Is unable to meet and maintain standards adopted by the commissioner
- Furnishes or makes any misleading or any false statement to the department or child-placing agency
- Fails to submit any records required for making an investigation of the facility for licensing purposes
- Fails to submit to an investigation or the required visits

- Fails to admit representatives of the department at any reasonable time for the purpose of investigation or visit
- Fails to provide, maintain, equip, and keep in safe and sanitary condition premises used for child care
- Fails to maintain financial or other resources adequate for the satisfactory care of children
- Fails to comply with applicable public health laws and regulations concerning lead

*In regulation:* In addition to the reasons specified above, the department shall deny an application for a license if the applicant:

- Is the subject of a founded report of child abuse or neglect in any State
- Has been convicted of felony child abuse or neglect, spousal abuse, any crime against children, child pornography, rape, sexual assault, or homicide
- Has been convicted of felony physical assault, battery, or a drug-related offense that was committed within the past 5 years
- Has been convicted of a violent or sexually related crime against a child or a crime that shows the person might reasonably be expected to pose a threat to a child
- Has a motor vehicle record that shows the applicant might reasonably be expected to pose a threat of harm to a child
- Does not fully comply with foster family care licensing requirements
- Had a foster family care license or permit denied
- Presents a set of qualifications that, when taken as a whole, does not affirmatively show a commitment to the purposes of foster family care

### **Kinship Foster Care**

**Citation: Rev. Stat. § 169-C:19**

Legal custody may be transferred to a child-placing agency or a relative. However, no child shall be placed with a relative until a written social study of the relative's home, conducted by a child-placing agency, is submitted to the court.

### **Foster to Adopt**

This issue is not addressed in the statutes and regulations reviewed.

### **Interjurisdictional Approval**

**Citation: Rev. Stat. § 170-A:1**

Any out-of-home placement of a child outside the State is subject to the provisions of the Interstate Compact on the Placement of Children.

The child shall not be sent into the receiving State until the appropriate public authorities in the receiving State notify the sending agency, in writing, that the proposed placement does not appear to be contrary to the interests of the child.

### **Links to Resources**

Department of Health and Human Services, [Becoming a Foster Parent](#)

State regulations [full text](#), see Part He-C 6446.

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## **New Jersey**

*Current Through February 2018*

### **Who May Apply**

**Citation: Admin. Code §§ 3A:51-2.1; 3A:51-5.1**

An applicant for an initial license shall be at least age 18 and a resident of New Jersey. If there is more than one resource family parent applicant in the household, the applicants shall submit a single application for a single license. Each applicant shall meet all requirements for licensure. When a couple lives together, both partners shall be considered to be resource family parents who shall meet the requirements contained in this chapter.

The resource family parent shall:

- Be of good character
- Possess skills, attributes, and characteristics conducive to caring effectively for a child in placement

- Be in sufficient physical, mental, and emotional health to perform his or her duties satisfactorily
- Be free of serious contagious diseases that may put a child in placement at risk
- Refrain from abuse of drugs or alcohol
- Demonstrate reasonable and mature attitudes toward professional figures and institutions
- Have sufficient income so that they are economically independent of board subsidy payments
- Be able to provide daily care and supervision for each child in placement, as appropriate to the child's age and needs
- Be able to provide sufficient time and attention to each child in placement without causing other family members' needs to go unmet or overburdening the resource family parent

**Training Requirements****Citation: Admin. Code § 3A:51-5.6**

Prior to the issuance of a license, each applicant shall complete preservice training, provided or approved by the Department of Children and Families, that will adequately prepare the applicant with the appropriate knowledge and skills to provide for the needs of the children who are or may be placed in the home, including those related to the reasonable and prudent parent standard.

Each resource family parent shall complete annual inservice training, provided or approved by the department, that will provide the resource family parent with the appropriate knowledge and skills to continue to provide for the needs of the children placed in the home, including those related to the reasonable and prudent parent standard.

Each new resource family parent added to the home shall complete the preservice and inservice training specified above within the timeframes determined by the department.

**Minimum Standards for Foster Homes****Citation: Admin. Code §§ 3A:51-4.1; 3A:51-4.2; 3A:51-4.3; 3A:51-6.7; 3A:51-6.9; 3A:51-7.2; 3A:51-8.1**

The resource family home shall be in compliance with all applicable local and State laws, including the Uniform Construction Code and the Uniform Fire Code, with respect to occupancy of a dwelling and health and fire safety provisions.

A telephone shall be in service in the home at all times when a child in placement is present.

At least one toilet, one washbasin and one bathtub or shower shall be provided in the home and shall be in good working order.

Each child in placement shall be provided with his or her own bed or crib, as age appropriate. The child shall sleep in a bedroom with sufficient space to provide for the safety, privacy, and comfort of the child. The bedroom shall have natural light and ventilation provided by one or more windows.

A battery-operated or hard-wired smoke detector shall be installed on each floor of the home and operable at all times. A carbon monoxide detector must be in operation adjacent to each bedroom area if the home contains fuel-burning appliances or has an attached garage used for motor vehicles.

The resource family parent shall ensure that pets kept in the home:

- Pose no danger to the health, safety, or well-being of a child in placement
- Are domesticated, nonaggressive, and vaccinated as required by law

All firearms shall be secured in a locked steel gun vault, and all ammunition shall be secured in a locked area separate from the firearm storage vault.

The resource family parent shall maintain a smoke-free environment in all indoor areas of the home and in all vehicles used to transport a child in placement.

Each resource family parent or household member who provides transportation to a child in placement shall have a current driver's license; automobile insurance coverage; and a vehicle with ample space, seatbelts, and age-appropriate safety seats for each child.

**Approval Process****Citation: Admin. Code §§ 3A:51-2.1; 3A:51-5.2; 3A:51-5.3; 3A:51-5.4; 3A:51-5.5**

The applicant shall cooperate with the department or contract agency in the completion of all components of the home study process. The components of the home study process for an initial license shall include the following:

- Inspection of the resource family home and surrounding area
- Interviews with each resource family parent, child, and other household member

The applicant shall submit contact information for the following references, as applicable:

- A medical reference, including a recommendation from a physician, for each applicant and household member
- Three personal references
- An employment reference for each employed applicant
- A school or daycare reference for each child in the resource family who attends school or daycare
- A child care reference for each applicant who has served as a child care provider or as a caregiver for a child placed by another agency

The applicant shall permit and participate in a home study by the department. The completed home study shall include the following:

- Identifying information on each applicant and household member, including:
  - » Current address and all previous addresses within the past 5 years, if applicable
  - » A visa or other documentation as evidence of legal residency, if the applicant is not a U.S. citizen
- A description of each room and indoor area in the home and the area outside the home
- Information about all persons residing in the home
- A statement of income and financial resources

Checks of State and Federal criminal history records and child abuse record information must be completed for each applicant and household member who is at least age 18. The department shall request information from another State's child abuse and neglect registry when any applicant or household member has resided in any State other than New Jersey during the past 5 years.

**Grounds for Withholding Approval****Citation: Admin. Code § 3A:51-2.5**

The Office of Licensing shall deny an application if the applicant or any household member age 18 or older has been convicted of a crime or offense specified in N.J. Statute § 30:4C-26.8.

The Office of Licensing is authorized to deny an application for good cause, including, but not limited to, the following:

- Failure to comply with the provisions of this chapter
- Fraud or misrepresentation in obtaining a license
- Refusal to furnish the department with any required files, reports, or records
- Refusal to permit an authorized representative of the department to gain admission to the home or to conduct an inspection or investigation
- A conviction by the applicant or a household member age 18 or older for any crime or offense
- A determination that a report of child abuse or neglect by the applicant or a household member has been substantiated
- Any conduct, engaged in or permitted, that presents a serious hazard to the education; health; safety; general well-being; or physical, emotional, and social development of a child, or that otherwise fails to comply with the standards required for the provision of resource family care to a child and the maintenance of a resource family home

**Kinship Foster Care****Citation: Ann. Stat. § 30:4C-12.1; Admin. Code § 3A:51-2.1**

In any case in which the department accepts a child in its care or custody, including placement, the department shall initiate a search for relatives who may be willing and able to provide the care and support required by the child. The search shall be initiated within 30 days of the department's acceptance of the child in its care or custody. The department shall complete an assessment of each interested relative's ability to provide the care and support, including placement, required by the child.

*In regulation:* Kinship care providers must be licensed. An applicant seeking to provide kinship care may be approved to care for a child prior to the issuance of a license, provided that all of the following conditions are met:

- A life/safety inspection of the home reveals no health, safety, or fire hazards in the physical facility of the home and the premises where the home is located.
- A child abuse and neglect records check reveals that no adult residing in the home has been responsible for an incident of sexual abuse of a child, child abuse or neglect that caused serious injury or harm to a child, death to a child through abuse or neglect, or put a child at risk of serious injury or harm.
- A check of court records reveals that no person residing in the home has been convicted of a crime specified in N.J. Statutes § 30:4C-26.8.
- The applicant submits an application for licensure within 5 days following the placement of a child in the home.

**Foster to Adopt****Citation: Admin. Code § 3A:51-1.2**

A resource family parent shall include with whom a child is placed by the department for the purpose of adoption until said adoption is finalized.

**Interjurisdictional Approval****Citation: Ann. Stat. § 9:23-5**

Any out-of-home placement of a child outside the State is subject to the provisions of the Interstate Compact on the Placement of Children.

The child shall not be sent into the receiving State until the appropriate public authorities in the receiving State notify the sending agency, in writing, that the proposed placement does not appear to be contrary to the interests of the child.

**Links to Resources**

Department of Children and Families, [Become a Foster Parent: Requirements](#)

Department of Children and Families, [Kinship Care](#)

State regulations [full text](#), see title 3A, chapter 51.

**New Mexico**

*Current Through February 2018*

**Who May Apply****Citation: Admin. Code § 8.26.4.8**

Any adult age 18 or older who is a legal resident of the United States and a resident of New Mexico can apply to become a licensed foster parent. A foster family may be a single parent, a married couple, or an unmarried couple.

To be considered for a Protective Services Division (PSD) foster parent license issued by PSD, applicants shall have sufficient income, apart from the reimbursement, to support themselves and their families. PSD recruits foster families who demonstrate the ability to care for children in PSD custody and may deny applicants who are not willing to accept children in PSD custody.



## Training Requirements

**Citation: Ann. Stat. § 32A-18-1; Admin. Code § 8.26.4.14**

A person who serves as a foster parent shall receive periodic training, to the extent of available resources, to develop his or her knowledge about children, the physical and psychological formation of children, and the impact of ethnicity on a child's needs. The training shall include study of the following:

- Cross-cultural dynamics and sensitivity
- Child development
- Family composition and dynamics
- Parenting skills and practices
- Culturally appropriate treatment plans
- Alternative health practices

*In regulation:* All foster parent applicants shall successfully complete the required preservice training prior to being licensed in New Mexico. All foster parents shall participate in at least 12 hours of approved training each year.

For foster parents licensed by PSD, 6 of the 12 hours of required training hours shall be determined by the PSD foster care and adoption bureau. The remaining hours shall be determined by the foster family and shall be approved by their PSD worker.

For foster parents licensed by child-placing agencies, the child-placing agencies shall provide a minimum of 12 hours of training annually to their licensed families. PSD may, in its sole discretion, mandate the specific topics in those 12 hours.

## Minimum Standards for Foster Homes

**Citation: Admin. Code § 8.26.4.13**

A foster home shall have an adequate supply of sanitary water. It shall be kept clean and free of dirt, waste, and infestations of insects and rodents. Toilet and bathing facilities shall be provided and maintained in a sanitary manner.

The home shall have a separate bedroom for the foster parents and for any other adults living in or frequently residing in the home, except that a foster child under age 18 months may sleep in the same room with his or her foster parents.

There shall be a separate bed provided for each foster child, except that two children of the same gender may sleep in the same double bed. A foster child over age 5 shall not share a bedroom with another nonrelated child of the opposite gender.

The home shall have access to a safe indoor and outdoor designated play area. All outdoor play space and outdoor equipment shall be maintained in a sound state of repair and free of hazards.

The home shall have a readily available telephone in case of emergencies, at least one fire extinguisher, and smoke detectors appropriate for the square footage.

Pets shall be in good health, have current vaccinations, and have temperaments that are not frightening or hazardous to children. All weapons shall be stored and locked, with ammunition stored separately.

If the applicant operates an automobile, he or she shall have automobile insurance as required by law and a valid driver's license. Vehicles shall have age-appropriate, properly installed car seats for children.

Smoking shall be prohibited in the house and in any vehicle used for transporting foster children.

At initial licensure, the licensing agent will check the list of properties on clandestine drug laboratories in New Mexico to verify the home has not been listed as a contaminated property. The agent also shall check the statewide methamphetamine contamination registry to verify the home has not been registered. The verifications shall be documented in the home study.

## Approval Process

**Citation: Admin. Code §§ 8.26.4.10; 8.26.4.11; 8.26.4.12**

The department conducts fingerprint-based Federal and State criminal records checks for all applicants and adults living in the home. PSD staff shall conduct an additional criminal record check of the applicant and all adult residents through a search of the court's database.

PSD staff also shall conduct a review of abuse and neglect records on the applicant and all adult residents. If the applicant or an adult resident lived in another State in the 5 years prior to the date of the application, PSD shall request that each State review its abuse and neglect registry for information on the applicant or other adult residents.

All applicants are assessed for their suitability to care for children who might be placed in their home. Although any previous foster care assessments shall be considered, the licensing agent shall conduct an independent assessment and home study. The assessment process includes:

- A physical exam report that certifies that all adult household members are in good mental and physical health
- Immunization records for any child residing in the home
- A copy of the applicant's driver's license and proof of motor vehicle insurance
- A copy of the applicant's current marriage license and all previous divorce decrees, if applicable
- Proof of school enrollment or home schooling for all school-aged children residing in the home
- Proof of the applicant's U.S. citizenship or permanent residency

The licensing agent shall contact the three references provided by the applicant and shall contact any adult children living out of the parental home. The licensing agent shall conduct at least one individual interview with each adult living in the applicant's home. This includes children and any relatives or other adults living in the home. If any person who lives in the home declines to be interviewed, the foster home shall not be licensed or certified. A minimum of two home visits shall be made to the proposed foster home.

### **Grounds for Withholding Approval**

**Citation: Admin. Code §§ 8.26.4.8; 8.26.4.10; 8.26.4.11; 8.26.4.19**

No persons shall be licensed as foster parents whose own children are currently in foster care. Persons whose children have been formerly in foster care may be licensed if the assessment determines that the problems leading to placement have been resolved.

Licensure shall not be approved when the criminal records checks for the applicant or any adult household member home reveal any of the following disqualifiers:

- A felony conviction for child abuse or neglect; spousal abuse; or a crime against children, including child pornography
- A conviction for any crime involving violence such as rape, sexual assault, or homicide (not including other physical assault or battery)
- A felony conviction within the past 5 years for physical assault, battery, or a drug-related offense

Applicants who have a conviction for other crimes are not automatically disqualified; however, this information shall be used to determine suitability for licensure.

If the applicant or any adult living in the applicant's home has been the subject of a substantiated allegation of sexual exploitation or sexual abuse of a child, or has been substantiated for child abuse that resulted in a child fatality, then the applicant shall not be licensed. In the event of a substantiated report of child abuse or neglect, other than substantiated sexual exploitation or sexual abuse as listed above, involving the applicant or any adult living in the home, the application is assessed on a case-by-case basis to determine if the safety of any child in the home can be ensured.

An application for licensure may be denied based on a documented professional assessment that the applicant cannot adequately provide safety, permanency, and well-being for children or, when in the professional opinion of the licensing agent, conditions in the prospective foster home are not conducive to the fostering of children.

### **Kinship Foster Care**

**Citation: Admin. Code § 8.26.4.16**

Relatives who provide foster care to children in PSD custody must be licensed. A child in PSD custody may be placed on a provisional basis with a relative provided that the PSD worker:

- Completes the initial relative assessment by collecting and assessing the following information:
  - » The child's attitude toward the prospective caregiver
  - » The prospective caregiver's attitude toward the child and parents
  - » The prospective caregiver's motivation to foster the child
  - » The prospective caregiver's ability to safely parent the child
  - » A local background records check that does not contain a disqualifying conviction
  - » A check of the Children, Youth and Families Department management information system for a referral history with PSD
  - » Completion of the physical standards checklist
- Obtains supervisory approval

The safety of the child is the primary consideration. If this is ever in conflict with the placement of the child with a relative, PSD will make the placement decision in favor of the child's safety.

A provisional license is limited to 60 days with one possible 30-day extension at the discretion of the PSD deputy director. When a child is placed in the home under a provisional license, the relative foster parents are expected to complete all requirements of foster home licensing within 60 days of placement. Failure to meet these requirements within the 60-day timeframe shall result in the removal of the child.

**Foster to Adopt**

**Citation: Admin. Code § 8.26.2.24**

The PSD shall attempt to place foster children with concurrent plans of adoption in foster homes that have been identified as concurrent families. PSD completes the preplacement home study for foster parents and treatment foster parents who have been selected as adoptive parents for children in PSD custody.

**Interjurisdictional Approval**

**Citation: Ann. Stat. § 32A-11-1**

Any out-of-home placement of a child outside the State is subject to the provisions of the Interstate Compact on the Placement of Children.

The child shall not be sent into the receiving State until the appropriate public authorities in the receiving State notify the sending agency, in writing, that the proposed placement does not appear to be contrary to the interests of the child.

**Links to Resources**

State regulations [full text](#) (PDF - 84 KB)

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**New York**

*Current Through February 2018*

**Who May Apply**

**Citation: Code of Rules & Regs. Tit. 18, § 443.2**

Each foster parent must be age 21 or older. Each member of the household of the foster family must be in good physical and mental health and free from communicable diseases. Each applicant must understand the role of a foster parent and possess the ability, motivation, and psychological readiness to be a foster parent.

**Training Requirements**

**Citation: Code of Rules & Regs. Tit. 18, § 443.2**

Authorized agencies must orient applicants who have been accepted for a home study or, in the case of relatives who are in the process of a home study, to:

- The social, family, and personal problems that lead to family breakdown and the need for the placement of children
- The problems and reactions of children upon separation
- The nature of the relationship of agency staff to foster parents and children, including definitions of the function and responsibility of the social workers assigned to the children and their families
- The payments to foster parents for care and expenses
- The definition of foster family care and certification or approval of the home
- The rights and responsibilities of a foster parent

Authorized agencies must provide training to each certified or approved foster parent in a training program approved by the Office of Children and Family Services that will prepare foster parents to meet the needs of children in their care so that the best interests of the children placed by the agency will be met. Such training must include knowledge and skills relating to the reasonable and prudent parent standard for the participation of the child in foster care in age or developmentally appropriate activities.

The training will, as appropriate, help the foster parent to understand the issues confronting children preparing for another planned living arrangement with a permanency resource and will, to the extent possible, be coordinated with a child's program to develop life skills for the purpose of preparing for another planned living arrangement with a permanency resource. The training also must include information on eligibility for the kinship guardianship assistance and the nonrecurring guardianship expenses programs, as well as the medical coverage available to certain relative foster parents under the kinship guardianship assistance program.

### **Minimum Standards for Foster Homes**

#### **Citation: Code of Rules & Regs. Tit. 18, § 443.3**

The physical facilities of the foster home or relative foster home must be in good condition and present no hazard to the health and safety of children. The foster home must be in substantial compliance with all applicable provisions of State and local laws, ordinances, rules, and regulations concerning health and safety. The physical space, construction, and maintenance of the foster home and premises must be in good repair and kept in a sufficiently clean and sanitary condition so that the physical well-being and a reasonable degree of physical comfort are ensured the members of the foster family.

Separate bedrooms are required for children of the opposite sex older than age 7, unless the children are siblings or half-siblings sharing the same bedroom and the alternative sleeping arrangement is consistent with the health, safety, and welfare of each of the siblings or half-siblings and is necessary to keep the siblings or half-siblings placed together in the same foster home. No more than three persons may occupy any bedroom where children sleep unless the children are siblings or half-siblings.

No child older than age 3 may sleep in the same room with an adult of the opposite sex. Children must not sleep together in the same bed with an adult. Each child must have sleeping space of sufficient size for the child's safety, comfort, and privacy. Each child must have a separate bed or crib of sufficient size and cleanliness for the comfort and well-being of the child.

There must be an adequate and safe supply of water for drinking and household use. Adequate bathing, toilet, and lavatory facilities must be provided and kept in sanitary condition. The home must be free from fire hazards and equipped with at least one smoke detector.

### **Approval Process**

#### **Citation: Code of Rules & Regs. Tit. 18, § 443.2**

Each applicant and each person over age 18 currently residing in the home must provide:

- Fingerprints for the purpose of a criminal history record check
- Completed forms for the agency to inquire whether any of them are the subject of an indicated child abuse or maltreatment report on file with the Statewide Central Register of Child Abuse and Maltreatment and, where applicable, to request child abuse and maltreatment information from the applicable child welfare agency of a State where the person resided in the 5 years preceding the application

Each agency must establish a procedure to review and evaluate the backgrounds of and information supplied by all applicants for certification or approval. As part of this procedure, applicants must be required to submit all of the following information:

- Employment history
- References who can verify the applicant's employment history, work record, and qualifications
- At least three personal references, other than relatives, who can attest to the applicant's character, habits, reputation, and personal qualifications
- A sworn statement by the applicant indicating whether, to the best of his or her knowledge, he or she or any other person over age 18 currently residing in the home has ever been convicted of a crime in New York State or any other jurisdiction
- A medical report regarding the foster family's general health; the absence of communicable disease, infection, or illness; or any physical conditions that might affect the proper care of a foster child
- The result of a tuberculosis screening

A home study must determine compliance with all criteria for certification or approval. The agency must explore each applicant's understanding of the role of a foster parent and the applicant's ability, motivation, and psychological readiness to be a foster parent. The agency also must explore the understanding of the other members of the household about foster care and their concept of a foster child's role in the family.

**Grounds for Withholding Approval****Citation: Code of Rules & Regs. Tit. 18, §§ 443.2 ; 443.8**

An agency may deny an application for certification when the Office of Children and Family Services has notified the agency that the applicant is the subject of an indicated report of child abuse or maltreatment on file with the Statewide Central Register of Child Abuse and Maltreatment.

An application for certification as a foster parent will be denied when a criminal history record of the prospective foster parent reveals the following:

- A felony conviction at any time involving the following:
  - » Child abuse or neglect
  - » Spousal abuse
  - » A crime against a child, including child pornography
  - » A crime involving violence, including rape, sexual assault, or homicide, other than a crime involving physical assault or battery
- A felony conviction within the past 5 years for physical assault, battery, or a drug-related offense

**Kinship Foster Care****Citation: Code of Rules & Regs. Tit. 18, § 443.7**

The home of a relative may be approved as an emergency foster home if the department documents a compelling reason why the home needs to be approved on an emergency basis and an eligible relative or nonrelative volunteers to provide foster care to the child. An eligible nonrelative may include a child's godparent, neighbor, family friend, or an adult with a positive relationship with the child.

Before placing a foster child with a relative on an emergency basis, the agency must perform a home study of the relative's home and family on an expedited basis to ensure that there is no apparent risk to the health and safety of the child. As part of the home study, the agency must:

- Obtain character references
- Review agency records to determine whether or not the relatives have a prior history of abuse or maltreatment

If the home is found suitable after the requirements above have been completed, it will be approved as an emergency foster home or an emergency relative foster home for 90 days from the date of placement of the child in the home.

Within 7 days of placement, the agency must request a State central registry check of the applicant and other adults residing in the home. If the applicant or other adult resident lived in another State at any time during the 5 previous years, registry checks must be requested from that State. Within 2 weeks of placement, the foster parent and all adult residents must submit their fingerprints for the purpose of State and Federal criminal history record checks.

A foster home approved on an expedited basis may continue to provide foster care beyond the 90th day of approval when the foster parent has otherwise satisfied all of the requirements for final certification as a foster home except for the completion of background checks. Once the checks are completed, and the agency determines that the home should continue to be certified, a final certification must be issued for the home.

**Foster to Adopt****Citation: Code of Rules & Regs. Tit. 18, § 443.9**

At the time of application for certification or approval as a foster parent, an applicant is authorized, but not required, to also apply for approval as an adoptive parent. Nothing herein may be deemed to require an individual to apply for concurrent certification/approval. The standards for studying an individual for approval as an adoptive parent are the same as those for the certification or approval of a foster parent. An applicant for concurrent foster home certification/approval and adoptive parent approval will not be required to submit dual documentation to the authorized agency.

In addition to the standards referenced above, the authorized agency must apply the marital standards as set forth in § 421.16(d) of this Title.

An authorized agency may reject an applicant if it is determined, after a thorough adoption study, that:

- The applicant is physically or emotionally incapable of caring for an adopted child.
- The applicant's approval would not be in the best interests of the children awaiting adoptions.

### Interjurisdictional Approval

#### Citation: Code of Rules & Regs. Tit. 18, § 443.2

When the Office of Children and Family Services, through the Interstate Compact on the Placement of Children, receives a request to conduct a home study for the certification or approval of persons in New York as foster parents for the placement of a foster child from another State, the office will transmit the request to the social services district in which the prospective foster parents reside for the purpose of conducting a home study and approving the prospective foster parents in accordance with these regulations. The social services district must complete and return the home study to the Office of Children and Family Services and to the State or local agency that submitted the request within 60 days.

The term 'home study' means an assessment of the safety and suitability of placing the child in the home of the prospective foster parents based on an evaluation of a home environment conducted in accordance with applicable requirements of regulation to determine whether the proposed placement would meet the individual needs of the child, including the child's safety; permanency; health; well-being; and mental, emotional, and physical development.

When a social services district proposes to place a foster child with prospective foster parents in another State, the social services district must treat a home study received from another State, Indian Tribe, or private agency under contract with the other State as meeting the requirements imposed by New York State for the completion of a home study before placing a child or children in the home, unless within 14 days of receipt of the home study, the social services district determines, based on the content of the home study, that making a decision in reliance on the home study would be contrary to the welfare of the child.

### Links to Resources

[Foster and Adoptive Home Certification/Approval Q & As](#) (PDF - 90 KB)

## North Carolina

*Current Through February 2018*

### Who May Apply

#### Citation: Admin. Code Tit. 10A, § 70E.1104

Foster parents shall be persons whose behaviors, circumstances, and health are conducive to the safety and well-being of children. The foster parent must be age 21 or older.

The foster family shall be in good physical and mental health as evidenced by the following:

- A medical examination completed within the last 12 months
- Documentation that each adult member of the household has had a tuberculosis skin test or chest x-ray
- A medical history form completed on each member of the household
- No indication of alcohol abuse, drug abuse, or illegal drug use by a member of the foster family
- No indication that a member of the foster family is a perpetrator of domestic violence
- No indication that a member of the foster family has abused, neglected, or exploited a disabled adult
- No indication that a member of the foster family has been placed on the North Carolina Sex Offender and Public Protection Registry
- No indication that a member of the foster family has been placed on the Health Care Personnel Registry
- No indication that a member of the foster family has been found to have abused or neglected a child

Foster parent applicants shall have graduated from high school, received a GED (graduate equivalency diploma), or have an ability to read and write.

Foster parent applicants who are married are presumed to be coparents in the same household and both shall complete all licensing requirements. Adults age 21 or older living in currently licensed or newly licensed foster homes who have responsibility for the care, supervision, or discipline of the foster child shall complete all licensing requirements.

### **Training Requirements**

**Citation: Gen. Stat. § 131D-10.6A; Admin. Code Tit. 10A, § 70E.1117**

The Division of Social Services, Department of Health and Human Services, shall require a minimum of 30 hours of preservice training for foster care parents, either prior to licensure or within 6 months from the date a provisional license is issued, and a minimum of 10 hours of continuing education for all foster care parents annually after the year in which a license is obtained.

*In regulation:* Preservice training shall include the following:

- Communication skills
- Understanding the dynamics of foster care
- Separation and loss; attachment and trust
- Child and adolescent development
- Behavior management
- Working with birth families and maintaining connections
- Lifebook preparation
- Planned moves and the impact of disruptions
- The impact of placement on foster families
- Teamwork to achieve permanence
- Cultural sensitivity
- Confidentiality
- Health and safety
- Trauma-informed care
- The reasonable and prudent parent standard

Training in first aid, cardiopulmonary resuscitation, and universal precautions shall be provided to foster parents before a foster child is placed with the foster family.

Child-specific training shall be provided to the foster parents as required in the out-of-home family services agreement or person-centered plan as a condition of the child being placed in the foster home.

Prior to licensure renewal, each foster parent shall successfully complete at least 20 hours of inservice training. This training may be child-specific or may concern issues relevant to the general population of children in foster care. A foster parent may complete training provided by a community college, a licensed supervising agency, or other departments of State or county governments.

### **Minimum Standards for Foster Homes**

**Citation: Admin. Code Tit. 10A, §§ 70E.1108 through 70E.1112**

Before a home is licensed, it shall be inspected and receive a passing rating on the fire and building safety inspection report completed by the local fire inspector. All homes shall have the following:

- A fire extinguisher
- Smoke alarms installed in or near every sleeping area
- A carbon monoxide detector
- Telephone service

The home and yard shall be maintained and repaired so that they are not hazardous to the children in care. The house shall be kept free of uncontrolled rodents and insects.



The kitchen shall be equipped with an operable stove and refrigerator; running water; and eating, cooking, and drinking utensils to accommodate the household members. Household equipment and furniture shall be in good repair.

Flammable and poisonous substances, medications, and cleaning materials shall be stored out of the reach of children placed for foster care.

Each home shall have a family room to meet the needs of the family, including children placed for foster care. The kitchen shall be large enough for preparation of food and cleaning of dishes. Each home shall have a dining area to meet the needs of the family, including children placed for foster care.

Each child shall have his or her own bed. The sleeping room shall not be shared by children of the opposite sex, except by children age 5 and younger. When children share a bedroom, a child under 6 shall not share a room with a child over 12, except when siblings are placed together. No more than four children shall share a room.

The home shall have an indoor, operable sanitary toilet and hand-washing and bathing facilities.

### **Approval Process**

**Citation: Admin. Code Tit. 10A, §§ 70E.0802; 0803; 0804; 1116**

The home assessment shall consist of a series of discussions between the supervising agency staff, the foster parent applicants, and other household members. The family shall be seen by the social worker in the family's home and in the agency's office.

For a single applicant, there shall be two separate face-to-face interviews on two different dates. For joint applicants, there shall be separate face-to-face interviews with each applicant and two additional face-to-face interviews with both applicants. There shall be separate face-to-face interviews with each member of the household age 10 or older.

A home assessment shall include the applicants' family history, including information about parents, siblings, marriages, and family support systems; ability to cope with problems, stress, crises, and loss; disciplinary methods; personal experiences of abuse and neglect and domestic violence; criminal convictions; drug or alcohol abuse; emotional stability and maturity; ability to give and receive affection; religious orientation, if any; and educational and employment history.

An assessment shall be made of the applicants' skills and abilities to provide care for children. All household members shall be assessed with respect to their commitment to providing care for children. The foster home shall be assessed to determine if there is space to accommodate the number of children recommended for the license capacity. The applicants shall be assessed with respect to their financial ability to provide foster care.

References shall be used to supplement the information obtained through interviews and observation regarding the applicants. All adult members of the foster home shall provide three references to the supervising agency.

The supervising agency shall conduct a local criminal history check through accessing the courts and the Department of Corrections and submit the results of the criminal history checks to the licensing authority.

### **Grounds for Withholding Approval**

**Citation: Admin. Code Tit. 10A, §§ 70E.1114; 70E.1115**

An applicant shall not be licensed if the applicant or any member of the applicant's household age 18 or older refuses to consent to a criminal history check.

An applicant or any member of the applicant's household is not eligible for licensure if the applicant or any member of the applicant's household has been convicted of a felony involving the following:

- Child abuse or neglect
- Spouse abuse
- A crime against a child, including child pornography
- A crime involving violence, including rape, sexual assault, or homicide, but not including other physical assault or battery

An applicant or any member of the applicant's household is not eligible for licensure if the applicant or any member of the applicant's household has within the last 5 years been convicted of a felony involving physical assault, battery, or a drug-related offense.

An applicant is not eligible for licensure if the applicant has within the last 5 years been substantiated for abuse or serious neglect and is placed on the Responsible Individuals List.



### Kinship Foster Care

#### Citation: Gen. Stat. § 7B-505

In placing a child in out-of-home care, the court shall first consider whether a relative of the child is willing and able to provide proper care and supervision of the child in a safe home. If the court finds that the relative is willing and able to provide proper care and supervision in a safe home, then the court shall order placement of the child with the relative, unless the court finds that placement with the relative would be contrary to the best interests of the child.

If the court does not place the child with a relative, the court may consider whether nonrelative kin or other persons with legal custody of a sibling of the juvenile are willing and able to provide proper care and supervision of the child in a safe home. The court may order the department to notify the juvenile's State-recognized Tribe of the need for nonsecure custody for the purpose of locating relatives or nonrelative kin for placement. The court may order placement of the child with nonrelative kin if the court finds the placement is in the child's best interests.

When selecting a placement, the court also shall consider whether it is in the child's best interest to remain in the child's community of residence. In placing a child, the court shall consider the Indian Child Welfare Act and the Multiethnic Placement Act of 1994, as amended, as they may apply. Placement of a juvenile with a relative outside of this State must be in accordance with the Interstate Compact on the Placement of Children.

### Foster to Adopt

This issue is not addressed in the statutes and regulations reviewed

### Interjurisdictional Approval

#### Citation: Gen. Stat. § 7B-3800; Admin. Code Tit. 10A, § 70E.0710

Any out-of-home placement of a child outside the State is subject to the provisions of the Interstate Compact on the Placement of Children.

*In regulation:* The use of out-of-State foster homes for the placement of children in the custody of a North Carolina county Department of Social Services shall be in accordance with the following:

- Prior to placement into an out-of-State foster home, the county department placing the child in the out-of-State facility shall determine that the foster home is licensed according to the standards of that State.
- The county department shall monitor the licensing and relicensing of the out-of-State foster home to ensure that no child for whom they have responsibility is in an unlicensed foster home.
- The county department shall submit to the licensing authority written documentation that an out-of-State foster home has been licensed and that an Interstate Compact for the Placement of Children form for the child to be placed out of State has been signed by both States in order for the foster home to be issued a license identification number for foster care reimbursement purposes.

### Links to Resources

Division of Social Services, [Foster Home Licensing Manual](#)

State regulations [full text](#), see subchapter E.

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### North Dakota

*Current Through February 2018*

### Who May Apply

#### Citation: Admin. Code § 75-03-14-04

A person residing in the home may not have a present condition of substance abuse or emotional instability. A resident of a foster home, who has a past condition of substance abuse or emotional instability, should have had no incidents of substance abuse or emotional instability for a period of at least 12 months prior to licensure.

No person may smoke in the family foster home for children, in circumstances that present a hazard to the health of the foster child, or in an enclosed area when the foster child is present.

A person residing in the home may not have been the subject of a child abuse or neglect assessment where a services-required decision was made unless the foster care supervisor, after making appropriate consultation with persons qualified to evaluate the capabilities of the resident and imposing any restrictions deemed necessary, approves the issuance of a license, and:

- The resident can demonstrate the successful completion of an appropriate therapy.
- The resident can demonstrate the elimination of an underlying basis precipitating the neglect or abuse.

All foster parents, prior to licensing and annually thereafter, must submit a declaration of good health, including all residents of the home, in a manner and form determined by the department. The department may require a physical examination or psychological testing of any resident of the home as deemed necessary.

Physical disabilities or age of foster parents do not affect licensing of the home provided that the applicant can show that these factors do not significantly inhibit the ability of the foster parents to efficiently carry on the duties required of them.

All foster parents or potential parents must demonstrate a working knowledge of the reasonable and prudent parent standard by allowing foster children the opportunity to participate in developmentally and age-appropriate activities. All foster parents must engage in the reasonable and prudent parent standard.

### **Training Requirements**

#### **Citation: Cent. Code § 50-11-01.5**

Before initial licensure and each renewal, each foster parent shall complete a course of instruction related to fire prevention and safety. The State fire marshal shall design the course in cooperation with the Department of Human Services. The course must be available on videotape or any equivalent medium as designed by the department. The department shall offer the course throughout the State.

### **Minimum Standards for Foster Homes**

#### **Citation: Admin. Code § 75-03-14-03**

The home must be a dwelling, mobile home, housing unit, or apartment occupied by an individual or a single family. The home must have an operational telecommunications device and must have available to it some means to make immediate contact with authorities in emergencies.

The home shall have sleeping rooms adequate for the foster care family and the foster children. All sleeping rooms must be outside rooms and have ample window space for light and ventilation. Basement bedrooms must be equipped with the appropriate fire alarms and smoke detectors. A basement that will be used for the care of foster children must be equipped with more than one exit. One exit may be an accessible window. Children in basement sleeping rooms must be able to demonstrate their ability to depart from all exits.

The house and premises must be clean, neat, and free from hazards that jeopardize health and safety. Firearms must be kept in locked storage or trigger locks must be used, and ammunition must be kept separate from firearms.

The home must be equipped with adequate light, heat, ventilation, and plumbing for safe and comfortable occupancy. The house and grounds must be in compliance with any applicable State and local zoning requirements. Any source of water other than an approved municipal water supply must be tested annually for compliance for approved drinking water standards.

If required by the department, the home must satisfactorily complete a fire inspection by the local fire inspector. The home must be equipped with fire extinguishers, smoke detectors, and smoke alarms as recommended by the local fire inspector or State fire marshal. They must be in working condition at all times. In an apartment building, the fire extinguisher, smoke detectors, and smoke alarms must be inside the apartment.

### **Approval Process**

#### **Citation: Cent. Code § 50-11-02; Admin. Code §§ 75-03-14-02; 75-03-14-07**

Before licensing or approving a facility providing foster care for children, the department shall seek a criminal history record when required by this chapter. The department shall consider any criminal history record information available at the time a licensing or approval decision is made.

*In regulation:* The foster home licensing process requires completion and documentation of the following items:

- Application form
- Compliance with fire and safety requirements

- Reference letters
- Medical history self-declaration
- Background check
- Home visits
- Home assessment

In those cases where the home of a Native American family, not subject to the jurisdiction of the State of North Dakota for licensing purposes, is located on a recognized Indian reservation in North Dakota, an affidavit from an agent of the Tribal child welfare agency or an appropriate Tribal officer must be accepted in lieu of a licensing procedure if the affidavit represents the following:

- An investigation of the home was completed by the Tribe's child welfare agency or Tribal council.
- The prospective home is in compliance with the standards required by North Dakota Century Code § 50-11-02.

Background checks, which consist of child protection services checks in each State that the individual has resided in the previous 5 years and a criminal history record investigation, are required for all adults living in the family foster home for children prior to initial family foster home for children licensure or approval.

### **Grounds for Withholding Approval**

**Citation: Admin. Code §§ 75-03-14-02; 75-03-14-04.1**

After reviewing an individual's application for family foster home licensure, the department may deny a license if:

- The application contains fraudulent information, an untrue representation, or is incomplete
- The home is in an unsanitary condition.
- The home is not properly equipped to provide for the health and safety of the children served.
- The applicant is not in compliance with the regulations prescribed by the department for the operation of a family foster home for children.

A family foster care applicant or members of the family foster care home must not have been found guilty of, pled guilty to, or pled no contest to:

- Homicide
- Assault, threats, coercion, or harassment
- Kidnapping
- Sexual performances by children, sexual imposition, corruption or solicitation of minors, sexual abuse of wards, or sexual assault
- Robbery or burglary, if a class B felony
- Promoting or facilitating prostitution or child procurement
- Abuse or neglect of a child
- An offense, other than an offense listed above, if the department determines that the individual has not been sufficiently rehabilitated

### **Kinship Foster Care**

**Citation: Cent. Code § 50-11-01; Admin. Code § 75-03-14-09**

No person may furnish foster care for children for more than 30 days a year without first procuring a license. This provision does not apply when the care is provided in the home of a person related to the child by blood or marriage. A relative providing care shall submit to a criminal history record investigation as required under § 50-11-06.8.

*In regulation:* Upon written application and good cause shown to the satisfaction of the department, the department may grant a waiver from a provision of this chapter to a family foster home for children if the proposed foster parents are relatives of a foster child. No waiver may be issued if it would result in a danger to the health and safety of any foster child cared for by the foster child's relatives in the family foster home. The department shall prescribe the terms of the waiver. A refusal to grant or revoke a waiver is not subject to appeal.

**Foster to Adopt**

This issue is not addressed in the statutes and regulations reviewed.

**Interjurisdictional Approval**

**Citation: Cent. Code § 14-13-01**

Any out-of-home placement of a child outside the State is subject to the provisions of the Interstate Compact on the Placement of Children.

The child shall not be sent into the receiving State until the appropriate public authorities in the receiving State notify the sending agency, in writing, that the proposed placement does not appear to be contrary to the interests of the child.

**Links to Resources**

[Foster Parent Handbook](#) (PDF - 5,430 KB)

State regulations [full text](#) (PDF - 87 KB)

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**Northern Mariana Islands**

*Current Through February 2018*

**Who May Apply**

This issue is not addressed in the statutes reviewed.

**Training Requirements**

This issue is not addressed in the statutes reviewed.

**Minimum Standards for Foster Homes**

This issue is not addressed in the statutes reviewed.

**Approval Process**

**Citation: N.M.I. Comm. Code Tit. 1, § 2374(h)**

The Division of Youth Services shall investigate and certify all prospective foster parents and homes for the placement of juveniles by the Commonwealth court or the division. The certification shall be consistent with criteria to be promulgated by the division in a manner conforming to the Administrative Procedure Act and shall have the objective of ensuring a safe, healthy, and moral environment for a juvenile placed there.

**Grounds for Withholding Approval**

**Citation: N.M.I. Comm. Code Tit. 1, § 2374(h)**

The certification shall be renewed annually from the date of original certification and may be voided by the division's administrator when the foster setting is found by the division's administrator to be in violation of certification criteria. No juvenile may be placed in a foster home that is not certified by the division.

**Kinship Foster Care**

This issue is not addressed in the statutes reviewed.

**Foster to Adopt**

This issue is not addressed in the statutes reviewed.

**Interjurisdictional Approval**

This issue is not addressed in the statutes reviewed.

**Links to Resources**

No resources are available online.

## Ohio

*Current Through February 2018*

### Who May Apply

**Citation: Admin. Code § 5101:2-7-02**

An applicant shall be at least age 21 at the time of initial certification. At least one applicant in the home shall be able to read, write, and speak in English or be able to effectively communicate with any child placed in their home and with the recommending agency.

An applicant may be a legally married couple, single person, or coparent. An applicant shall have an income sufficient to meet the basic needs of the household and to make timely payment of shelter costs, utility bills, and other debts.

An applicant and all members of the applicant's household shall be free of any physical, emotional, or mental condition that would endanger a child or seriously impair the ability of the applicant to care for a foster child.

An applicant and all other persons age 18 or older who reside with the applicant shall not have been convicted of or pleaded guilty to any of the offenses listed in this rule.

### Training Requirements

**Citation: Rev. Code §§ 5103.031; 5103.032; 5103.033; 5103.035; 5103.039; 5103.0311**

A prospective foster caregiver must successfully complete at least 36 hours of preplacement training through a preplacement training program approved by the Department of Job and Family Services.

The department may not renew a foster home certificate unless the foster caregiver successfully completes at least 40 hours of continuing training in the preceding 2-year period in accordance with the foster caregiver's needs assessment and continuing training plan.

For homes that will be caring for children who are less than 6 months old on the date of placement, the prospective foster caregiver must successfully complete at least 12 hours of preplacement training and at least 24 hours of continuing training every 2 years.

The agency shall develop and implement a written needs assessment and continuing training plan for the foster caregiver.

A preplacement training program shall consist of courses in the role of foster caregivers as a part of the care and treatment of foster children, including the following:

- The legal rights and responsibilities of foster caregivers
- Policies and procedures regarding foster caregivers
- The department's criteria for certifying foster homes
- The effects of placement, separation, and attachment issues
- The effects of abuse and neglect on growth and development
- Behavior management techniques
- Effects of caregiving on children's families
- Cultural issues in placement
- Prevention, recognition, and management of communicable diseases
- Community health and social services available to children and their families

A preplacement training program for prospective foster caregivers who will be caring for children younger than 6 months also shall address infant care and early childhood development.

### Minimum Standards for Foster Homes

**Citation: Admin. Code §§ 5101:2-7-05; 5101:2-7-12; 5101:2-7-15**

The presence of a foster child in a foster home shall not cause any other resident of the home to be deprived of a bed or bedroom. A bedroom for foster children shall accommodate no more than four children and provide a safe and comfortable sleeping area ensuring reasonable privacy and access to adult supervision, as appropriate to the age and functioning level of each foster child.

A foster child shall not share a bedroom with a child of the opposite sex, except when all children sharing the room are younger than age 5 or when a foster child who also is a parent is sharing a bedroom with his or her own child. Each foster child shall be provided with a clean, comfortable, and permanent bed and mattress.

A foster home and all structures on the grounds of the home shall be maintained in a clean, safe, and sanitary condition and in a reasonable state of repair. A foster home shall have the following:

- A working telephone
- A continuous supply of safe drinking water
- Working bathroom and toilet facilities located within the home and connected to an indoor plumbing system
- A working smoke alarm and fire extinguisher

Firearms and other weapons must be stored in an inoperative condition in a locked area inaccessible to children. Pets or domestic animals shall be kept in a safe and sanitary manner in accordance with State and local laws. A foster home shall provide a smoke-free environment for foster children.

Any vehicle used to transport a foster child shall be maintained in a safe condition and covered by liability insurance in accordance with current State laws. A foster caregiver shall ensure that any person transporting a foster child in a motor vehicle shall be licensed to drive that class of vehicle. A foster caregiver shall ensure that a foster child transported in a motor vehicle shall at all times be restrained by a method appropriate to the child's age.

### **Approval Process**

**Citation: Rev. Stat. §§ 5103.0324; 5103.0327; Admin. Code § 5101:2-7-02**

A public children's services agency, private child-placing agency, or private noncustodial agency to which the duty to inspect and approve a family foster home or treatment foster home has been delegated shall provide for an assessor to conduct a home study of the home.

Any physical examination required in the determination of foster home placement may be conducted by any individual authorized to conduct physical examinations, including a physician assistant, a clinical nurse specialist, a certified nurse practitioner, or a certified nurse-midwife.

*In regulation:* A criminal records check shall be requested for the foster care applicant and each adult who resides with the foster care applicant. The results shall be reviewed prior to the agency's recommendation for certification to the department.

An applicant shall obtain an approved inspection by a State-certified fire safety inspector or the State fire marshal's office certifying that the foster home is free from conditions hazardous to the safety of foster children. The approval must have occurred within 12 months prior to the initial recommendation for certification.

An applicant shall complete all required preplacement and continuing training and any additional hours of training required by the recommending agency's written training plan.

### **Grounds for Withholding Approval**

**Citation: Admin. Code § 5101:2-7-02**

No person who has been convicted of or pleaded guilty to an offense listed below shall be certified as a foster caregiver or be an adult resident of the foster caregiver's household, unless the recommending agency finds that person has met all of the following conditions:

- If the offense was a misdemeanor, at least 3 years have elapsed from the date the person was fully discharged from any imprisonment or probation arising from the conviction.
- If the offense was a felony, at least 10 years have elapsed.
- The victim of the offense was not one of the following:
  - » A person younger than age 18
  - » A functionally impaired or developmentally disabled person
  - » A person with a mental illness
  - » A person age 60 or older
- The person's certification as a foster caregiver or the person's residency in the foster caregiver's household will not jeopardize in any way the health, safety, or welfare of the children the agency serves.

Except as provided above, an applicant or other adult resident of the foster caregiver's household shall not have been convicted of or pleaded guilty to any offense listed in Appendix A, including homicide, assault, sex offenses, or drug offenses.

If any of the following have a felony conviction for spousal abuse, rape, sexual assault, or homicide, the foster home shall not be certified and no rehabilitation standards exist:

- An adult resident in the household of a foster caregiver or applicant
- A foster caregiver or foster care applicant

### **Kinship Foster Care**

**Citation: Admin. Code § 5101:2-42-18**

Prior to placing a child with the relative or nonrelative substitute caregiver, the agency shall do the following to approve the placement:

- Collect identifying information on the prospective caregiver and all household members
- Ensure that a search of the statewide automated child welfare information system and the central registry of abuse and neglect has been completed for the prospective caregiver and adult household members
- Assess the safety of the home by checking on the:
  - » Cleanliness of the home
  - » Absence of hazardous conditions
  - » Safe storage of poisons and otherwise dangerous or combustible materials
  - » Proper heating, lighting, and ventilation
  - » Condition of indoor plumbing and toilet facilities
  - » Installation of a working smoke alarm on each level of the home
  - » Safe storage of weapons, including firearms and ammunition, in inoperative condition and in a secured and locked area
  - » Adequacy of each child's bedding and appropriateness to his or her needs
  - » Availability of a working telephone
- Provide the prospective caregiver with known information regarding educational, medical, child care, and special needs of the child, including information on how to access support services
- Assess the prospective caregiver's ability and willingness to provide care and supervision of the child and to provide a safe and appropriate placement for the child
- Submit fingerprints for the prospective relative or nonrelative caregiver and all adults residing within the home to obtain criminal records checks

The agency shall not approve the placement if the relative, nonrelative, or other adult resident has a felony conviction for spousal abuse, rape, sexual assault, or homicide, or a substantially equivalent offense.

### **Foster to Adopt**

**Citation: Rev. Code § 3107.012**

A foster caregiver may apply to obtain the services of an agency to arrange an adoption for the foster caregiver if he or she seeks to adopt the foster child who has resided in the foster caregiver's home for at least 6 months.

The department shall prescribe an application for a foster caregiver to use. The application shall not require that the foster caregiver provide any information the foster caregiver already provided the department, or undergo an inspection the foster caregiver already underwent, to obtain a foster home certificate.

An agency that receives an application for adoption from a foster caregiver shall not require, as a condition for accepting or approving the application, that the foster caregiver undergo a criminal records check as a prospective adoptive parent. The agency shall inform the foster caregiver that the foster caregiver must undergo the criminal records check before a court may issue a final decree of adoption or interlocutory order of adoption.

### **Interjurisdictional Approval**

**Citation: Rev. Code § 5103.23**

Any out-of-home placement of a child outside the State is subject to the provisions of the Interstate Compact on the Placement of Children.

The child shall not be sent into the receiving State until the appropriate public authorities in the receiving State notify the sending agency, in writing, that the proposed placement does not appear to be contrary to the interests of the child.

### Links to Resources

State regulations [full text](#)

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### Oklahoma

*Current Through February 2018*

#### Who May Apply

**Citation: Admin. Code § 340:75-7-12**

All applicants must:

- Be at least age 21
- Be residing lawfully in the United States
- Have healthy relationships, whether married, single, separated, or divorced
- Have the ability to manage personal and household financial needs without relying on the foster care maintenance payment
- Provide verification that all household members are in sufficiently good physical and mental health to provide for the individual needs of each child placed
- Demonstrate the basic competencies to:
  - » Protect and nurture children who have been abused, emotionally maltreated, or neglected
  - » Meet the medical and developmental needs of these children
  - » Support relationships between children and their parents, siblings, and kin, as specified by the Department of Human Services
  - » Connect children to safe, nurturing relationships
  - » Collaborate with the department as a team member
- Not smoke in the home when a child is placed in the home
- Not smoke in the automobile when transporting a child placed in the home
- Have extended family or friends to provide support and child care other than, or in addition to, licensed child care paid by the department
- Share parenting of the child with the parents, who may have different values and lifestyles
- Be willing to actively mentor the parent to help improve the parent's ability to safely care for the child
- Be willing to accept placement of siblings

#### Training Requirements

**Citation: Ann. Stat. Tit. 10A, § 1-9-116**

Prior to placement of a child in foster placement other than kinship care, each foster parent shall have completed the training approved by the department. A foster parent providing kinship foster care shall, if possible, complete the training for kinship foster care prior to placement. The training must take place no later than 120 days after placement of the child for the kinship foster parent to be eligible to receive any payment for providing foster care services.

Approved training shall require a minimum of 12 hours of study related, but not limited to, the following:

- Physical care
- Education and learning disabilities
- Procedures for accessing necessary professional services
- Behavioral assessment and modification
- Transition to successful adulthood skills
- Procedures for biological parent contact



- Parental substitute authority
- The reasonable and prudent parent standard relative to child participation in age-appropriate or developmentally appropriate activities
- Behavioral management techniques, including, but not limited to, parent-child conflict resolution techniques
- Stress management

Foster parent training programs may include, but not be limited to, the following:

- Inservice training, workshops, and seminars developed by the State agency
- Seminars and courses offered through public or private education agencies
- Workshops, seminars, and courses pertaining to behavioral and developmental disabilities
- The development of mutual support services for foster parents

### **Minimum Standards for Foster Homes**

**Citation: Admin. Code § 340:75-7-12**

All applicants must:

- Provide appropriate sleeping arrangements for each child placed
- Provide a home that is clean and safe
- Have a house assessment completed

The resource specialist conducts an evaluation of the applicant's residence to assess the location, condition, and capacity to accommodate children in foster care. The department may, at its discretion, grant an exception of specific rules or standards upon the applicant's request. Exceptions may be granted upon a showing by the applicant that adequate standards affording protection for the health, safety, and care of the child exists and will be met in lieu of the exact requirements of the rule or standard in question.

### **Approval Process**

**Citation: Admin. Code §§ 340:75-7-15; 340:75-7-18**

Background investigations are conducted at the time of application and include, but are not limited to, the following:

- A State criminal history search, including the Sex Offender Registry, of the applicant and any adult living in the applicant's household
- A national criminal history search, based on the fingerprints of the applicant and any adult members of the household
- A search of any court involvement
- A search of the violent offender registry
- A search of all department records for past confirmation of child maltreatment involving the applicant and any adult living in the household
- A search of all applicable out-of-State child abuse and neglect registries for any applicant or adult household member who has not lived continuously in Oklahoma for the past 5 years
- A search of juvenile justice records for any child older than age 13 in the applicant's household

The department conducts a foster parent eligibility assessment of the applicant and each household member's background or other circumstances and conditions to determine if the home is suitable for the child requiring foster care. The applicant must grant permission for the department to contact the applicant's references. Information obtained from the references is confidential.

The applicant must provide verification that he or she can manage personal and household financial needs without relying on the foster care reimbursement.

### **Grounds for Withholding Approval**

**Citation: Admin. Code §§ 340:75-7-15; 340:75-7-18**

An application is not approved when the applicant or any person residing in the home of the applicant has a criminal conviction record for any of the following felony offenses:

- Physical assault, battery, or a drug-related offense when the conviction occurs within the 5-year period preceding the application date
- Child abuse or neglect

- Domestic abuse
- A crime against a child including, but not limited to, child pornography
- A crime involving violence, including, but not limited to, rape, sexual assault, or homicide

An application is not approved when the applicant or any person residing in the applicant's home is subject to, living with, or married to a person who is subject to the Oklahoma Sex Offender Registration Act.

Reasons for denying an assessment may include, but are not limited to, the following:

- The applicant lacks a stable, adequate income to meet the applicant's own or total family needs or poorly manages available income.
- The home is inadequate to accommodate the addition of children to the home or presents health or safety concerns.
- The applicant or any person residing in the home has a history of alleged or confirmed child abuse, neglect, or both.
- The applicant or any person residing in the home has a history of arrests or convictions per Admin. Code § 340:75-7-15.
- The health or any other condition of the applicant impedes the applicant's ability to provide appropriate care for a child.
- Relationships in the household are unstable and unsatisfactory.
- The mental health of the applicant or other family or household member impedes the applicant's ability to provide appropriate care for a child.
- References are guarded or have reservations in recommending the applicant.
- The applicant fails to complete the application, required training, or verifications in a timely manner as requested or provides information that is incomplete, inconsistent, or untruthful.

### **Kinship Foster Care**

**Citation: Ann. Stat. Tit. 10A, § 1-9-106**

When a child has been removed from the child's home, the department shall attempt to place the child with a person who has a kinship relationship with the child, if that placement is in the best interests of the child. Priority shall be given to the noncustodial parent of the child, unless that placement is not in the best interests of the child. Otherwise, a person related by blood, marriage, adoption, and by tie or bond to a child, and/or who has a family relationship role with the child's parents or the child, may be eligible for approval as a kinship foster care parent.

Prior to placement, a State criminal records search must be completed for the prospective kinship foster parent or any other adult residing in the home. Following placement, a fingerprint-based national criminal history records search must be completed.

The department shall determine whether the person is able to effectively care for the foster child by:

- Reviewing personal and professional references
- Observing during a visit to the home of the kinship foster care family
- Interviewing the kinship foster care parent

When the kinship foster parent is finally approved by the department, the kinship foster care family shall be eligible to receive payment for the full foster care rate for the care of the child and any other benefits that might be available to foster parents, whether monetary or in services.

### **Foster to Adopt**

**Citation: Admin. Code § 340:75-7-19**

Oklahoma Department of Human Services (OKDHS) Bridge resource parents may be jointly approved to provide foster care services to the child in OKDHS custody while approved by other agencies. Joint approval occurs after each agency has conducted an assessment and determines the child's needs can be met in a jointly approved home. While the home is jointly approved, any changes or concerns are shared between each agency involved with the jointly approved home.

Joint use of an adoptive home as a traditional resource foster home occurs after a case-by-case assessment and approval from the resource and adoption supervisors.

## Interjurisdictional Approval

**Citation: Ann. Stat. Tit. 10, § 571**

Any out-of-home placement of a child outside the State is subject to the provisions of the Interstate Compact on the Placement of Children.

The child shall not be sent into the receiving State until the appropriate public authorities in the receiving State notify the sending agency, in writing, that the proposed placement does not appear to be contrary to the interests of the child.

### Links to Resources

Department of Human Services, [Foster Care](#)

State regulations [full-text index](#)

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## Oregon

*Current Through February 2018*

### Who May Apply

**Citation: Admin. Rules §§ 413-200-0306; 413-200-0308**

To qualify as a newly certified family or adoptive resource, an individual must:

- Be a U.S. citizen, a qualified noncitizen, or a relative of the child for whom the individual is seeking to be a relative caregiver
- Be at least age 21, unless granted an exception by a program manager, who may approve an applicant between age 18 and 20 to become a relative caregiver
- Submit a completed application
- Participate in the applicant-assessment process and meet the qualifications and standards required regulation

As determined by the Department of Human Services, an applicant must:

- Possess the ability to exercise sound judgment and demonstrate responsible, stable, emotionally mature behavior
- Possess the ability to apply the reasonable and prudent parent standard when determining whether to allow a child or young adult in substitute care to participate in extracurricular, enrichment, cultural, and social activities
- Maintain conditions in the home that provide safety, health, and well-being for the child or young adult
- Have a lifestyle and personal habits free of criminal activity and abuse or misuse of alcohol or drugs
- Have adequate financial resources to support the household independent of the monthly family foster care payments
- Be willing to participate in the assessment process
- Have the physical and mental capacity to care for a child or young adult

Upon request, the applicant must be willing to provide copies of medical reports from a health-care professional and be willing to participate in an expert evaluation and authorize the department to obtain a report from the evaluator.

### Training Requirements

**Citation: Admin. Rules § 413-200-0379**

An applicant must participate in the department's orientation prior to receiving a certificate of approval or within 30 days after the placement of a child in a home that has been issued a temporary certificate of approval.

Each applicant and certified family must complete the Foundations training before or within 12 months after the date on which the certificate was issued, or have written documentation of completion of equivalent training content from another licensed child-caring agency within 2 years of an applicant's dated application.

The certified family and the certifier must develop a training plan for each foster parent or relative caregiver to complete at least 30 hours of training during each 2-year certification period, unless a written individualized training plan is developed for a certified family with a child-specific certificate of approval. The written individualized training plan:

- Must be designed to strengthen the ability of the certified family to meet the safety, health, and well-being needs of the child or young adult
- May be less than the required 30 hours required during a certification period
- Must be approved by a certification supervisor

The department may require a certified family to complete more than the 30 hours of training for a 2-year certification period based on the needs of the child or young adult placed in the home and the knowledge, skills, and abilities of the family.

### **Minimum Standards for Foster Homes**

**Citation: Admin. Rules § 413-200-0335**

The home must be the primary residence of the certified family. It must:

- Have adequate space for each member of the household, including space for safe and appropriate sleeping arrangements
- Have safe and adequate drinking water
- Have access to a working telephone
- Have the necessary equipment for the safe preparation, storage, serving, and clean-up of food
- Have a safe, properly maintained, and operational heating system
- Ensure that animals are properly cared for and kept in compliance with local ordinances
- Establish the necessary safeguards around potential water hazards, outdoor play equipment, outdoor tools, hunting and sporting equipment, chemicals, or potentially dangerous hazards
- Have furnishings that are kept clean and in good repair
- Ensure that grounds are maintained, with no accumulation of garbage or debris
- Have at least one working smoke alarm on each floor and one in each bedroom where a child sleeps
- Have a carbon monoxide alarm on each floor and within 15 feet of the child's bedroom and at least one operable fire extinguisher
- Have at least one means of emergency exit and one means of rescue from the home
- Have a barrier around fireplaces, wood stoves, or other heating systems that may cause burns to a child developmentally unable to reasonably follow safety rules regarding such devices

A child or young adult may not be exposed to any type of secondhand smoke in the family's home or vehicle. A member of the household may not provide any form of tobacco products to a child or young adult.

A certified family must have available a safe and reliable method of transportation. Any member of the household transporting a child must have a valid driver's license and current insurance. A child must use a seatbelt or age- and size-appropriate safety seat.

### **Approval Process**

**Citation: Admin. Rules § 413-200-0274**

To complete an assessment of an applicant, the certifier must do the following:

- Have face-to-face contact with the applicant and each member of the household
- Assess the applicant's motivation for and interest in caring for a child
- Ensure the applicant possesses a valid driver license and auto insurance if the applicant will transport a child
- Complete a minimum of two home visits
- Observe and assess the safety of the physical environment
- Complete a safety assessment of the home and surroundings
- Gather personal, family, and social history information through a series of questionnaires approved by the department, interviews, and observations in which the department staff gathers personal information about the applicant and the household
- Ensure completion of a criminal records check and a fingerprint-based criminal records check of national crime information databases on each adult member of the household and, at the department's discretion, on any child under age 18
- Ensure completion of child abuse history background checks for each adult member of the household from each State where the individual has resided in the preceding 5 years

- Gather information from at least four personal references for the applicant, no more than two of which may be provided by the applicant's relatives
- Document the assessment of the ability of the applicant to provide safety, health, and well-being for the child or young adult in a home study on a form approved by the department when the recommendation is to issue a certificate of approval

**Grounds for Withholding Approval****Citation: Admin. Rules §§ 413-200-0396; 413-120-0450**

The department may deny an application for a certification when:

- The applicant does not meet one or more of the certification standards.
- The department discovers an applicant has falsified information by act of commission or omission.
- An applicant fails to provide information to the department or fails to inform the department of any disqualifying condition.
- An adult member of the household is found to have a disqualifying conviction under Admin. Rule 413-120-0450.
- The department makes a negative fitness determination with respect to the adult member of the household.
- An adult member of the household has been identified as the perpetrator or possible perpetrator of abuse or neglect in a child protective services assessment founded disposition, unable to determine disposition, or a similar disposition from another State.

The department may deny an application for certification if, during the 5 years prior to the date an application is received, the applicant has had a previous application for certification denied or revoked.

An applicant will be denied if he or she has been convicted at any time of a felony that involves the following:

- Violence, including rape, sexual assault, and homicide, but not including other physical assault or battery
- Intentional starvation or torture
- Abuse or neglect of a child
- Spousal abuse
- Aiding, abetting, attempting, soliciting, or conspiring to cause the death of a child
- Sodomy or sexual abuse
- A crime against a child

An applicant will be denied if he or she has been convicted of a felony within the previous 5 years of physical assault, battery, or a drug-related offense.

**Kinship Foster Care****Citation: Rev. Stat. § 419B.192; Admin. Rules § 413-200-0301**

If the court finds that a child is in need of placement substitute care, there shall be a preference given to placement of the child with relatives and persons who have a caregiver relationship with the child, as defined in Rev. Stat. § 419B.116. The department shall make diligent efforts to place the child with such persons and shall report to the court the efforts made by the department to effect that placement.

*In regulation:* The criteria for becoming a certified relative caregiver are the same as for a foster parent.

**Foster to Adopt****Citation: Admin. Rules §§ 413-120-0730; 413-120-0000(26)**

When identifying potential adoptive resources for a child or sibling group, the caseworker must consider the needs and the best interests of each child and assess the knowledge, skills, and abilities of each potential adoptive resource in the following order of preference:

- A relative
- When a child or sibling group has a current caregiver, the current caregiver and a relative
- A general applicant

The term 'current caregiver' means a foster parent who:

- Is currently caring for a child in the care and custody of the department and has a permanency plan or concurrent permanent plan of adoption
- Has cared for the child or at least one sibling of the child for at least the past 12 consecutive months or for one-half of the child's or sibling's life if the child or sibling is younger than age 2

### Interjurisdictional Approval

**Citation: Rev. Stat. § 417.200**

Any out-of-home placement of a child outside the State is subject to the provisions of the Interstate Compact on the Placement of Children.

The child shall not be sent into the receiving State until the appropriate public authorities in the receiving State notify the sending agency, in writing, that the proposed placement does not appear to be contrary to the interests of the child.

### Links to Resources

[Standards for Certification of Foster Parents and Relative Caregivers and Approval of Potential Adoptive Resources](#) (PDF - 909 KB)  
State regulations full-text [searchable index](#), select chapter 413.

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## Pennsylvania

*Current Through February 2018*

### Who May Apply

**Citation: Admin. Code Tit. 55, § 3700.62**

Foster parents shall be at least age 21. Foster parents shall pass an initial medical appraisal by a licensed physician prior to being approved. The appraisal must establish that the foster parents are physically able to care for children and are free from communicable disease. Further medical examinations may be required by the agency if the agency has reason to believe that additional medical appraisal is appropriate.

### Training Requirements

**Citation: Admin. Code Tit. 55, § 3700.65**

A foster parent shall participate annually in a minimum of 6 hours of agency-approved training.

### Minimum Standards for Foster Homes

**Citation: Admin. Code Tit. 55, §§ 3700.66; 3700.67**

The foster family residence must have the following:

- At least one flush toilet, one washbasin, and one bath or shower with hot and cold running water
- An operable heating system
- An operable telephone

Sleeping areas shall meet the following criteria:

- No unsuitable area such as a hall, stairway, unfinished attic or basement, garage, bathroom, eating area, closet, shed or detached building may be used as a sleeping area for children.
- Foster children of the opposite sex who are age 5 or older may not share the same bedroom.
- Each foster child shall be provided with a clean, comfortable mattress and clean linens, blankets, and pillow.

Foster home safety requirements include the following:

- Medication and poisonous, caustic, toxic, flammable, or other dangerous materials shall be inaccessible to children younger than age 5.
- Fireplaces, stoves, and free-standing space heaters, if allowed by local ordinance, shall be installed, equipped, and operated according to manufacturers' specifications and requirements specified by local ordinance.
- An operable smoke detector shall be placed on each level of the residence.

- A portable fire extinguisher shall be available in the kitchen and other cooking areas.
- Protective safety caps shall be placed in electrical outlets accessible to children younger than age 5. Exposed electrical wires are prohibited.

**Approval Process****Citation: Cons. Stat. Tit. 23, § 6344**

Applicants for approval as foster parents shall submit the following information:

- A report of criminal history record information from the State police
- A certification from the department as to whether the applicant is named in the central register as the perpetrator of a founded or indicated report of child abuse
- A report of Federal criminal history record information

In addition, the foster family care agency shall consider the following when assessing the ability of applicants:

- The ability to provide care, nurturing, and supervision to children
- Mental and emotional well-being
- Supportive community ties with family, friends, and neighbors
- Existing family relationships
- The ability of the applicant to accept a foster child's relationship with his or her own parents
- The ability to care for children with special needs

The department shall require information in the following areas:

- Composition of the resident family unit
- Protection from abuse orders filed by or against either parent
- Drug-related or alcohol-related arrests or hospitalizations within the last 5 years
- Evidence of financial stability, including income verification and employment history
- Number of and ages of foster children and other dependents currently placed in the home
- Detailed information regarding children with special needs currently living in the home
- Previous history as a foster parent, including number and types of children served
- Related education, training, or personal experience working with foster children or the child welfare system

**Grounds for Withholding Approval****Citation: Cons. Stat. Tit. 23, § 6344**

A foster family care agency may not approve a prospective foster parent if the prospective foster parent or an individual age 14 or older who resides for at least 30 days in a calendar year with the prospective foster parent meets either of the following:

- He or she is named in the central register as the perpetrator of a founded report of child abuse committed within the immediately preceding 5 years.
- He or she has been found guilty of an offense listed in subsection (c)(2) of this section.

**Kinship Foster Care****Citation: Cons. Stat. Tit. 42, § 6351; Pa. Stat. Tit. 62, § 1303**

If the child is found to be a dependent child, the court may transfer legal custody to any individual resident within or without the Commonwealth, including any relative, who, after study by the probation officer or other person or agency designated by the court, is found by the court to be qualified to receive and care for the child.

If a child has been removed from the child's home under a voluntary placement agreement or is in the legal custody of the county agency, the county agency shall give first consideration to placement with relatives or kin. The county agency shall document that an attempt was made to place the child with a relative or kin. If the child is not placed with a relative or kin, the agency shall document the reason why such placement was not possible.

The department shall promulgate regulations necessary to carry out the provisions of this article. These regulations shall provide that relatives receive the same foster care rate as other foster parents if they are complying with the regulations governing foster parents.

### Foster to Adopt

This issue is not addressed in the statutes and regulations reviewed.

### Interjurisdictional Approval

**Citation: Pa. Stat. Tit. 62, § 761**

Any out-of-home placement of a child outside the State is subject to the provisions of the Interstate Compact on the Placement of Children.

The child shall not be sent into the receiving State until the appropriate public authorities in the receiving State notify the sending agency, in writing, that the proposed placement does not appear to be contrary to the interests of the child.

### Links to Resources

Department of Human Services, [Foster Care in Pennsylvania](#)

State regulations [full text](#) (PDF - 75 KB)

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### Puerto Rico

*Current Through February 2018*

### Who May Apply

**Citation: Ann. Laws Tit. 8, § 69**

Candidates for licensure shall be persons who:

- Have appropriate health conditions
- Are well-behaved in the community
- Have not been convicted of a felony, including crimes against public decency, corruption of minors, mistreatment and neglect of minors, child abuse, abandonment of minors, or domestic violence
- Have participated in rehabilitation programs, treatment for use of controlled substances, drunkenness, and have complied with their conditions

Persons who have been judicially declared incompetent or who are undergoing treatment for medical conditions, including mental, emotional, and nervous conditions that render them unable to perform their duties adequately, may not provide child care services. For purposes of this provision, violations to vehicle and traffic laws shall not be considered as crimes, except gross and wanton negligence when driving a motor vehicle.

### Training Requirements

This issue is not addressed in the statutes reviewed.

### Minimum Standards for Foster Homes

**Citation: Ann. Laws Tit. 8, § 76**

The regulations to determine the granting of licenses for the care of children shall specify, among others, the requirements to be met with regard to the following:

- Financial resources
- Physical facilities of equipment and materials
- Sanitary conditions of the premises and surroundings
- Space, light, and ventilation
- Firefighting safety devices
- Safety and accessibility of transportation



**Approval Process****Citation: Ann. Laws Tit. 8, §§ 69; 71**

Every candidate shall present to the department a certificate of his or her physical and mental health, each year, indicating their physical and mental capacity to render services or to continue to render services, and a certificate of criminal record, at least every 6 months. The candidate shall authorize the department to investigate his or her physical and mental health and conduct, with the proper guarantees of confidentiality and due process of law.

The department, through its authorized representatives, shall inspect each home providing care for children at least two times a year in order to ascertain that they are functioning in accordance with the provisions of this chapter and department rules and regulations.

**Grounds for Withholding Approval****Citation: Ann. Laws Tit. 8, §§ 73; 482**

The secretary shall deny an application for licensure for any person who does not fulfill the requirements of this chapter and the applicable regulations.

No person may function as a care services provider for children unless he or she has certification indicating that he or she is not registered in the Registry of Persons Convicted of Sex Crimes and Child Abuse, the Criminal Record Register of the Puerto Rico Police, or the Criminal Justice Information System as convicted of any violent sex crime or child abuse. The department shall be required to obtain certification that the person has not been convicted of any of the felonies listed in this section, including the following:

- Murder
- Aggravated assault
- Sexual aggression
- Production, possession, and distribution of child pornography
- Abandonment of minors
- A violation of the Controlled Substances Act

**Kinship Foster Care**

This issue is not addressed in the statutes reviewed.

**Foster to Adopt**

This issue is not addressed in the statutes reviewed.

**Interjurisdictional Approval****Citation: Ann. Laws Tit. 8, § 549**

Any out-of-home placement of a child outside the State is subject to the provisions of the Interstate Compact on the Placement of Children.

The child shall not be sent into the receiving State until the appropriate public authorities in the receiving State notify the sending agency, in writing, that the proposed placement does not appear to be contrary to the interests of the child.

**Links to Resources**

No resources are available online.

**Rhode Island**

*Current Through February 2018*

**Who May Apply****Citation: Regs. for Licensure § 3**

One or two adults as head of household may receive a foster and adoption license. The caregiver must be at least age 21. A kinship caregiver age 18 to 20 may be considered.

The caregiver and any household member must not have a physical, behavioral, or mental health condition that the Department of Children, Youth and Families (DCYF) determines may adversely affect the child's care.

The caregiver must have sufficient income and appropriate fiscal management to maintain its stability and security without a monthly foster maintenance payment. Written verification of income and expenses must be provided to DCYF upon request. The foster maintenance, birthday, clothing, and holiday allowance/payment must be used solely to meet the individual needs of the child in care.

The caregiver must demonstrate the competence, interpersonal qualities, and life experiences that enable him or her to provide quality care. The caregiver must be able to read and write and demonstrate all of the following personal characteristics:

- Maturity
- Stability
- Flexibility
- Ability to cope with stress
- Capacity to give and receive love
- Good character

### Training Requirements

**Citation: Code of Rules § 03 000 015(VI)(H); Regs. for Licensure, § 2**

The child-placing agency shall provide preservice training, approved by DCYF, to foster parents prior to placing a child in the home. The child-placing agency shall provide a licensed foster parent with a minimum of 8 hours of inservice training annually, approved by DCYF, during the term of the license.

*In policy:* The applicant for a foster care and adoption license must successfully complete a course of preservice training as required by DCYF. All courses will be provided or approved by DCYF.

### Minimum Standards for Foster Homes

**Citation: Regs. for Licensure § 3**

The house and premises shall be free of safety hazards and conform to necessary State and local codes and ordinances. The home shall be maintained in a clean, safe, and sanitary condition and in a reasonable state of repair.

The home shall:

- Be adequately heated and safely lighted and ventilated
- Have a working telephone
- Have a continuous supply of safe drinking water
- Be equipped with smoke detectors, carbon monoxide detectors, and fire extinguishers
- Keep any firearms or other weapons inaccessible to a child

Bathroom and toilet facilities shall be located inside the home, connected to an indoor plumbing system, maintained in good working order.

Living rooms, dining rooms, and halls shall not be used as bedrooms for the foster child or any other household member. An exemption may be made for relative caregivers. Each foster child shall have his or her own bed of a type and size appropriate to the child's stage of development. Each infant shall have his or her own full size crib that must conform to all safety regulations.

Except for children younger than age 1, sufficient sleeping space shall be available so that neither the parent's own child nor the foster child shares the bedroom of any adult. A child older than age 3 shall not share a bedroom with any child of the opposite sex. Space must be provided within the bedroom for the child's personal possessions and a reasonable degree of privacy. No more than four children shall be permitted to sleep in one bedroom.

A child in care must not be exposed to secondhand smoke in the caregiver's home or vehicle by any person.

Pets must be kept in a safe and sanitary manner and have up-to-date rabies vaccinations.

Any vehicle used to transport a child must be maintained in a safe condition and insured as required by law. The child must be in an appropriate child safety restraint or seatbelt, in accordance with Federal and State law.

## Approval Process

### Citation: Regs. for Licensure § 2

The home study includes the following:

- Nationwide, fingerprint-based criminal records checks for each applicant and household member age 18 and older
- A DCYF record check on each applicant and all other persons living in the home for any history of substantiated child abuse or neglect
- A central registry check of all applicants and household members age 18 and older who have lived in another State in the preceding 5 years
- Interviews with all household members
- Assessment of the applicant's parenting ability that takes into account the following:
  - » Motivation for becoming a foster parent
  - » Existing family relationships, especially where such relationships might affect the child in care
  - » Capacity to provide for the needs of the child in care while giving proper parenting to all children in the household
  - » Realistic assessment of positive and negative aspects of foster parenthood
  - » Ability to participate in carrying out the plan for the child in care, including his or her transition from foster care
  - » Ability to accept the relationships of the child in care with his or her birth family, including visitations
  - » Background information, including a written self-assessment
  - » Child care experience and parenting philosophy
- Information regarding past and present marriage and/or partnership relationships
- Health history
- Description of home and local community, including any health and safety concerns regarding the home
- Documentation that the residence complies with State building codes and the fire inspection and lead safety requirements
- Information regarding the applicant's education, finances, and employment, including verification of income and expenses
- Personal reference letters from at least three individuals, two of which are unrelated to the applicant, who have known the applicant for at least 2 years and can comment on the applicant's lifestyle and values

## Grounds for Withholding Approval

### Citation: Regs. for Licensure § 2

A license may be denied for the following reasons:

- The applicant or a household member has disqualifying criminal activity.
- The applicant or a household member has been convicted of a criminal offense that is not automatically disqualifying if that conduct has an impact upon the fitness and suitability of the applicant to provide care for a child.
- The record check indicates that a protective services investigation is pending or if there is a substantiated report of child abuse or neglect on any member of the household.
- The applicant or a household member has a history of department activity that is not automatically disqualifying, but that history has an impact upon the fitness and suitability of the applicant to provide care for a child.
- The applicant or other household member has a past or current history of substance abuse deemed to be currently detrimental to the care of children.
- The biological parent or legal guardian of the child in care resides with the applicant.
- The applicant fails to cooperate with the department in its licensing process, including the falsification or omission of facts.
- The applicant fails to comply with any of these regulations.

### Kinship Foster Care

**Citation: Gen. Laws § 14-1-27; Regs. for Licensure § 1**

When DCYF is awarded temporary custody of a child due to allegations of abuse, neglect, or dependency, DCYF shall have the duty to investigate the possibility of placing the child with a fit and willing relative not residing with the parents. DCYF shall conduct an assessment into the appropriateness of placement of the child with the relative within 30 days of the award of temporary custody. If the department determines that the relative is a fit and proper person to have placement of the child, the child shall be placed with that relative, unless the particular needs of the child make the placement contrary to the child's best interests. All placements with relatives shall be subject to criminal records checks in accordance with § 14-1-34, foster care regulations promulgated by DCYF, and interstate compact approval, if necessary.

Whenever the court determines that permanent placement or adoption is in the best interests of a child, a fit and willing relative who has been awarded placement of the child shall be given priority over a nonrelative, provided that the placement or adoption is in the best interests of the child.

*In policy:* The application process is similar for both kinship and nonkinship (generic) providers. The department provides monthly foster maintenance payments to kinship homes pending licensing as soon as background clearances, including nationwide fingerprint checks, are received by the department, for a period not to exceed 6 months from the date of placement. If the home is not licensed within this timeframe, the foster maintenance payment may be terminated.

### Foster to Adopt

**Citation: Gen. Laws § 42-72-5.1; Regs. for Licensure § 1**

The foster parents of a child, committed to DCYF by the family court, who has had the physical custody of the child for a period of 2 years or more may petition the family court for the adoption of the child.

The court shall give notice of the petition to the natural parents and, after a hearing thereon, the court may grant the petition, if it finds:

- That DCYF has made every effort to involve the natural parents in planning for the child
- That the natural parents did not exercise reasonable visitation rights with the child
- That termination of the rights of the natural parents and adoption by the foster parents is in the best interests of the child

*In policy:* Prospective foster and adoptive parents are subject to the same licensing process, including screening, interview, home study, training, and background checks. The foster care and adoption license allows a licensed caregiver to transition to or from the role of foster or adoptive parent without requiring a new home study or additional training.

### Interjurisdictional Approval

**Citation: Gen. Laws § 40-15-1**

Any out-of-home placement of a child outside the State is subject to the provisions of the Interstate Compact on the Placement of Children.

The child shall not be sent into the receiving State until the appropriate public authorities in the receiving State notify the sending agency, in writing, that the proposed placement does not appear to be contrary to the interests of the child.

### Links to Resources

Department of Children, Youth and Families, [Foster Care and Adoption Regulations for Licensure](#) (PDF - 746 KB)

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### South Carolina

*Current Through February 2018*

### Who May Apply

**Citation: Code of Regs. § 114-550**

The applicants shall:

- Be at least age 21
- Have knowledge of the needs of children, be capable of meeting the needs of foster children, and provide adequate foster care services

- Be capable of handling an emergency situation
- Be cooperative with the Department of Social Services or child-placing agency staff in furthering the best interests of the child
- Provide all relevant and factual information to the department or the child-placing agency

The applicant's income shall be reasonably secure and not dependent upon foster care boarding payments.

All applicants and household members shall submit an initial medical report by a duly licensed physician or licensed nurse practitioner verifying that such individuals are in reasonably good health, including an evaluation as to any communicable or contagious diseases.

### **Training Requirements**

#### **Citation: Code of Regs. § 114-550**

Foster parents must each have a minimum of 14 hours of appropriate foster care preservice training that includes training on licensing requirements and expected standards of care prior to licensure. The foster parents will each subsequently be required to complete a minimum of 14 hours training each year or 28 hours prior to each subsequent relicensure.

Viewing standard television programs or reading popular news or magazine articles will not be accepted for training hours. The training shall be provided by the department or via another source that is approved by the department.

### **Minimum Standards for Foster Homes**

#### **Citation: Code of Regs. § 114-550**

The foster family home shall be able to comfortably accommodate a foster child in addition to the foster family.

Each child in care shall be provided with his or her own bed and storage space. No child may routinely share a bed or a bedroom with an adult except for a child under age 1. Children of opposite sex sleeping in the same bed must be limited to siblings younger than age 4. Children of opposite sex sleeping in the same room must be limited to children under age 4.

No birth children of the foster family shall be displaced and made to occupy sleeping quarters prohibited in regulation because of a foster child being placed in the home.

Firearms and any ammunition shall be kept in a locked storage container except when being legally carried upon the foster parent's person; being used for educational, recreational, or defense of self or property purposes by the foster parent; or being cleaned by the foster parent.

The applicant must be able to secure/supervise access to in-ground or above-ground swimming pools and maintain adequate supervision during periods of swimming.

All pets must be kept current with rabies vaccinations and proof of such provided. Pets must not pose a safety concern.

Foster parents shall transport children in accordance with State public safety laws.

### **Approval Process**

#### **Citation: Code of Regs. § 114-550**

All members of the household older than age 6 shall be assessed and interviewed in order to determine their willingness to accept a child and to evaluate the stability of the family unit. A minimum of one family interview and one interview per individual shall be conducted in the home with the prospective applicant, spouse, their children, and other household members.

Background checks shall be conducted, including a review of abuse and neglect history, criminal history found with the State Law Enforcement Divisions and the Federal Bureau of Investigation, and the Sex Offender Registry.

The applicant's home and property shall be inspected by licensing or child-placing agency staff, State Fire Marshal authorities, and health authorities.

The department or the child-placing agency has the authority to request a psychological report on an applicant or household member, at the expense of the applicant, pursuant to securing information during the assessment study process that could indicate a need for professional consultation.

A minimum of three written letters of reference shall be initially obtained in regard to foster parent applicants. References should have known the applicants 3 years prior to the application and, unless specifically requested, should not be related to the applicants.

**Grounds for Withholding Approval****Citation: Code of Regs. § 114-550**

The applicant cannot be considered for licensure if he or she and/or any household member older than age 18 has a substantiated history of child abuse and/or neglect and/or convictions of those crimes listed in S.C. Code 20-7-1642 and/or is listed on the Sex Offender Registry.

A license will not be issued if licensing requirements are not met or if, in the opinion of the department, it would be detrimental for children to be placed in the home.

**Kinship Foster Care****Citation: Ann. Code §§ 63-7-2320; 63-7-2330; Code of Regs. § 114-550**

Relatives within the first, second, or third degree to the parent or stepparent of a child who may be related through blood, marriage, or adoption may be eligible for licensing as a kinship foster parent.

The kinship foster parent must be age 21 or older, except that if the spouse or partner of the relative is at least age 21 and living in the home and the relative is between age 18 and 21, the department may waive the age requirement.

A person may become a kinship foster parent only upon the completion of a full kinship foster care licensing study. Residents of the household who are age 18 or older must undergo State and Federal fingerprint reviews. The department shall apply the screening criteria in § 63-7-2350 to the results of the fingerprint reviews and the licensing study.

The department shall determine, after a thorough review of information obtained in the kinship foster care licensing process, whether the person is able to care effectively for the foster child.

When the department places a child with a relative who is licensed to provide foster care, the agency must provide the same services and financial benefits as provided to other licensed foster homes.

*In regulation:* Relatives being licensed must be licensed in accordance with the same requirements as nonrelative applicants. The department may waive nonsafety elements for relatives or nonrelatives on a case-by-case basis, as appropriate. Safety elements such as history of child abuse/neglect and State and/or Federal criminal history checks must not be waived. The department must note on the standard license if there was a waiver of a nonsafety element and identify the element being waived.

Relatives are given preference in placement options provided such placement is in the best interests of the child.

**Foster to Adopt****Citation: Code of Regs. § 114-550**

Foster parents may apply to adopt a foster child. Foster families who have been approved for adoption will be given first consideration for the adoption of a foster child under the following conditions:

- The child has been in the same foster home for a consecutive 6 months period of time or more.
- The child is legally free for adoption.
- Placement for adoption with the foster family is deemed to be in the best interests of the child.

**Interjurisdictional Approval****Citation: Ann. Code § 63-9-2200**

Any out-of-home placement of a child outside the State is subject to the provisions of the Interstate Compact on the Placement of Children.

The child shall not be sent into the receiving State until the appropriate public authorities in the receiving State notify the sending agency, in writing, that the proposed placement does not appear to be contrary to the interests of the child.

**Links to Resources**

State regulations [full text](#) (PDF - 471 KB)

**South Dakota**

*Current Through February 2018*

**Who May Apply**

**Citation: Admin. Code § 67:42:05:06**

A family foster care applicant must meet the following criteria for licensure:

- The applicant is at least age 21 and resides in a single-family home in South Dakota.
- No household member age 10 or older other than a foster child has on record a substantiated report of child abuse or neglect.
- No member of the applicant's household has had a conviction for any of the crimes specified in § 67:42:01:05.01.
- The applicant is capable of providing good care for children.
- The applicant has income that meets the needs of the existing family, independent of the foster care maintenance payments.
- The applicant's children, if any, are willing to accept a foster child as a member of the family.
- The applicant's family composition, needs, and relationships may not adversely affect a child in care.
- If the applicant or foster parent is employed outside the home, the child-placing agency must have approved the applicant's or foster parent's child care plan.

The applicant must have the ability to parent a child. This entails a basic understanding of the child's physical and mental or emotional development and the ability to fulfill the child's needs. The applicant must have the ability to offer continuing care and guidance to a child throughout the stages of development in a manner consistent with the social and cultural heritage norms of the child. The applicant must be able to continue meeting the needs of the applicant's own children, if any. The applicant must display the capacity to provide good care for children.

**Training Requirements**

**Citation: Admin. Code § 67:42:05:03**

Foster parent applicants must complete at least 30 hours of orientation training before receiving an initial license. The training must include instruction in at least the following areas:

- The impact of separation on child development
- How attachments are formed
- The importance of the birth family
- Techniques of managing behavior
- Permanency planning for children
- Child development

Licensed foster parents must complete at least 6 hours of approved training annually before license renewal. If the foster parent cares for a child with a disability or a medical, behavioral, or emotional disorder, an additional 12 hours of training to meet the needs of the specific child are required. Upon prior approval, the Department of Social Services may reimburse a foster parent for this type of training. Evidence of education, experience, or professional background in the specific area may be substituted for training to meet a child's specific needs.

**Minimum Standards for Foster Homes**

**Citation: Admin. Code §§ 67:42:01:37; 67:42:05:10.01 through 10.07; 67:42:05:11; 67:42:05:19; 67:42:05:20**

Each home or facility must have the following:

- One working telephone
- A smoke detector on each level of the building
- Water from a community water system or from a water system that is tested at least annually
- Tamper-resistant outlets or safety caps on all unused electrical outlets within 36 inches from the floor in homes caring for children age 4 and younger
- No bare or exposed electrical wires

- At least two exits on each level used for the care of children that provide means of unobstructed travel to the outside of the building at ground level
- A carbon monoxide detector on each level of the home

The family foster home shall be kept clean, neat, and free of litter and rubbish. Hazardous cleaning solutions, chemicals, and poisons must be labeled and kept in an enclosed cabinet that is not accessible to children. Garbage and refuse must be kept in durable, easily cleanable containers that do not leak and do not absorb liquids. Garbage and refuse must be disposed of often enough to prevent the development of odor and the attraction of insects and rodents.

Foster homes shall have sufficient sleeping space to accommodate comfortably a child in care as well as the provider's family. The foster home shall meet the following requirements:

- Bed linens, blankets, and pillows shall be provided for all children.
- Children of different sexes over age 6 may not sleep in the same room.
- Children may not share a bed with an adult.

Hazardous items must be inaccessible to children unless under adult supervision. Firearms must be kept unloaded, in a locked room, closet, cabinet, or carrying case and separate from the ammunition.

### Approval Process

**Citation: Admin. Code §§ 67:42:01:05; 67:42:01:05.01; 67:42:01:05.02; 67:42:01:07**

The department's initial evaluation of the applicant based on references includes reference checks, personal interviews, a screening for records of abuse or neglect, a criminal record check, and onsite visits. The applicant must provide three references. Based on the evaluation, the department shall determine whether to issue a license.

The department shall secure a criminal record check to obtain information concerning convictions for criminal offenses by a prospective foster parent as well as any other adult living in the prospective foster home.

The department shall screen an applicant, family members, and other household members who are at least age 10, or employees or volunteers of the facility to determine if the individual has been involved in any substantiated incidents of child abuse or neglect. Substantiated reports of child abuse or neglect include reports placed into the department's central registry, reports placed on the central registry of another State, and reports that were investigated and substantiated by a Tribal program.

An applicant for family foster care must have a physical examination within the 12 months preceding the date of the application. The applicant shall also present evidence to the department that each household member under age 18 meets the Department of Health's requirements for immunizations.

### Grounds for Withholding Approval

**Citation: Admin. Code §§ 67:42:01:05.01; 67:42:01:05.02**

An individual is not eligible to receive a foster home license if the individual or any other adult living in the prospective foster home has a conviction for any of the following:

- A crime that would indicate harmful behavior toward children
- A crime of violence or a similar crime from another State
- A sex crime or similar crimes from another State
- Within the preceding 5 years, a conviction for any other felony

The individual may not have a substantiated report of child abuse or neglect. Substantiated reports of child abuse or neglect include reports placed into the department's central registry, reports placed on the central registry of another State, and reports that were investigated and substantiated by a Tribal program.



**Kinship Foster Care****Citation: Ann. Code § 26-7A-19**

*Effective July 1, 2018:* If the child is an apparent, alleged, or adjudicated abused or neglected child, the court may order the placement of temporary custody of the child with the Department of Social Services, in foster care, or shelter. The court and the department shall give placement preference to a relative; custodian; or an individual, not related by birth, adoption, or marriage to the child but who has an emotionally significant relationship with the child, who is available and who has been determined by the department to be qualified, provided that placement with the relative, custodian, or individual is in the best interests of the child. As used in this section, the term 'relative' means an adult who is related to the child by blood, adoption, or marriage and who is the child's grandparent, aunt, uncle, sibling, brother-in-law, sister-in-law, niece, nephew, great-grandparent, great-uncle, great-aunt, first cousin, second cousin, stepparent, or stepsibling. The term 'custodian' means an adult who is the biological parent, adoptive parent, or guardian of the child's sibling or half-sibling.

**Foster to Adopt****Admin. Code § 67:42:05:01**

A 'fost/adopt' family is an approved adoptive home that has agreed to accept the placement of a child who is not yet legally free for adoption. The family is committed, as is the placing agency, to make the placement permanent when legal termination of parental rights is completed.

**Interjurisdictional Approval****Citation: Ann. Code § 26-13-1; Admin. Code § 67:14:24:09.01**

Any out-of-home placement of a child outside the State is subject to the provisions of the Interstate Compact on the Placement of Children.

The child shall not be sent into the receiving State until the appropriate public authorities in the receiving State notify the sending agency, in writing, that the proposed placement does not appear to be contrary to the interests of the child.

*In regulation:* A study and evaluation of an out-of-State placement facility shall be made by an agency licensed or authorized for child placement. The study and evaluation shall be based on the other State's child placement standards and shall be submitted by the out-of-State agency to the department prior to placement of a child.

**Links to Resources**

South Dakota Department of Social Services, [Becoming a Foster Parent](#)

[South Dakota Foster Parent Handbook](#) (PDF -6,992 KB)

State regulations full text:

- [Title 67, article 42, chapter 1](#)
- [Title 67, article 42, chapter 5](#)

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**Tennessee**

*Current Through February 2018*

**Who May Apply****Citation: Ann. Code § 37-5-502**

The applicant must be capable in all substantial respects to care for children and have the ability and intent to comply with the licensing law and regulations.

**Training Requirements****Citation: Rules & Regs. R. 0250-4-9-.07**

Agencies shall require foster parents to participate in ongoing training, including parenting techniques and discipline and the detection, intervention, prevention, and treatment of child sexual abuse.

**Minimum Standards for Foster Homes****Citation: Rules & Regs. R. 0250-4-5-.09**

There must be a living room or den for each group of children.

Each child must have a separate bed of suitable size. Children older than age 5 of the opposite sex must not sleep in the same room. Children must not sleep in the same room with adults. Exceptions may be desirable on infrequent occasions and for short periods of time in case of illness or temporary emotional upset. The sleeping area must provide 65 square feet of floor space for the first child and 50 square feet for each additional child. There shall be no more than four children per sleeping room.

The kitchen must be equipped to ensure sanitary conditions with a satisfactory method of refrigeration. Cooking and eating utensils must be kept in storage space that is protected from dust, insects, and other pests. Space that is secured and well out of the reach of children must be provided for storage of all bleaches, corrosives, or poisons.

Toilet and bathing facilities must be in the home. Toilets must be of the flush type. There must be adequate and sanitary sewage disposal. The water supply must be obtained from a source or system approved by the Department of Health and Environment.

There must be adequate smoke detectors and fire extinguishers to ensure fire safety.

### **Approval Process**

**Citation: Ann. Code § 37-5-511; Rules & Regs. R. 0250-4-9-.07**

Each applicant is subject to a State and Federal criminal history records check. The agency also shall conduct an inquiry of the Department of Health's vulnerable persons registry for a review of the person's status on such registry.

*In regulation:* The agency shall make a study of foster home applicants prior to approval of the home for use. The study shall be in writing before children or pregnant women are placed in the home. The foster home study shall be based on consideration of the following points:

- Information obtained through interviews with all members of the family living in the home
- The applicants' motivation to provide foster care
- The applicants' financial security
- Information obtained through contacts with references, including nonrelatives
- The physical and mental health of the foster parents and other family members
- The character, values, and ethical standards of the foster family
- The foster family's understanding of the need of children in foster care
- The foster family's ability to work cooperatively with the agency
- Health and fire safety conditions within the home

There shall be at least one visit to the home. The foster home study shall include the caseworker's evaluation of the applicants' suitability as a resource and recommendations as to approval of the home.

### **Grounds for Withholding Approval**

**Citation: Ann. Code § 37-5-511**

An applicant shall be disqualified from licensure if he or she:

- Has a conviction of an offense or a finding in a juvenile proceeding involving the physical, sexual, or emotional abuse or gross neglect of a child
- Has a conviction of an offense or a finding in a juvenile proceeding involving violence against a child or any person
- Has a conviction of an offense determined by the department to present a threat to the health, safety, or welfare of children
- Has any pending warrants or indictments or pending juvenile proceedings for such offenses or acts as a juvenile
- Is listed on the Department of Health's vulnerable persons registry

### **Kinship Foster Care**

**Citation: Ann. Code § 37-2-414**

When a child has been removed from his or her home, the department shall attempt to place the child with a relative for kinship foster care. If the relative is approved by the department to provide foster care services and a placement with the relative is made, the relative may receive payment for the full foster care rate for the care of the child and any other benefits that might be available to foster parents, whether in money or in services.

The department shall establish eligibility standards for becoming a kinship foster parent:

- Relatives within the first, second, or third degree to the parent or stepparent of a child who may be related through blood, marriage, or adoption may be eligible for approval as a kinship foster parent.
- The kinship foster parent shall be age 21 or older, except that if the spouse or partner of the relative is at least age 21 and living in the home and the relative is between age 18 and 21, the department may waive the age requirement.
- A person may become a kinship foster parent only upon the completion of an investigation to ascertain if there is a State or Federal record of criminal history for the prospective kinship foster parent or any other adult residing in the prospective parent's home.

The department shall determine whether the person is able to care effectively for the foster child by:

- Reviewing personal and professional references
- Observing during a home visit of the kinship foster parent with household members
- Interviewing the kinship foster parent

### **Foster to Adopt**

**Citation: Ann. Code § 37-2-415**

The department shall consider the foster parents as the possible first choice as permanent parents for the child who, after being in the foster parents' home for 12 months, becomes free for adoption or a planned permanent living arrangement.

### **Interjurisdictional Approval**

**Citation: Ann. Code § 37-4-201**

Any out-of-home placement of a child outside the State is subject to the provisions of the Interstate Compact on the Placement of Children.

The child shall not be sent into the receiving State until the appropriate public authorities in the receiving State notify the sending agency, in writing, that the proposed placement does not appear to be contrary to the interests of the child.

### **Links to Resources**

Department of Children's Services, [Foster Parent Handbook](#) (PDF - 1,356 KB)

State regulations [full text](#) (PDF - 75 KB)

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## **Texas**

*Current Through February 2018*

### **Who May Apply**

**Citation: Admin. Code Tit. 40, §§ 749.2403; 749.605; 749.2447**

Each applicant must:

- Be at least age 21
- Meet the requirements relating to background checks
- Have a record of a tuberculosis (TB) screening showing that he or she is free of contagious TB
- Be physically, mentally, and emotionally capable of providing care for children
- Have at least a high school diploma or its equivalent
- Have sufficient income to support their household prior to receiving the foster care reimbursement
- Be able to be an appropriate role model for children in placement
- Have the ability to provide nurturing care, appropriate supervision, reasonable discipline, and a homelike atmosphere for children

## Training Requirements

**Citation: Admin. Code Tit. 40, §§ 749.831; 863; 881; 883; 931; 941; 981**

Prior to having contact with children in care, each caregiver must have orientation that includes:

- An overview of the relevant and applicable rules and policies
- The needs and characteristics of children served

Caregivers must complete 8 hours of preservice training before the person can be the only caregiver responsible for a child in care.

The preservice training curriculum must include:

- Topics appropriate to the needs of foster children
- The different roles of caregivers
- Trauma-informed care
- Measures to prevent, identify, treat, and report suspected occurrences of child abuse or neglect (including sexual abuse)
- Emergency procedures
- Preventing the spread of communicable diseases

Each caregiver providing care for children younger than age 2 must receive training on:

- Preventing shaken baby syndrome and sudden infant death syndrome
- Understanding early childhood brain development

For homes with two foster parents, the parents must receive a total of 20 hours of annual training, which must include:

- Four hours for each foster parent of training specific to the emergency behavior interventions allowed by the agency
- One hour for each parent on trauma-informed care
- Two hours for each parent of training specific to normalcy
- The appropriate distribution of the remaining 6 hours, with each parent receiving some hours

The training must be in areas appropriate to the needs of the children for whom the parent provides care, which may include:

- Developmental stages of children
- Constructive guidance and discipline of children
- Supervision and safety practices, including making reasonable and prudent parenting decisions regarding a foster child's participation in childhood activities

The caregiver must be certified in first aid and cardiopulmonary resuscitation for infants, children, and adults.

## Minimum Standards for Foster Homes

**Citation: Admin. Code Tit. 40, §§ 749.3021 through 749.3041; 749.2909; 749.2913; 749.2931; 749.2917; 749.2961; 749.3103**

A bedroom must have at least 40 square feet of space for each occupant, and no more than four occupants per bedroom are permitted. Only a room that provides adequate opportunities for rest and privacy may be used as a bedroom.

Children may not sleep in the same bed with an adult caregiver at any time. A child may share a bedroom with an adult caregiver if the child is younger than age 3 and it is in the best interests of the child. Foster children age 6 or older must not share a bedroom with a person of the opposite sex, except for a child sharing a bedroom with his or her minor parent.

Each foster child shall have his or her own bed and mattress. Each child must have accessible storage space for clothing and personal possessions.

A foster home must have one lavatory, one tub or shower, and one toilet for every eight household members. All lavatories, tubs, and showers must have hot and cold running water.

Children must have indoor areas for their use. There must be at least 40 square feet for each child. This does not include bedrooms, kitchens, bathrooms, utility rooms, unfinished attics, or hallways.

The foster home must ensure that:

- The home and furnishings, including outdoor areas, are safe for children, kept clean, and in good repair.
- Flammable or poisonous substances are stored out of the reach of children.
- The home is free of rodents and insects.
- The home has working smoke detectors near sleeping rooms and on each level of a home with multiple levels.
- A fire extinguisher is in the kitchen and on each level of the home.
- Any animals are vaccinated as recommended by a veterinarian.
- Any weapons and ammunition are kept in separate locked storage.
- Vehicles transporting foster children are insured and provide appropriate seating.

Caregivers and other adults may only smoke tobacco products or e-cigarettes outside. No one may smoke tobacco products or e-cigarettes in a motor vehicle while transporting children in care.

### Approval Process

**Citation: Admin. Code Tit. 40, §§ 749.2447; 749.2449; 749.2471**

Persons applying to foster children and any person, excluding foster children, age 14 or older who will regularly or frequently be staying or present at the home must obtain a criminal history and central registry background check. The prospective foster parents also must provide information regarding each service call any law enforcement agency responded to at their residence during the previous 2 years.

Information about the physical and mental health status (including substance abuse history) of all persons living in the home in relation to the family's ability to provide foster care must be documented.

Interviews for a foster home screening must include at least the following:

- One individual interview with each prospective foster parent, each child age 3 or older living in the home either full or part time, and each other person living full or part time with the family
- One joint interview with the prospective foster parents
- One family group interview with all family members living in the home
- One interview, by telephone, in person, or by letter, with any minor child age 12 or older or adult child of the prospective foster parents not living in the home

Verification also includes obtaining the following:

- A floor plan of the home showing dimensions and purposes of all rooms in the home and identifying indoor areas for children's use
- A sketch or photo of the outside areas showing buildings, driveways, fences, storage areas, gardens, recreation areas, pools, ponds, or other bodies of water
- An approved fire inspection
- An approved health inspection

### Grounds for Withholding Approval

**Citation: Admin. Code Tit. 40, §§ 745.651 through 745.657**

A felony or misdemeanor conviction under Texas law, the laws of another State, or Federal law may affect a person's ability to be present at a child care operation. An online chart, available on the department website at [http://www.dfps.state.tx.us/Child\\_Care/](http://www.dfps.state.tx.us/Child_Care/), provides information regarding specific crimes that may affect a person's ability to be present at a child care operation. Each chart specifies whether a conviction permanently or temporarily bars a person from being present at one of the relevant operations while children are in care, whether a person is eligible for a risk evaluation, and whether a person who is eligible for a risk evaluation may be present at the operation pending the outcome of the risk evaluation.

Examples of crimes that will permanently bar a person from providing foster care include homicide, human trafficking, sexual assault, and felony endangering or abandoning a child.

A person who is required to register as a sex offender in Texas may not be present at an operation while children are in care.

A central registry check that reveals a sustained finding for abuse or neglect may affect a person's ability to be present at an operation. A person with a finding of sexual abuse of a child, labor trafficking, or sex trafficking is permanently barred from being a foster parent. A person with a finding of emotional abuse or neglect is eligible for a risk evaluation.

A prospective foster parent or any person that is required to undergo a background check because of the foster parent application is eligible for a risk evaluation for a sustained finding of physical abuse if:

- It has been more than 5 years since the date of the physical abuse finding.
- The prospective foster parent is related to or has a significant longstanding relationship with the foster child.

### **Kinship Foster Care**

**Citation: Fam. Code §§ 264.751 through 264.754; 264.760**

A 'designated caregiver' is a person who has a longstanding and significant relationship with a child for whom the Department of Family and Protective Services has been appointed managing conservator and who:

- Is appointed to provide substitute care for the child but is not verified by a licensed child-placing agency to operate an agency foster home
- Is subsequently appointed permanent managing conservator of the child after providing the care described above

A 'relative caregiver' is a relative who:

- Provides substitute care for a child for whom the department has been appointed managing conservator but who is not verified by a licensed child-placing agency to operate an agency foster home
- Is subsequently appointed permanent managing conservator of the child after providing the care above

The department shall develop a program to:

- Promote continuity and stability for children by placing them with relative or other designated caregivers
- Facilitate relative or other designated caregiver placements by providing assistance and services

The department shall expedite the completion of the background and criminal history check, the home study, and any other administrative procedure to ensure that the child is placed with a qualified relative or caregiver as soon as possible after the caregiver is identified.

A relative or other designated caregiver who becomes licensed by the department or verified by a licensed child-placing agency or the department to operate a foster home may receive foster care payments in lieu of the benefits provided by this subchapter, beginning with the first month in which the relative or other designated caregiver becomes licensed or is verified.

### **Foster to Adopt**

**Citation: Admin. Code Tit. 40, §§ 749.3201; 749.3203; 749.3221**

Applicants may be approved as a foster-adoptive home. All rules for verifying a foster family home and for approving an adoptive home must be followed. The foster home screening and preadoptive home screening may be combined into one screening report as long as requirements for each screening are covered.

A 'legal risk placement' exists when:

- A child that is not available for adoption because his or her parent(s)' rights have not been terminated.
- A child has been placed into a home that has been jointly verified as a foster home and approved as an adoptive home.
- The placement is intended to change from foster care to adoption once the child is eligible for adoption.

A legal risk placement does not exist when a child is placed with foster parents who want to adopt the child but have not been approved as an adoptive home.

### **Interjurisdictional Approval**

**Citation: Fam. Code § 162.102**

Any out-of-home placement of a child outside the State is subject to the provisions of the Interstate Compact on the Placement of Children.

The child shall not be sent into the receiving State until the appropriate public authorities in the receiving State notify the sending agency, in writing, that the proposed placement does not appear to be contrary to the interests of the child.

## Links to Resources

Department of Family and Protective Services, [Foster Care](#)  
State regulations [full text](#)

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## Utah

*Current Through February 2018*

### Who May Apply

**Citation: Admin. Code R501-12-4; R501-12-5**

An individual or legally married couple age 21 or over may apply to be a foster parent.

Foster parents shall:

- Be in good health and emotionally stable
- Be able to provide for the physical, social, mental health, and emotional needs of the foster child
- Be responsible persons who are age 21 or older
- Provide documentation of legal residential status
- Have the ability to help the foster child thrive
- Not be dependent on foster care reimbursement for their own expenses, outside of those expenses directly associated with providing foster care services
- Provide updated medical, social, financial, or other family information when requested by the Office of Licensing or licensed child-placing foster agency

### Training Requirements

**Citation: Admin. Code R501-12-5; R512-302-3**

The applicant shall provide verification of the following:

- Successful completion of agency-approved preservice training within the past 24 months
- Current training in cardiopulmonary resuscitation and first aid

Child and Family Services or the contract provider shall provide the required preservice training after the provider has held an initial consultation with the individual or couple to clearly delineate duties of caregivers. The curriculum for preservice and inservice training shall be developed by the contract provider and approved by Child and Family Services according to Child and Family Services' contract with the provider.

Child and Family Services or the contract provider shall verify in writing a caregiver's completion of training required for licensure. Child and Family Services or the contract provider also shall verify in writing a caregiver's completion of supplemental training required for serving children with more difficult needs.

### Minimum Standards for Foster Homes

**Citation: Admin. Code R501-12-6; R501-12-7; R501-12-11**

All indoor and outdoor areas of the home shall be maintained to ensure a safe physical environment. The home and its contents shall be maintained in a clean and safe condition. The home shall have space or access to common areas for recreational activities.

The home shall be free from health and fire hazards. Each foster home shall have a working smoke detector on each floor and at least one approved fire extinguisher.

There shall be sufficient bedroom space to provide for the following:

- Rooms are not shared by children of the opposite sex, except infants under age 2.
- Children do not sleep in the parents' room, except infants under age 2.
- Each child has his or her own bed adequate to the child's size.
- A minimum of 40 square feet of space is provided for each child.
- No more than four children are housed in a single bedroom.

- Sleeping areas shall have a source of natural light.
- Closet and dresser space shall be provided within the bedroom for the children's personal possessions and for a reasonable degree of privacy.

The home shall have a working refrigerator, cooking appliances, functional indoor plumbing, and telephone.

A foster parent shall not smoke any substance in the foster home or when a foster child is present. All smoking materials shall be inaccessible to foster children.

Firearms, ammunition, and other weapons shall be inaccessible to children. Hazardous materials shall be stored securely and remain locked when not in active use and closely monitored while in active use.

Foster parents shall comply with all laws regarding the care and number of animals on their property.

Drivers of vehicles carrying foster children shall have a valid driver's license and vehicle insurance. Transportation of foster children shall be provided in an enclosed, registered vehicle that has functional seatbelts and age-appropriate safety seats.

### **Approval Process**

#### **Citation: Admin. Code R501-12-4**

At the time of application, each potential foster parent shall obtain a medical reference letter, completed by a licensed health-care professional that assesses the physical ability of the individual to be a foster parent. A psychological examination of a potential foster parent may be required by the office or the agency if there are questions regarding the individual's mental status, which may impair functioning as a foster parent.

The applicant shall submit the names of no more than four individuals, three not related and one related, who may be contacted for a reference. These individuals shall be knowledgeable of the ability of the potential foster parents to nurture children.

A criminal background screening must be successfully completed for all child foster care applicants and persons age 18 or older living in the home. The child abuse and neglect licensing database also shall be screened for all persons living in the home to see if a report of substantiated finding may pose a risk of harm to a foster child.

The home study shall include, but not be limited to, the following:

- Background and current information of each caregiver and family characteristics
- Physical characteristics of the home, including neighborhood and school information
- Assessment of informal and formal supports
- Finances, including bankruptcies
- Applicant strengths and weaknesses
- Assessment of ability to actively engage in achieving the custodial agency's identified outcomes for foster children
- Results of a check of the Utah Sex Offender Registry

### **Grounds for Withholding Approval**

#### **Citation: Ann. Code § 62A-2-120; Admin. Code R501-12-4**

The application of a prospective foster parent shall not be approved if he or she has been convicted of a felony involving conduct that constitutes any of the following:

- Child abuse
- Commission of domestic violence in the presence of a child
- Abuse or neglect of a child with a disability
- Endangerment of a child
- Murder, manslaughter, child abuse homicide, or homicide by assault
- Kidnapping
- A sexual offense
- Sexual exploitation of a minor
- Aggravated arson, burglary, or robbery
- Domestic violence



A prospective foster parent shall not be approved if, within the previous 5 years, he or she has been convicted of a felony involving conduct that constitutes any of the following:

- Aggravated assault, aggravated assault by a prisoner, or mayhem
- A violation of the Controlled Substances Act, Drug Paraphernalia Act, Imitation Controlled Substances Act, Controlled Substance Precursor Act, or Clandestine Drug Lab Act

In addition, the office shall conduct the comprehensive review of an applicant's background check if the registry check indicates that the individual is listed in a child abuse and neglect registry of another State as having a substantiated or supported finding of a severe type of child abuse or neglect.

*In regulation:* The decision to approve or deny the applicant shall be made on the basis of facts, health and safety factors, and the professional judgment of the agency or the Office of Licensing.

No person may be denied a foster care license on the basis of race, color, or national origin of the person or the child.

### **Kinship Foster Care**

**Citation: Ann. Code § 62A-2-117.5; Admin. Code R501-12-15**

In accordance with State and Federal law, the Division of Child and Family Services shall provide for licensure of a child's relative for foster or substitute care when the child is in the temporary custody or custody of the division. If it is determined that, under Federal law, allowance is made for an approval process requiring less than full foster parent licensure proceedings for a child's relative, the division shall establish an approval process to accomplish that purpose.

*In regulation:* An applicant may be licensed for the placement of a specific foster child or sibling group. The home study shall be conducted by an approved division kinship home study specialist or by the Office of Licensing.

A minimum of two reference letters received must be acceptable to the agency or the office. The home study safety inspection and background screening approvals shall be successfully completed prior to the placement of the child in the home.

A kinship or specific home license may not be utilized for the placement of any foster child other than the child designated on the license and may not be utilized for respite care. If a kinship or specific home desires to provide general foster care services, they will close their specific license and submit to the requirements of a general foster care license.

The office recognizes the importance of preserving family and cultural connections for children in foster care. In accordance with § 62A-2-117.5 and the Indian Child Welfare Act, the office may issue a waiver of any rule in regards to a kinship/specific home that does not impact the health and safety of the specific child or sibling group. This requires prior written approval by the director of the office.

### **Foster to Adopt**

**Citation: Ann. Code § 62A-4a-602**

Beginning May 1, 2000, the division, as a licensed child-placing agency, may not place a child in foster care with any individual or individuals that would not be qualified for adoptive placement pursuant to the provisions of §§ 78B-6-117, 78B-6-102, and 78B-6-137.

### **Interjurisdictional Approval**

**Citation: Ann. Code §§ 62A-4a-701; 62A-4a-710**

Any out-of-home placement of a child outside the State is subject to the provisions of the Interstate Compact on the Placement of Children.

The State of Utah may request a home study report from another State or an Indian Tribe for purposes of assessing the safety and suitability of placing a child in a home outside of the jurisdiction of the State of Utah.

The State of Utah may not impose any restriction on the ability of a State agency administering, or supervising the administration of, a State program operated under a State plan approved under Section 42 U.S.C. 671 to contract with a private agency to conduct a home study.

When the State of Utah receives a home study report, the home study report shall be considered to meet all requirements imposed by the State of Utah for completion of a home study before a child is placed in a home, unless, within 14 days after the day on which the report is received, the State of Utah determines, based on grounds that are specific to the content of the report, that making a decision in reliance on the report would be contrary to the welfare of the child.

## Links to Resources

Department of Human Services, [Foster Care](#)

[Utah Foster Care Foundation](#)

State regulations [full text](#)

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## Vermont

*Current Through February 2018*

### Who May Apply

**Citation: Code of Rules § 13-162-007**

Household members in a foster home must be responsible, emotionally stable, emotionally mature people of good character as exemplified by past performance and general reputation. Applicants and licensees shall exhibit the following:

- Healthy patterns of social and interpersonal relationships
- Knowledge of child development and the needs of children
- The ability to apply discipline in a constructive and educational manner
- Realistic expectations regarding the behavior of foster children
- Sound judgment
- Current freedom from substance abuse and effective resolution of any past abuse of alcohol or other substances

Each child-caring adult in the home shall exhibit the ability to be an appropriate model for children. All members of the household shall be free from physical conditions, mental limitations, or emotional problems that would have an adverse effect on the physical or emotional well-being of foster children.

Primary caregivers shall be at least age 21. Foster parents shall demonstrate that they have sufficient income to support the family, exclusive of foster children, without reliance on the basic foster care reimbursement.

### Training Requirements

This issue is not addressed in the statutes and regulations reviewed.

### Minimum Standards for Foster Homes

**Citation: Code of Rules § 13-162-007**

The foster parent shall maintain the house, grounds, and outside equipment and shall ensure that they are reasonably free from any undue hazard or risk. The foster home shall:

- Be adequately heated and ventilated
- Have telephone service
- Have a kitchen with a sink with running water and all other necessary equipment for safe food preparation and storage
- Have a minimum of one indoor bathroom with a flush toilet, a washbasin with running water, and one bath or shower with hot and cold water

The home shall be free of dangers that constitute an obvious fire hazard, such as faulty electrical cords, overloaded electrical sockets, or an accumulation of papers, paint, or other flammable material stored in the home. The home shall have smoke detectors that are located in the basement and on each floor that is used as living space. A portable fire extinguisher shall be placed in the cooking area of the home.

Each foster child shall be provided with his or her own bed or crib. No foster child over age 2 shall sleep in the same room with an adult. No child over age 5 shall sleep in the same room with a child of the opposite sex when either child is a foster child. There shall be no more than four children designated to sleep in a bedroom when any of them is a foster child.

Foster parents shall maintain vehicles used to transport foster children in a safe condition and shall ensure that such vehicles are properly registered, inspected, and insured. Foster children shall be transported only by a person possessing a valid driver's license. A foster child who weighs less than 40 pounds or is younger than age 5 must be properly secured in a federally approved infant or child passenger restraining system. All other foster children must be properly secured in seatbelts when being transported.

**Approval Process****Citation: Code of Rules § 13-162-007**

The individual or couple applying for licensure shall submit a written application on the form prescribed by the State licensing authority. Married couples living together must submit a joint application. Applicants shall:

- Provide complete and truthful information on the licensing application and in the licensing process
- Cooperate fully with the licenser(s) in determining if all licensing regulations have been met
- Cooperate fully with any licensing investigation

**Grounds for Withholding Approval****Citation: Code of Rules § 13-162-007**

A license may be denied if the applicant fails to meet any licensing regulations. A license may be denied if the applicant or other member of the household:

- Has been charged with or convicted of a criminal offense
- Has current, unresolved problems with alcohol or other chemicals
- Has abused or neglected a child

A license may be denied or limited if an unusually stressful situation exists in the foster home that affects the appropriate care of children. Such situations include, but are not limited to, divorce, separation, death, unemployment, serious illness or injury, or the entry of a new member into the household.

**Kinship Foster Care****Citation: Ann. Stat. Tit. 33, § 5308**

Upon a finding that a return home would be contrary to the best interests of the child, the court may issue such temporary orders related to the legal custody of the child as it deems necessary and sufficient to protect the welfare and safety of the child, including the following:

- A conditional custody order returning or granting legal custody of the child to the custodial parent, guardian, custodian, noncustodial parent, relative, or a person with a significant relationship with the child, subject to such conditions and limitations as the court may deem necessary and sufficient
- An order transferring temporary legal custody of the child to a noncustodial parent or to a relative
- An order transferring temporary legal custody of the child to a person with a significant relationship with the child
- An order transferring temporary legal custody of the child to the commissioner

In considering an order to transfer custody of the child, the court may order the department to conduct an investigation of a person seeking custody of the child, and the suitability of that person's home, and file a written report of its findings with the court. The court may place the child in the temporary custody of the commissioner, pending such investigation.

**Foster to Adopt**

This issue is not addressed in the statutes and regulations reviewed.

**Interjurisdictional Approval****Citation: Ann. Stat. Tit. 33, § 5903**

Any out-of-home placement of a child outside the State is subject to the provisions of the Interstate Compact on the Placement of Children.

The child shall not be sent into the receiving State until the appropriate public authorities in the receiving State notify the sending agency, in writing, that the proposed placement does not appear to be contrary to the interests of the child.

**Links to Resources**

Department for Children and Families, [Licensing Regulations for Foster Care](#) (PDF - 316 KB)

## Virgin Islands

*Current Through February 2018*

### Who May Apply

**Citation: Code of Rules 34-005-000, § 104-77**

The study as a whole shall determine that:

- All members of the household have a good reputation and are a harmonious family group.
- The foster parents have definite religious convictions and agree to permit the child to continue in his or her own faith.
- All members of the household can present a medical certificate attesting that they are free from tuberculosis and communicable diseases, are in good physical and mental health, and able to provide all necessary care for the child.
- The foster parents are young enough to be able to provide good physical care for the child. This shall normally be interpreted to mean that the father shall not be more than 55 years older than the child and the mother not more than 45 years older than the child.
- The foster parents agree to accept supervision of and cooperate with the agency relative to all aspects of good child care.

### Training Requirements

This issue is not addressed in the statutes and regulations reviewed.

### Minimum Standards for Foster Homes

**Citation: Code of Rules 34-005-000, § 104-77**

The study as a whole shall determine that:

- The home is not overcrowded and that the addition of a foster child would not cause:
  - » Sharing of a bedroom by a child age 5 or older with an older person
  - » Sharing of a single bed under any circumstances or sharing a double bed with any person except a child of the same sex
  - » A crib being shared by infants
- The home is properly ventilated.
- The home has refrigeration for necessary storage and preservation of food.
- The home can provide outdoor play space suited to the age and needs of the child.
- The home is reasonably accessible to schools, churches, public recreation facilities, and neighbors.
- The standards of cleanliness and housekeeping are adequate.
- Water supply and sanitation complies with all requirements of the Department of Health.

### Approval Process

**Citation: Code of Rules 34-005-000, § 104-77**

Each prospective foster home must be carefully studied prior to placement of a child. A comprehensive, objective evaluation of the home shall be recorded in a folder set up under the name of the foster parents. All contacts with the foster parents shall be properly recorded in this record.

The detailed study shall include the following social data about each of the foster parents:

- Complete health examination, including general health information, that rules out the existence of tuberculosis, other communicable diseases, and mental or nervous disorders
- Sufficient detailed information to show the reason they desire to foster a child

Relatives and children of the foster parents must favor the placement and should join in welcoming the child in the home. The foster parents must have sufficient income for family maintenance without having to depend on the board payment.

Interviews will be conducted to establish a relationship with the division that will help the foster parents talk about what they have to offer and decide whether they are ready to accept all of the responsibilities and obligations involved in boarding children. Several visits shall be made to the home in order to have a personal interview with every member of the household to determine that everyone will welcome a child into the home and that the foster parents are emotionally stable and mature people.

An evaluation on each foster home shall be made once each year and shall be properly recorded in the foster parent's record. This shall include a current medical report on every member of the family.

**Grounds for Withholding Approval**

**Citation: Code of Rules 34-005-000, § 104-77**

Refusal of the foster parents to undergo a home study is sufficient grounds for the rejection of their application.

**Kinship Foster Care**

This issue is not addressed in the statutes and regulations reviewed.

**Foster to Adopt**

This issue is not addressed in the statutes and regulations reviewed.

**Interjurisdictional Approval**

**Citation: Ann. Code Tit. 34, § 121**

Any out-of-home placement of a child outside the State is subject to the provisions of the Interstate Compact on the Placement of Children.

The child shall not be sent into the receiving State until the appropriate public authorities in the receiving State notify the sending agency, in writing, that the proposed placement does not appear to be contrary to the interests of the child.

**Links to Resources**

No resources are available online.

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**Virginia**

*Current Through February 2018*

**Who May Apply**

**Citation: Admin. Code Tit. 22, §§ 40-141-30; 40-141-60**

Providers shall be at least age 21. They shall have either a bachelor's degree in a field related to family services, child care and development, social work, or education, or a high school diploma or a GED and at least 1 year of experience providing care to children in the age range to be placed in the home. Providers who accept children with special needs shall have experience or training directly relevant to the developmental levels and special needs of the children in care.

The provider and any assistants shall be:

- Able to speak, read, and write in English sufficient to understand and carry out the responsibilities and requirements to ensure the care, safety, and protection of children
- Knowledgeable about and physically and mentally capable of providing the necessary care for children
- Able to sustain positive and constructive relationships with children in care
- Able to handle emergencies with dependability and good judgment
- Responsible, of good character and reputation, and shall display behavior that demonstrates stability and maturity

The provider shall have the financial income to meet the basic needs of the provider's own family as well as to meet the needs of each child in placement if the parents are unable to pay for the child's care. The provider shall demonstrate marital stability, if married.

**Training Requirements**

**Citation: Admin. Code Tit. 22, § 40-141-70**

When such training is available from the Department of Social Services, local departments of social services, or licensed child-placing agencies, the provider shall complete an initial foster parent orientation and training session within the first 6 months of initial licensure.

The provider, any assistants, and any other adult expected to be alone in the home with children shall receive, prior to licensure or employment, certification in first aid and cardiopulmonary resuscitation appropriate to the age of children in care from an approved source, such as the American Red Cross, the American Heart Association, National Safety Council, or an equivalent resource approved by the department.

The provider shall attend at least 20 hours of related training each year. The provider shall maintain documentation of training attended.

### **Minimum Standards for Foster Homes**

**Citation: Admin. Code Tit. 22, §§ 40-141-190; 40-141-200; 40-141-120**

The home shall be clean and have sufficient space and furnishings for each child receiving care in the home, to include:

- Bedrooms that are not used as passageways
- Indoor bathing and toilet facilities in good working order with a door for privacy
- At least one toilet, basin, and tub or shower for every eight persons
- A separate, comfortable bed for each child and sufficient bedding to ensure cleanliness and comfort

No more than four children shall occupy one bedroom. Children of the opposite sex over age 2 shall not share a bedroom. Children shall not share a bed or bedroom with the provider or other adult. There shall be at least 3 feet between each bed and sufficient space for each child to move about safely.

The home and grounds shall:

- Be in good physical repair
- Be free of litter, debris, peeling or chipped paint, hazardous materials, and infestations of rodents and insects
- Present no hazard to the health and safety of the children receiving care

The provider shall keep cleaning supplies and other toxic substance stored away from food and locked or out of the reach of children under age 3. The provider shall comply with the requirements for State-regulated care facilities relating to smoke detectors and fire extinguishers.

If the provider possesses firearms, ammunition, and other weapons, the provider shall keep the firearms unloaded and locked and other weapons locked. Ammunition shall be locked in a separate location.

Infants shall be placed to sleep on a firm, tight-fitting mattress in a crib that meets current safety standards. To reduce the risk of suffocation, soft bedding of any kind shall not be used under or on top of the infant, including, but not limited to, pillows, quilts, comforters, sheepskins, or stuffed toys.

Any individual who transports children shall have a valid driver's license and vehicle liability insurance and ensure that all passengers use safety belts and child restraint devices in accordance with Virginia law.

### **Approval Process**

**Citation: Admin. Code Tit. 22, §§ 40-141-40; 40-141-50; 40-141-60; 40-141-80**

The applicant for licensure, adult household members, and any other adult who is involved in the day-to-day operations of the independent foster home or will be alone with, in control of, or supervising one or more children placed in the home shall receive and provide to the licensing representative the results of a criminal history record check and a search of Virginia's Child Protective Services central registry. The applicant also shall submit a sworn disclosure statement or affirmation disclosing whether the person has a criminal conviction or is the subject of any pending criminal charges within or outside the Commonwealth and whether the person has been the subject of any founded complaint of child abuse or neglect within or outside the Commonwealth.

The applicant shall provide three references from unrelated persons who have knowledge of the person's character and reputation and ability, skill, and experience in the provision of services to children. The applicant shall submit information on his or her employment history.

The applicant shall complete the required Home Study Assessment form provided by the department and submit the completed form with the initial application for licensure.

Within 90 days prior to the initial application, the applicant for licensure as an independent foster home provider, each assistant, and each adult member of the household shall undergo an assessment for risk of tuberculosis infection and disease.

**Grounds for Withholding Approval****Citation: Admin. Code Tit. 22, § 40-141-40**

An applicant will not be approved when:

- The results of a criminal history record check conducted by the Virginia State Police through the Central Criminal Records Exchange reveal an offense described in § 63.2-1719 of the Code of Virginia.
- The results of a search of Virginia's Child Protective Services central registry reveal a founded child abuse or neglect record.

**Kinship Foster Care****Citation: Ann. Code § 63.2-900.1**

The local board shall, in accordance with regulations adopted by the State board, determine whether the child has a relative who is eligible to become a kinship foster parent.

Kinship foster care placements shall be subject to all requirements of, and shall be eligible for all services related to, foster care placement contained in this chapter. Subject to approval by the commissioner, a local board may grant a waiver of the State board's standards for foster home approval, set forth in regulations, that are not related to safety. Waivers granted pursuant to this subsection shall be considered and, if appropriate, granted on a case-by-case basis and shall include consideration of the unique needs of each child to be placed. Upon request by a local board, the commissioner shall review the local board's decision and reasoning to grant a waiver and shall verify that the foster home approval standard being waived is not related to safety.

The kinship foster parent shall be eligible to receive payment at the full foster care rate for the care of the child.

**Foster to Adopt****Citation: Ann. Code § 63.2-1229**

A foster parent may adopt the foster child that is placed in his or her home when:

- The child has resided in the home of the foster parent continuously for at least 18 months.
- The birth parents' rights to the child have been terminated.

The circuit court shall accept the petition filed by the foster parent and shall order a thorough investigation of the matter to be made pursuant to § 63.2-1208. The court may refer the matter for investigation to a licensed child-placing agency other than the agency holding custody of the child. Upon completion of the investigation and report and filing of the consent of the agency holding custody of the child, the circuit court may enter a final order of adoption waiving visitation requirements, if the circuit court determines that the adoption is in the best interests of the child.

**Interjurisdictional Approval****Citation: Ann. Code § 63.2-1000**

Any out-of-home placement of a child outside the State is subject to the provisions of the Interstate Compact on the Placement of Children.

The child shall not be sent into the receiving State until the appropriate public authorities in the receiving State notify the sending agency, in writing, that the proposed placement does not appear to be contrary to the interests of the child.

**Links to Resources**

Virginia Department of Social Services, [Foster Care](#)

State regulations [full text](#)

**Washington**

*Current Through February 2018*

**Who May Apply****Citation: Admin. Code §§ 388-148-1365; 388-148-1485**

An applicant for foster care licensure must be age 21 or older. In addition, the applicant must demonstrate the following:

- The understanding, ability, physical health, emotional stability, and personality suited to meet the physical, mental, emotional, cultural, and social needs of children in care
- The ability to furnish children with a nurturing, respectful, and supportive environment

- Sufficient regular income to maintain the applicant's own family, without the foster care reimbursement made for the children in care

Foster parents may not use drugs or alcohol, whether legal or illegal, in a manner that affects their ability to provide safe care to children. Foster parents may have alcoholic beverages or marijuana on their property as long as they are not accessible to people younger than age 21.

### Training Requirements

**Citation: Admin. Code §§ 388-148-1375; 388-148-1380**

Prior to initial licensure, orientation and preservice training will be required for the primary caregiver (at a minimum). All members of the household older than age 18 who provide care must have and maintain the following training:

- First aid
- Age-appropriate cardiopulmonary resuscitation (CPR)
- HIV/AIDS, including blood-borne pathogens and infection control standards consistent with educational materials published by the Department of Health, Office on HIV/AIDS

Applicants with current and active medical licenses or certificates (nurses, physicians, and emergency medical services personnel) may submit their licenses or certificates to satisfy the first aid and CPR requirement.

After licensure, the foster parent and the licensing agency must develop an individual in-service training plan pursuant to the department's foster home training policy. The training plan will be based on the type of children in the parent's care and any previous training and experience.

### Minimum Standards for Foster Homes

**Citation: Admin. Code §§ 388-148-1440; 1445; 1450; 1465; 1470; 1475; 1480; 1495; 1500; 1510**

The foster home must:

- Have adequate indoor and outdoor space, ventilation, toilet and bathing facilities, light and heat
- Be kept clean and in good repair and comply with all local and state zoning regulations, building codes, and fire codes
- Keep all toxic materials out of the reach of children and separated from food items
- Have access to a public water supply or a private water supply that has been tested for safety
- Have access to a working telephone at all times
- Have operable smoke detectors both inside and outside of all sleeping areas, on each story of the home, in all play areas, and in the basement
- Have at least one approved all-purpose fire extinguisher readily available at all times
- Provide a bedroom and appropriately sized separate bed for each child

Shared bedrooms must provide enough floor space for the safety and comfort of children. Foster teen parents may sleep in the same room with their children. No more than four children shall sleep in the same room. Foster children may not share the same bedroom with a child of another gender unless all children are under age 6. An infant must be provided with a crib that ensures the safety of the infant.

All animals on the property must be safe, properly cared for, and given required vaccinations.

Smoking is not allowed in a foster home or in motor vehicles when children are present. Adults are permitted to smoke outdoors away from children.

Guns and ammunition must be stored in locked containers out of reach of children. Guns must be stored separately from the ammunition unless stored in a locked gun safe.

Vehicles used to transport children in care must be kept in a safe operating condition, covered by liability insurance, and be equipped with seat belts and age-appropriate car seats. The driver must have a valid driver's license.



## Approval Process

### Admin. Code §§ 388-148-1370; 388-06A-0110; 388-06A-0150

The Department of Social and Health Services or child-placing agency will assess an applicant for a foster family license. This will include, but is not necessarily limited to, the following:

- The applicant's ability to comply with the licensing requirements
- The physical condition of the applicant's home and property
- The physical and mental health of all members of the household
- The applicant's ability to provide sufficient income to meet the financial needs of his or her family without the foster care reimbursements for the children in care

The department requires background checks on the following people:

- A relative other than a parent who may be caring for a child
- A person who is at least age 16 and resides in a foster, relative, or other suitable person's home and is not a foster child

The department must review criminal convictions and pending charges on each applicant. The background check may include, but is not limited to, the following information sources:

- Washington State Patrol
- Washington courts
- Department of Corrections
- Department of Health
- Civil adjudication proceedings
- Applicant's self-disclosure
- Out-of-state law enforcement and court records

Background checks also include the following:

- A review of child protective services case files
- Administrative hearing decisions related to any department license that has been revoked, suspended, or denied

In addition, background checks for placement of a child in out-of-home care, including foster homes and relative placements, include the following for each person over age 18 residing in the home:

- Child abuse and neglect registries in each State a person has lived during the previous 5 years
- Washington State Patrol and Federal Bureau of Investigation fingerprint-based background checks regardless of the length of residency in Washington

## Grounds for Withholding Approval

### Citation: Admin. Code §§ 388-06A-0170; 388-06A-0180; 388-06A-0200

A person will be permanently barred from being licensed to provide care for children if he or she has a felony conviction for any of the following:

- Child abuse and/or neglect
- Spousal abuse
- A crime against a child, including child pornography
- A crime involving violence, including rape, sexual assault, or homicide but not including other physical assault

A person will be disqualified for licensure if it has been less than 5 years from a conviction for the following crimes:

- Any felony physical assault or battery offense not included above
- A felony violation of the following drug-related crimes:
  - » The Imitation Controlled Substances Act (for substances that are falsely represented as controlled substances)
  - » The Legend Drug Act (prescription drugs)
  - » The Precursor Drug Act (substances used in making controlled substances)

- » The Uniform Controlled Substances Act (illegal drugs or substances)
- » Unlawfully manufacturing, delivering, or possessing a controlled substance with intent to deliver, or unlawfully using a building for drug purposes

The department will not license a person who has a criminal charge pending for a disqualifying crime described in the Adoption and Safe Families Act of 1997, or a criminal charge pending for a disqualifying crime that relates directly to child safety, permanence, or well-being.

### **Kinship Foster Care**

**Citation: Admin. Code §§ 388-25-0445; 388-25-0450**

When the department determines that a child needs to be placed outside the home, the department must search for appropriate relatives to care for the child before considering nonrelative placements. The department reviews and determines the following when selecting a relative placement:

- The child would be comfortable living with the relative.
- The relative has a potential relationship with the child.
- The relative is capable of caring for the child and is willing to cooperate with the permanency plan for the child.
- The relative is able to provide a safe home for the child.
- Each child has his or her own bed or crib if the child remains in the home beyond 30 days.

The department may consider nonrelated family members as potential resources if these family members become licensed to provide foster care.

The department may exclude relatives who have criminal histories as included in the Adoption and Safe Families Act regulations. A relative will be excluded if the department finds that, based on a criminal records check, the relative or a member of the household has been convicted of a felony involving the following:

- Child abuse or neglect
- Spousal abuse
- A crime against a child or children, including child pornography
- Crimes involving violence, including rape, sexual assault, or homicide, but not including other physical assault or battery

The department may not approve a relative placement if the department finds that the relative or a member of the household has, within the last 5 years, been convicted of a felony involving physical assault, battery, or a drug-related offense.

### **Foster to Adopt**

This issue is not addressed in the statutes and regulations reviewed.

### **Interjurisdictional Approval**

**Citation: Rev. Code § 26.34.010**

Any out-of-home placement of a child outside the State is subject to the provisions of the Interstate Compact on the Placement of Children.

The child shall not be sent into the receiving State until the appropriate public authorities in the receiving State notify the sending agency, in writing, that the proposed placement does not appear to be contrary to the interests of the child.

### **Links to Resources**

[Minimum Licensing Requirements for Child Foster Homes](#) (PDF - 2,695 KB)

State regulations full text:

- Background Check Requirements, [Chapter 388-06A](#)
- Licensing Requirements for Child Foster Homes, [Chapter 388-148](#)

**West Virginia**

*Current Through February 2018*

**Who May Apply**

**Citation: Code of State Rules § 78-2-13**

An agency shall accept applications from and recruit foster parents with the life experiences, personal characteristics, and temperament suitable for working with children in need of care and shall provide verification of marital status, if applicable, upon request. Foster parents shall:

- Be nurturing, responsible, patient, stable, flexible, mature, healthy adults capable of meeting the individual and specific needs of children referred for placement services
- Be no younger than age 21 and no older than age 65, unless a waiver is granted by the secretary
- Provide the agency with documentation of sufficient income and financial resources to meet their financial obligations

**Training Requirements**

**Citation: Code of State Rules § 78-2-20**

As a condition of approval, an agency shall require that each foster parent participate in specified training curriculum. An agency shall develop and implement a written plan for the orientation, annual training, and child-specific training for foster parents. An agency shall document in the foster parents' record the date, subject, and a brief description of the training, its duration, and the name and title of the training instructor.

Prior to the placement of a child, the agency shall complete foster parent orientation on the placement process; the agency's services and programs; legal aspects of foster care; the agency's discipline policies; behavior management; crisis deescalation and intervention; and first aid training, including cardiac pulmonary resuscitation (CPR).

In addition to orientation training, an agency shall provide foster parents with a minimum of 15 hours of ongoing training during the first year of approval. After the first year of approval, an agency shall provide foster parents with a minimum of 12 hours of ongoing annual training in addition to training in first aid and CPR.

An agency shall provide child-specific training to assist foster parents in implementing a child's service plan or a specific treatment objective.

**Minimum Standards for Foster Homes**

**Citation: Code of State Rules §§ 78-2-13; 78-2-15**

All vehicles used to transport children must be maintained in safe running condition and in compliance with State law. The vehicles must be covered by liability insurance, and all licensed drivers must be included in the policy. Anyone who transports children must have a valid driver's license. Foster parents must use safety seats and seat belts when transporting children.

The physical facilities of a foster home must be free of any health or safety hazards, and they must be sufficiently clean and comfortable to ensure the well-being and respect of the family in the community. Homes must have indoor and an outdoor recreation areas free of unsanitary or hazardous items and have toys available to children that are appropriate for their ages.

For sleeping:

- Each child shall have an individual bed that is not a cot or roll-away bed.
- A maximum of four children may share a bedroom.
- A child shall not share a bedroom or a bed with an adult or a child of the opposite sex.

The foster home must have an operative telephone.

Household items, including cleaning supplies, toxic or flammable materials, medicines, and alcoholic beverages that may be hazardous to a child, must be stored in areas inaccessible to children. Weapons, related attachments, and ammunition must be stored in a locked container inaccessible to children.

The home must have:

- A battery-operated smoke detector located near the child's bedroom
- A fire extinguisher located in the kitchen
- An operative flashlight that is easily accessible for emergency lighting

All animals owned by the foster parents that come in contact with a child in placement must be vaccinated as required by State law.

## Approval Process

### Citation: Code of State Rules §§ 78-2-13; 78-2-16

Prior to approval, foster parents shall provide the agency with a medical exam report from a physician for the foster parents and all other household members certifying they are in good health, free of communicable diseases, and have had a tuberculin risk assessment or skin test.

Foster parents shall provide the agency with the names of no less than four references from persons who are not related to them. The agency shall ensure that three of the four references are interviewed face to face or by telephone to discuss in detail their responses and any related information.

Prior to approval, all adult household members shall complete a Statement of Criminal Record form, a Statement of Child Abuse or Neglect History form, and a signed release authorizing the department to verify the information.

An agency shall conduct a comprehensive written home study with the prospective foster parents and all household members prior to placing a child in the home, including a minimum of one individual in-person interview for each parent and two joint interviews.

The study shall describe the family's:

- Household composition and intra-family relationships
- Attitudes, values, and level of understanding of child development and sex education
- The family decision-making process
- The manner in which the family handles conflict, stress, and frustration
- Hobbies, recreation, community activities, and social life
- Financial situation
- Motivation to become foster parents
- Attitudes about having a foster child in the home
- Methods of discipline

The home study shall identify the foster parents' strengths, attributes, abilities, weaknesses, potential problem areas, or concerns as the basis for approval. The home study shall make a recommendation regarding the number, ages, and gender of children for which the home may be approved for placement and any other special conditions or circumstances that may apply.

## Grounds for Withholding Approval

### Code of State Rules § 78-2-13

An agency shall not approve foster parents whose health, behavior, or emotional or psychological make-up may endanger the well-being of a child. An agency shall not approve a foster home unless all references for the foster parents are positive in nature.

An agency shall not approve a home for foster care if a household member has any convictions other than minor traffic violations. Special circumstances may allow a waiver to be granted by the secretary.

## Kinship Foster Care

### Citation: Pol. Man. § 14.6

In cases where a certification is requested for a relative or a person who the child views as a relative, the certification of the family must take priority. The certification should be completed within 45 days from the date of placement of the child in the relative's home or from the date that the request for the certification is made.

Once the child's worker determines that a kinship/relative certification is needed for a child being removed from home, the child's worker must assess the relative's home for general safety and well-being concerns by using the Kinship/Relative Home Study Request form prior to placing a child in the relative's home and/or requesting certification.

The child's worker must make the referral for certification to the homefinding staff immediately. A homefinding specialist will visit the kinship/relative home within 5 calendar days of placing a child in the home. At the initial visit, the specialist will do the following:

- Complete the safety screen form
- Schedule the provider to complete their fingerprint scans
- Assess the home for any specific trainings and/or services needed

- Inform the provider that they may attend PRIDE training if they wish, but that their certification is not contingent on the completion of such
- Gather two nonrelative references from the provider that will be contacted in person or by telephone

There are two kinship/relative provider types. Regular kinship/relative providers will receive Temporary Assistance for Needy Families until certification is complete. 'Certified' kinship/relative providers will receive the foster care boarding care rate of \$600 per month, per child from the date of certification. The kinship/relative provider will not be fully certified as a foster/adoptive home until all of the requirements have been met, such as the receipt of background checks, a completed safety assessment of the home, and an approved training/home study waiver.

**Foster to Adopt**

**Citation: Code of State Rules § 78-2-13**

The criteria used to approve foster parents also are used to approve prospective adoptive parents.

**Interjurisdictional Approval**

**Citation: Ann. Code § 49-7-101**

Any out-of-home placement of a child outside the State is subject to the provisions of the Interstate Compact on the Placement of Children.

The child shall not be sent into the receiving State until the appropriate public authorities in the receiving State notify the sending agency, in writing, that the proposed placement does not appear to be contrary to the interests of the child.

**Links to Resources**

Bureau of Children and Families, [Homefinding Policy](#) (PDF - 1,867 KB)

**Wisconsin**

*Current Through February 2018*

**Who May Apply**

**Citation: Admin. Code DCF § 56.05**

A foster care provider shall be a responsible, mature individual who is fit and qualified; exercises sound judgment; displays the capacity to successfully nurture foster children; does not abuse alcohol or drugs; and does not have a criminal conviction, pending criminal charge, or a finding by a governmental body of a civil or criminal violation of statutes, regulations, or ordinances that is substantially related to the care of children or the operation of a foster home.

The applicant for foster care licensure must be no younger than age 21. The applicant and all members of the household shall be free of physical or mental conditions that would interfere with the ability of the family to provide care for a foster child or threaten the health or safety of a foster child.

The applicant must have the following:

- A stable income sufficient to meet the foster family's obligations without reliance on the basic maintenance payments received for the care of foster children
- Current vehicle liability insurance coverage if he or she will be transporting foster children
- Homeowner's or renter's liability insurance

The foster parent shall apply the reasonable and prudent parent standard when making decisions concerning a foster child's participation in age or developmentally appropriate extracurricular, enrichment, cultural, and social activities.

**Training Requirements**

**Citation: Admin. Code DCF §§ 56.13; 56.14**

Each foster parent shall complete a minimum of 6 hours of preplacement training prior to the placement of any child in the home and complete a minimum of 30 hours of initial licensing training during the initial licensing period. Subsequent to the initial licensing period, the foster parent shall complete 10 hours of ongoing training in each 12-month period of licensure.

The preplacement training for foster parents shall include the following:

- Foster care overview
- Expectations of foster parents
- Caring for children in foster care, including promoting normalcy
- Developing and maintaining family connections
- Foster family self-care

The initial licensing training for foster parents shall include the following:

- Permanency
- Cultural dynamics in placement
- Child abuse and neglect
- The impact of maltreatment on child development
- Attachment
- Separation and placement
- The importance of maintaining a foster child's family connections
- Guidance and positive discipline
- Access to resources

At the time of renewal of a license to operate a foster home, the licensing agency and the foster parent shall evaluate the foster parent's overall performance and develop an individualized training plan for the foster parent based on his or her demonstrated need for training in particular topics or in managing specific case situations.

### **Minimum Standards for Foster Homes**

**Citation: Admin. Code DCF §§ 56.07; 56.08; 56.09**

A foster home shall be arranged and maintained to be safe and healthy for all occupants. The home and living areas shall be large enough for the number and ages of the foster children and other household members.

A foster home shall provide:

- A minimum of 200 square feet of living area for each household member
- At least one complete bathroom for every eight household members
- Each foster child with a separate bed
- Each infant child with a separate crib or bassinet

No foster child age 6 or older may regularly share a bedroom with another child of the opposite sex. Each bedroom occupied by a foster child shall have a minimum floor space of 40 square feet per child. No more than four children may regularly occupy one bedroom.

The foster home shall have:

- At least one operating telephone
- Outdoor recreation and play space either on the premises or nearby
- Smoke detectors at the head of every open stairway, on each floor of the home, and in each sleeping room
- A fire extinguisher in or near the kitchen
- A carbon monoxide detector in the basement and on each floor level

Hazardous materials, such as power tools, flammable materials, insecticides, poisons, plastic bags, detergents, alcohol, tobacco products, and medications, shall be stored in areas not readily accessible to foster children. Cats, dogs, and other pets vulnerable to rabies shall be vaccinated as required by law.

No loaded firearm may be kept in the home. No unloaded firearm, other dangerous weapon, or ammunition may be kept in a foster home unless it is stored and locked in an area not readily accessible to foster children.

Any person who transports foster children must have a valid driver's license. A child younger than age 8 must be seated and restrained in a child car safety seat appropriate to the child's age and weight.

A foster parent may not smoke or allow another person to smoke in a foster home or in a vehicle when a foster child is present.

### **Approval Process**

**Citation: Admin. Code DCF § 56.05; 56.055; 56.13**

In determining whether a person is fit and qualified, the licensing agency shall consider the person's qualifications and any history of civil or criminal violation of statutes, regulations, or ordinances. A comprehensive home study shall include interviews with foster family members, the use of formalized assessment systems, and communication with references. The applicant must demonstrate an adequate understanding of what it means to be a foster child and a recognition of a child's strengths and weaknesses consistent with the child's age and abilities, or a motivation to learn.

Before a foster home license is issued, the applicant and any nonclient resident of that person's home who is age 12 or older shall complete the background information disclosure form, written authorization for the licensing agency to make inquiries about the subject, and a set of fingerprints sufficiently clear to submit to the Wisconsin Department of Justice or other law enforcement agency for submission to the national crime information database. The licensing agency shall do all of the following:

- Conduct criminal and other background checks
- Check any child abuse and neglect reports or findings from any State in which the person has resided within the last 5 years
- Conduct a search of the Wisconsin sex offender registry

An applicant shall submit at least three favorable reference letters written by persons unrelated to the applicant. A reference letter shall include a statement indicating how long the person giving the reference has known the applicant, under what circumstances he or she knows the applicant, and his or her knowledge of the applicant's characteristics.

### **Grounds for Withholding Approval**

**Citation: Ann. Stat. § 48.685; Admin. Code DCF § 56.05**

The department may not license a foster home if the department knows or should have known any of the following:

- The person has been convicted of a serious crime.
- There has been a finding that the person has abused or neglected any client or misappropriated the property of any client.
- A determination has been made that the person has abused or neglected a child.

*In regulation:* The applicant or licensee shall give truthful and sufficient information to enable the licensing agency to verify whether or not he or she meets the requirements for licensure. Giving false information or withholding relevant information shall constitute grounds for denial of the license.

### **Kinship Foster Care**

**Citation: Ann. Stat. § 48.57; Admin. Code DCF §§ 56.02; 56.05; 56.13**

A child may be placed with a kinship care relative if the department determines that there is a need for the child to be placed with the kinship care relative and that the placement is in the best interests of the child. The department will conduct a background investigation to determine if the kinship care relative or adult resident has any arrests or convictions that could adversely affect the child or the relative's ability to care for the child.

*In regulation:* The licensing agency or the department may grant a waiver to certain non-safety-related requirements for the relative of a child without an alternative provision to meet the intent of the requirement. The types of permissible waivers include requirements regarding the following:

- Employment history and homeowners' or renters' liability insurance
- Minimum interior living space and outdoor play area
- Sleeping arrangements for the foster child

A person age 18 to 20 may be licensed to provide foster care for a relative.

A Level 1, 'child-specific' license may be issued to a relative of a child or an individual who has a previous existing relationship with the child or the child's family. Each foster parent who operates a foster home with a Level 1 certification shall complete a minimum of 6 hours of preplacement training within 6 months after the date of initial licensure.

### **Foster to Adopt**

**Citation: Ann. Stat. §§ 48.833; 48.88; Admin. Code DCF § 56.14**

The department or a county department may place a child for adoption in a licensed foster home without a court order if the department or county department is the guardian of the child or makes the placement at the request of another agency that is the guardian of the child. The investigation made under § 48.75(3) must be supplemented to evaluate whether the home is suitable for the child and if the proposed adoptive parents have completed the preadoption preparation required under § 48.84(1), or the department or county department determines that the proposed adoptive parents are not required to complete that preparation.

A licensed child welfare agency may place a child for adoption in a licensed foster home without a court order if the child welfare agency is the guardian of the child or makes the placement at the request of another agency that is the guardian of the child.

The investigation made under § 48.75(3) must be supplemented to evaluate whether the home is suitable for the child and if the proposed adoptive parents have completed the preadoption preparation required under § 48.84(1), or the child welfare agency determines that the proposed adoptive parents are not required to complete that preparation.

In placing an Indian child for adoption, the department, county department, or child welfare agency shall comply with the order of placement preference under § 48.028(7)(a) or, if applicable, § 48.028(7)(c), unless the department, county department, or child welfare agency finds good cause, as described in § 48.028(7)(e), for departing from that order.

*In regulation:* A foster parent who is licensed solely for the purpose of adoption of a domestic infant or a foreign child will not be required to complete the foster parent training if the foster parent completes the preadoption preparation training required under § DCF 51.10.

### **Interjurisdictional Approval**

**Citation: Ann. Stat. §§ 48.988; 48.98**

Any out-of-home placement of a child outside the State is subject to the provisions of the Interstate Compact on the Placement of Children.

The child shall not be sent into the receiving State until the appropriate public authorities in the receiving State notify the sending agency, in writing, that the proposed placement does not appear to be contrary to the interests of the child.

No person may bring a child into the State or send a child out of the State for the purpose of placing the child in foster care without a certificate from the department that the home is suitable for the child.

### **Links to Resources**

State regulations [full text](#)

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## **Wyoming**

*Current Through February 2018*

### **Who May Apply**

**Citation: Code of Rules 049-0029-5**

The child-placing agency shall develop procedures to recruit and approve foster parents capable of providing quality services, while ensuring reasonable and adequate safeguards to children and their families.

Foster parents shall be age 21 or older.

### **Training Requirements**

**Citation: Code of Rules 049-0029-3; 049-0029-5**

Foster parents shall complete a prescribed number of hours of orientation training. The training shall include, but not be limited to, the following:

- Organization policies
- Responsibilities for reporting child abuse and/or neglect



- The staff member's role and responsibilities in relation to the child and family and permanency
- Personal and professional ethics and conduct
- Record-keeping requirements
- Cultural competency
- Separation and loss inherent in out-of-home care for children and families
- Confidentiality requirements
- Risk and impact of substance abuse on the child population
- Suicide prevention and intervention
- Procedures for safe transportation of children
- Behavior management and appropriate discipline
- Crisis prevention and intervention

Foster parents must have current certification in cardiopulmonary resuscitation and first aid prior to receiving certification.

Foster parents shall complete a prescribed number of hours of annual training that may include, but not be limited to, the following:

- Emergency plans
- Suicide prevention and intervention
- Prevention of workplace violence, homicide, and other criminal acts
- Confidentiality
- Behavior management and appropriate discipline
- Crisis prevention and intervention
- Other areas of annual training that are child and family related

All foster parents shall complete an 18-hour orientation program before they work directly with children in care and 18 hours of annual training.

### **Minimum Standards for Foster Homes**

#### **Citation: Code of Rules 049-0029-3**

All forms of tobacco and alcohol shall be prohibited in the home and all motor vehicles while transporting children. Foster parents shall prohibit all use of alcohol and illegal drugs or the abuse of legal substances by any person in the home, in any vehicle used by children, and in the presence of children.

The overall condition of the buildings and grounds shall be maintained in a clean, uncluttered, sanitary, and healthful manner. The home shall have the following:

- Smoke detectors installed on all floors and centrally located in the hall or area giving access to each sleeping area
- A working fire extinguisher
- A carbon monoxide detector following manufacturer's recommendations for placement
- A working telephone
- A first aid kit

All poisonous and toxic materials shall be stored in a safe location that is inaccessible to children. Combustible and flammable materials shall be stored outside of main living areas and shall not create a fire hazard. Firearms and ammunition shall be stored and locked separately from each other in an area that is inaccessible to children.

Vehicles used to transport children shall be maintained in safe condition and comply with applicable motor vehicle laws. The driver must be at least age 21 and possess a valid driver's license. Each child who is a passenger shall be secured in a child safety restraint system, as approved for age and weight, in accordance with State law and manufacturer's specifications.

Domestic animals residing in the home must be current on all vaccinations as recommended by a licensed veterinarian.

The home shall have sufficient bedroom space to allow at least 75 square feet for the first occupant of a bedroom and 50 square feet for each additional occupant. There shall be no more than four children to a bedroom. Children of the opposite sex shall not sleep in the same room. All children shall have an individual bed.

### **Approval Process**

**Citation: Code of Rules 049-0029-3; 049-0029-5**

A Wyoming abuse and/or neglect central registry check, an abuse and/or neglect central registry check from any other State lived in for the past 5 years, and a fingerprint-based national criminal history record check shall be completed for all foster parents and for adult household members of the foster home.

The home study also must include the following:

- Five positive references for each prospective foster parent, including the following:
  - » Three nonrelative references from persons who have known the applicant for at least 2 years and have a general knowledge about the applicant's ability to care for children
  - » Two relative references, if available, to assess family relationships
- A review of a physician's statement verifying that the applicant is physically, cognitively, and emotionally capable of providing care for the children
- Three or more interviews, as follows:
  - » An interview with each prospective foster parent and household member separately
  - » Two interviews at the family home with all family members present
- A safety and health inspection of the home

A written home study shall include documentation of all interviews and information gathered during home study process and also shall include:

- The motivation for becoming a foster family
- Social history and current functioning
- Family composition, birth order, parents' marriages, separations, other children of prior relationships
- Physical and mental health assessment
- Parenting
- Family relationships
- Employment and finances
- Substance use history of family living in the home
- Recommendation of approval or disapproval and the basis for recommendation

### **Grounds for Withholding Approval**

**Citation: Code of Rules 049-0029-2; 049-0029-3**

The Department of Family Services may deny certification upon proof of noncompliance or violation of any Federal, State, local law, or department rules. This includes noncompliance with health or fire inspections. Reasons for the denial of certification include, but are not limited to, the following:

- Consistently failing to maintain rules prescribed and published by the department
- Furnishing or making any misleading or false statement to a department employee
- Failing to maintain, equip, and keep the home in a safe and sanitary condition

A person whose name appears on the central registry as substantiated must not be approved for foster care. A person with a criminal history record may not be approved for foster care if that person has been convicted or has a pending deferred prosecution of a felony involving the following:

- Child abuse and/or neglect
- Spousal abuse
- A crime against a child or vulnerable adult

- A crime involving violence, including rape, sexual assault, or homicide, but not including other physical assault or battery
- One of the following if the conviction occurred within the last 5 years:
  - » Felony physical assault
  - » Felony battery
  - » A felony drug-related offense
  - » Any other crime that raises concern for the safety or well-being of children or others

No foster parent or adult household member who has been charged with a crime outlined above and awaiting trial may provide care or be present in the home pending the outcome of the criminal proceeding.

### **Kinship Foster Care**

This issue is not addressed in the statutes and regulations reviewed.

### **Foster to Adopt**

This issue is not addressed in the statutes and regulations reviewed.

### **Interjurisdictional Approval**

**Citation: Ann. Stat. § 14-5-101**

Any out-of-home placement of a child outside the State is subject to the provisions of the Interstate Compact on the Placement of Children.

The child shall not be sent into the receiving State until the appropriate public authorities in the receiving State notify the sending agency, in writing, that the proposed placement does not appear to be contrary to the interests of the child.

### **Links to Resources**

Wyoming Department of Family Services, [Foster Care](#)

State regulations full-text [searchable database](#): click on 'Current Rules': select 'Family Services, Dept. of (049)'; 'Providers of Substitute Care Services, Certification of (0029).'



U.S. Department of Health and Human Services  
Administration for Children and Families  
Administration on Children, Youth and Families  
Children's Bureau

