

**STATE OF RHODE ISLAND
DEPARTMENT OF CHILDREN, YOUTH AND FAMILIES**

PUBLIC NOTICE OF PROPOSED RULE-MAKING

In accordance with Title 42, Chapter 35 of the General Laws of Rhode Island, notice is hereby given that the Department of Children, Youth and Families (DCYF) is proposing to repeal the following rule:

Foster Care Regulations 1998

This rule, Foster Care Regulations is repealed in its entirety because it is addressed in other regulation.

In the repeal of this rule, consideration was given to the following: (1) alternative approaches; and (2) overlap or duplication with other statutory and regulatory provisions. No alternative approach or duplication or overlap was identified based upon available information.

This repealed rule is accessible on the DCYF website (<http://www.dcyf.ri.gov>) and on the R.I. Secretary of State website (<http://www.sec.state.ri.us/ProposedRules/>) and is available in hard copy upon request (401 528-3641 or RI Relay, dial 711).

Interested parties may submit written testimony by Friday, July 8, 2011 to Sarah St. Jacques, Principal Human Services Policy & Systems Specialist, Department of Children, Youth and Families, 101 Friendship Street, Providence, RI 02903.

The Department of Children, Youth, and Families does not discriminate against individuals based on race, color, national origin, sex, gender identity or expression, sexual orientation, religious belief, political belief or handicap. The prohibition against discriminatory practices extends to the agencies, organizations and institutions the Department licenses.

~~FOSTER CARE
REGULATIONS
1998~~

~~STATE OF RHODE ISLAND
DEPARTMENT OF CHILDREN,
YOUTH AND FAMILIES~~

~~FOREWORD~~

~~These regulations have been developed to assess all individuals who care for children away from their legal parents. The law requires that all non-related persons who care for children in their own homes be licensed as foster parents. The DEPARTMENT OF CHILDREN, YOUTH AND FAMILIES, in order to safeguard the well-being of all children in its care, has also chosen to certify relative caretakers of children in its care. These regulations will be utilized for this process with certain specified exemptions which are noted.~~

~~Committee Members:~~

~~Albanese, Edward -- Supervisor, Child Protective
Boissel, Lynne -- Social Caseworker II, Foster Care Licensing
Di Bartola, Loretta -- Foster Parent
Horn, Raymond -- Inspector, Child Protective
Houghton, Drury-Deborah -- Casework Supervisor II, Family Service Division
Nelson, Susan -- Casework Supervisor II, Family Service Division
O'Malley, Linda -- Clinical Training Specialist
Ottaviano, Tom -- Senior Resource Specialist, Placement Unit
Palazzo, Lindagay -- Clinical Training Specialist
Perez, Robin -- Senior Human Services Policy & Systems Specialist
Recchia, Christine -- Executive Director of the Rhode Island Foster Parent Association
Renzulli, Karen -- Social Caseworker II, Foster Care Licensing
Schreiner, Steven -- Senior Human Services Business Officer
Silva, Judite Santos -- Clerical Support
Sperduti, Lee -- Licensing Administrator
Steiner, Phillip -- Casework Supervisor II, Foster Care Licensing
Zorzi, Juliana -- Chief Human Services Policy & Systems Specialist~~

~~STATE OF RHODE ISLAND~~

~~FOSTER CARE REGULATIONS~~

~~I. GENERAL PROVISIONS~~

~~A. Legal Basis~~

~~In accordance with the Licensing Act for the Placement and Care of Children, a person or persons shall obtain from the Department of Children, Youth and Families a foster license prior to boarding any unrelated child.~~

~~B. Philosophy~~

~~By its enabling legislation the Rhode Island Department of Children, Youth and Families is "designated~~

~~as the single authority to establish and provide a diversified and comprehensive program of services for the social well-being and development of children and their families". The Department is authorized and responsible for the regulations of foster homes and the promulgation of regulations governing these homes.~~

~~Foster parents assist the Department in implementing its child care responsibilities and share in the duty to protect and safeguard the well-being of children in their care.~~

~~These regulations are written to assist foster parents in ensuring a basic quality of care, health and human rights for the children in their care. The regulations are to be interpreted in the best interest of the child.~~

~~The Administrator of Licensing may allow a variance to a rule upon the submission of a written request and documentation, providing that this variance in no way jeopardizes the health, safety and well-being of the child(ren) in care.~~

C. Definitions

~~For the purposes of these regulations, the following terms are defined as follows:~~

- ~~1. **Act** shall mean the Licensing Act for the Placement and Care of Children.~~
- ~~2. **Agency** shall mean the Rhode Island Department of Children, Youth and Families or a child placing agency.~~
- ~~3. **Applicant** shall mean both the person applying for a license, and the person who has received a license. If the applicant is more than one adult, applicant shall mean both persons.~~
- ~~4. **Case Plan** shall mean the comprehensive, goal-oriented, time-limited, individualized program of action for a child and his/her family, developed by the agency in cooperation with the family, whenever possible.~~
- ~~5. **Certified Home** shall mean a relative home approved for care.~~
- ~~6. **Child and Children** shall be used interchangeably herein to mean one or more foster children.~~
- ~~7. **Department** shall mean the Rhode Island Department of Children, Youth and Families.~~
- ~~8. **Foster Parent** shall mean one or two adults as heads of household who receive into the home for care or treatment one or more children unrelated to the caregiver by blood, marriage or adoption and who receives compensation for child care costs.~~
- ~~9. **Household** shall mean those adults and children, if any who reside regularly with the foster parent or applicant.~~
- ~~10. **Relative** shall mean relationships, by marriage, blood or adoption, is defined as follows:
--Grandparent; including step-grandparent, great grandparent, or adoptive grand-parent~~

- ~~--Sibling; including half brother/half sister, stepbrother/stepmother, brother-in-law, sister-in-law, adoptive brother/sister~~
- ~~--Uncle or aunt of whole or half blood; including uncle-in-law/aunt-in-law, great uncle/great aunt~~
- ~~--First and 2nd cousins; including cousin whole or half blood, first and 2nd cousins-in-law~~
- ~~--Stepmother or stepfather~~
- ~~--Nephew or niece; including nephew/niece of whole or half blood, nephew-in-law/niece-in-law, great nephew/great niece~~
- ~~--The putative father's relatives will be considered if his name appears on the child's birth certificate, if the father has admitted paternity in a court of proper jurisdiction, or if the father has signed an affidavit for DCYF or DHS~~
- ~~--Spouses of any of the persons in the above group continue to meet this relationship requirement even after the marriage is terminated by death or divorce~~
- ~~11. **Relative Certification** shall mean the process of approving a home for care of a related child.~~
- ~~12. **Relative Home** shall mean a home provided for a child wherein the primary caregiver is related to the child as defined above.~~

II. APPLICATION PROCESS FOR RECEIVING A FOSTER CARE LICENSE/CERTIFICATION

A. The Process

The application process shall consist of five (5) parts:

- ~~1. Application Form;~~
- ~~2. Clearance and Record Checks;~~
- ~~3. Fire Safety Inspection;~~
- ~~4. Home Study; and~~
- ~~5. Pre-Service Orientation Course~~

B. The Application Form

- ~~1. The applicant for a foster care license/certification shall obtain an official application from the agency and shall return that application completed in full.~~
- ~~2. The applicant shall supply the agency with the following information:

 - ~~a) His or her name, AKA's, date of birth, social security number, ethnic background, religious affiliation, work and home telephone numbers, date and place of any marriages or divorces, and past five years of employment history;~~
 - ~~b) The name of all children, whether or not living in the household, his or her date of birth, current school and/or occupation;~~
 - ~~c) The name, date of birth, and relationship to the applicant of any adult living in the household;~~
 - ~~d) The name and address of one physician familiar with the applicant's medical history;~~
 - ~~e) Statement concerning source and amount of current income;~~
 - ~~f) An explanation of any involvement by the applicant or by any member of the household with a human service agency;~~~~

~~g) An explanation of any conviction or probationary sentence of the applicant or any member of the household; and~~

~~h) A description of any physical handicap or mental disability of the applicant or any member of the household (any use of such information will be consistent with provisions of the Americans with Disabilities Act):~~

~~1) The department may obtain the health and mental health status and history of all members of the household to assure that no member has an illness or condition, including alcohol and drug abuse, that presents a health or safety risk to any child placed there, and/or interferes with the foster parent's ability to provide satisfactory care.~~

~~2) Each health history should include written statements from a physician regarding the applicant's general health, specific illnesses, or disabilities, alcohol or other drug problems, infectious diseases, and other relevant health conditions. No qualified individual with a disability nor any individual because of a known relationship or association with an individual with a disability shall be excluded from participation as a foster parent.~~

~~C. Clearances and Records Checks~~

~~1. Child Care Agencies:~~

~~a) The agency will conduct a child abuse and neglect record check on all prospective foster parents and all other persons living in the home. The applicant may be denied if 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.~~

~~b) The applicant shall cooperate with the Department by providing the Department with the legal names and aliases, if any, and birth dates of all members of the household. Records of the Department shall be checked to determine if the applicant or other members of the household have had a history of substantiated child abuse or neglect, or currently has (or has had) a child, natural, adopted or foster, involved with a child placing agency.~~

~~2. Bureau of Criminal Identification:~~

~~In accordance with R.I.G.L. 14-1-34, each applicant and adult household shall have his or her~~

~~name cleared with the Attorney General's Office, Bureau of Criminal Identification, for evidence of a criminal record. Other criminal background checks may be conducted at the Department's discretion.~~

~~D. Fire and Safety Inspections~~

~~1) Inspections as required by law shall be conducted by the authorities having jurisdiction for the fire inspections.~~

~~2) The application process shall be contingent upon approval of the application's residence by the authorities having jurisdiction for fire inspections.~~

~~3) Each home licensed by the DCYF shall have two means of egress from every level. Homes that are not over two stories in height that do not have two means of egress may be~~

~~approved provided that smoke detectors are installed in accordance with Standard 74 of the~~

~~the~~

~~National Fire Protection Agency.~~

~~4) Basements shall not be used for sleeping unless the boiler or furnace room is constructed to~~

~~provide a one-hour fire rating.~~

~~5) Foster children must have 50 square feet per child in a junior size bed and 24 square feet~~

~~for a child in a crib. Relative providers are exempt from this section, providing the sleeping~~

~~arrangement is approved by the Fire Inspectors.~~

~~6) All electrical wiring shall be in accordance with the National Electrical Code.~~

~~7) All heating equipment shall have the proper controls for controlling temperature, ignition, and~~

~~safety. An auxiliary switch wired to a position that is REMOTE from the boiler or furnace area is required in order to shut off the boiler or furnace without entering a danger area in~~

~~the event of fire.~~

~~8) A two-inch thick timber or masonry material shall be placed to close any opening that may~~

~~allow a fire to easily access the interior or exterior walls and allow the fire to extend to the~~

~~above floors.~~

~~9) The home must be kept reasonably tidy, and all exits, corridors, passageways, stairways,~~

~~and fire escapes kept clear for safe egress.~~

~~10) All foster homes must be equipped with smoke detectors in accordance with local codes.~~

~~E. Home Study~~

~~1. Each applicant shall participate in a home study conducted by the agency to assess his/her ability~~

~~to provide quality foster care for a child. The applicant shall make all members of the household~~

~~available for interviews.~~

~~2. The applicant shall be evaluated by the agency on the criteria explained in the section of the regulations~~

~~entitled "Criteria for Holding a Foster Care License."~~

~~F. Pre-Service Orientation Course~~

~~1. The applicant for an original license shall successfully complete a course of pre-service~~

~~orientation as required by the agency.~~

~~2. Relative applicants may be exempt from this requirement. Child specific applicants may be exempt~~

~~from this requirement by the Licensing Administrator. This decision shall occur on a case by case~~

~~basis, taking into account the nature of the placement and relationship.~~

~~G. Final Determination~~

~~1. Each applicant shall be notified in writing by the agency of the final disposition of his or her application.~~

~~2. The applicant shall be afforded all appeal remedies in accordance with the Administrative Procedure Act.~~

~~H. Licensing/Certification Limitations~~

- ~~1. A foster care license shall apply only to the place of residence occupied by the applicant at the time of issuance.~~
- ~~2. A license is valid from the date of issue and expires one (1) year from the date of such issuance, unless otherwise specified; or unless revoked or otherwise invalidated by the Department; or voluntarily surrendered by the parent.~~
- ~~3. The applicant may be issued a provisional license not to exceed a period of six (6) months for a home not previously licensed.~~
- ~~4. The applicant may be issued a probationary license which sets forth terms of remediation and which shall not exceed a period of twelve (12) months.~~
- ~~5. The applicant may be issued a limited license, which specifies the number and ages of children in the home or a particular child.~~
- ~~6. The license shall specify the maximum number of children to be cared for in a single residence as determine appropriate by the Department.~~
- ~~7. The number of children for each license shall be limited by the Department as appropriate. In no case shall the number of foster children in a single residence exceed five (5).~~
- ~~8. A foster parent shall not care for more than two (2) children less than two (2) years of age, or four (4) children less than six (6) years of age, at any time. This shall include the foster parent's legal children in the same age group.~~
- ~~9. No person may hold a foster care license and a day care license simultaneously without a variance.~~
- ~~10. No person shall provide care for more than one (1) child placing agency at one time except in such instance when a child placed by one agency is placed with that person for purposes of adoption and such placement has prior approval of the Licensing Administrator.~~
- ~~11. No person shall receive non-related adults and children into care without a variance.~~
- ~~12. Additional foster care regulations, as appropriate to specialized foster homes, are appended to the end on this document.~~

~~III. DENIAL, RENEWAL AND REVOCATION OF A FOSTER CARE LICENSE/CERTIFICATION~~

~~A. Renewal~~

- ~~1. A foster care license shall be subject to renewal annually.~~
- ~~2. A foster parent, when requesting a license renewal, shall demonstrate that he or she meets all regulations stipulated herein.~~
- ~~3. A relative certification shall be subject to renewal by annually.~~

~~4. A six-month provisional certification may be issued to a relative caretaker allowing compliance to occur for the fire safety inspection, home study and completed physician's reference form.~~

~~B. Denial~~

~~A license/certification shall be denied for the following reasons:~~

- ~~1. The applicant or other member of the household has a documented history of child abuse or neglect; or~~
- ~~2. The applicant or other member of the household has a past or current history of agency intervention deemed to be detrimental to the care of children; or~~
- ~~3. The applicant or other member of the household has a past or current history of substance abuse deemed to be currently detrimental to the care of children.~~
- ~~4. The applicant or other member of the household has been arrested and pending disposition, convicted of, or is serving an active probationary sentence for, a criminal listed in Appendix 1; or~~
- ~~5. The applicant fails to cooperate with the agency in its licensing investigation, including the falsification or omission of facts; or~~
- ~~6. The applicant fails to comply with any of the regulations contained herein.~~
- ~~7. The applicant fails to demonstrate the ability to foster as defined in Section III.~~
- ~~8. Certification will not be granted when child's natural parents or legal guardian resides with the applicant for the child.~~
- ~~9. The agency will not select as a foster family any household in which an adult has a substantiated criminal record of child abuse or spouse abuse or a criminal conviction, as evidenced by FBI, state and local criminal record checks for any crimes against children or for any violent crimes, including rape, felony assault, murder, and any felony drug-related offense. Convictions of nonviolent felonies misdemeanors should be handled on a case-by-case basis, taking into account the nature of the offense, the length of time that has elapsed since the event, and the individual's life experience during the ensuing period of time.~~

~~C. Revocation and Other Licensing Actions Pertinent to Foster Care Homes~~

~~1. Licensing Actions include the following:~~

- ~~a) Requirement that foster parent(s) attend training.~~
- ~~b) Restriction as to the number, or needs of children.~~
- ~~c) Initiation of probationary status for a specific period with specific conditions.~~
- ~~d) Revocation of license or certification.~~

~~2. A License Shall be Revoked for the Following Reasons:~~

- ~~a) The foster parent or other member of the household is convicted of a felony; or~~
- ~~b) The child in the foster home is in immediate physical danger from the caregivers; or~~
- ~~c) The foster parent fails to protect a child from physical or emotional harm because of failure to provide adequate supervision appropriate to the child's needs and level of development; or~~

- d) ~~The foster parent or other member of the household is indicated as a perpetrator of sexual abuse; or is indicated as perpetrator of physical abuse which result in death, hospitalization, or physical injury to a child; or~~
- e) ~~The foster parent or other member of the household threatened to harm a child; or~~
- f) ~~The foster parent fails to comply with any of the regulations contained herein or with the Rhode Island Laws pertaining to the care of the children; or~~
- g) ~~The foster parent fails to cooperate with the agency in its licensing process, including the falsification or omission of facts.~~

D. Procedure for Review Pursuant to Possible Licensing Actions:

1. ~~The Licensing Administrator reviews the care of a relative or foster home and materials or communication concerning reasons for a licensing action.~~
2. ~~When there is reasonable cause to believe that there exists imminent danger to the child's physical and emotional well being:~~
 - a) ~~The Licensing Administrator consults with the Regional Director, supervisor and/or the primary worker and may order the removal of the child(ren) from the home if such removal has not already taken place.~~
 - b) ~~Concurrent with or subsequent to the removal, the foster parent(s) or relative caretaker(s) is notified immediately of the decision to remove the child(ren) from the home.~~
3. ~~Regardless of whether the child(ren) is removed from the home, the following protocol is followed when licensing action is being considered:~~
 - a) ~~The Licensing Administrator sends notice by mail informing the foster parent(s) or relative caretaker(s) that the Department is considering a licensing action and provides notice of the facts that may warrant this action. The letter indicates a willingness to meet with the foster parent(s) or relative caretaker(s) and provides a date and time for the meeting.~~
 - b) ~~At the meeting, the foster parent(s) or relative caretaker(s) is given opportunity to show cause why the action should not be taken.~~
 - c) ~~If after such meeting the facts continue to appear to warrant licensing action, written notification of that licensing action is sent to the foster parent(s) or relative caretaker(s) within ten (10) working days. The foster parent or relative caretaker will be notified of their right to appeal the decision through an Administrative Hearing.~~
 - d) ~~A copy of both notices shall be sent simultaneously to The Office of the Child Advocate.~~
4. ~~Subsequent to the initiation of licensing action by the Department, the foster parent(s) or relative caretaker(s) may appeal the action in various forums as delineated in Policy #007, Complaints and~~

~~Hearings. For the purpose of interpreting that policy, the above referenced meeting held by the~~

~~Licensing Administrator is considered a Supervisory Hearing.~~

IV. CRITERIA FOR HOLDING A FOSTER CARE LICENSE/CERTIFICATION

A. General Criteria

~~An applicant shall demonstrate through the licensing process an ability and willingness to:~~

- ~~1. Assure that the child's physical, emotional, developmental, educational, cultural and spiritual needs are met;~~
- ~~2. Share with the agency all factual information regarding significant changes in the personality, behavior, physical development or health status of the child;~~
- ~~3. Respect the child's right to privacy by holding in confidence such matters as pertain to family and previous history;~~
- ~~4. Assist the agency social worker in the primary responsibility of establishing and attaining case plan goals for the child and to comply with the child's case plan; and~~
- ~~5. Provide an active and positive parenting role model to assist the child in his/her growth and development.~~

B. Age

- ~~1. A foster parent shall be at least twenty-one (21) years of age.~~
- ~~2. Exceptions may be considered for relative caretaker(s) 18 through 20 years old.~~

C. Health

- ~~1. The applicant and all members of the household shall not have a physical or mental health condition that the Department determines may adversely affect the child or the child's care.~~
- ~~2. The applicant shall submit the name of a physician who is familiar with the applicant's medical history and who is available to comment to the Department upon the applicant's health and ability to foster.~~
- ~~3. The applicant shall ensure the availability of a physician's reference regarding any member of the household as requested by the agency.~~
- ~~4. If requested, the applicant shall submit the name of a physician, or mental health professional who is familiar with the applicant's health or mental health history and who is available to comment on the applicant's mental health status and ability to foster.~~

D. Income and Fiscal Management

- ~~1. The applicant shall demonstrate that the household has sufficient income and appropriate fiscal management to maintain its stability and security without a foster board payment.~~
- ~~2. Written verification of income shall be provided to the Department upon request.~~
- ~~3. The applicant shall use foster board stipend to meet the individual needs of the foster child.~~

E. Family Composition

- ~~1. One or two adults as head of household may receive a foster care license.~~

- ~~2. All children and adults residing in the household shall be considered in terms of how they might be affected by, or have an affect upon, a foster child in the household.~~
- ~~3. The total number of children in the household shall not exceed seven (7) including natural, adopted, relative and foster children. The total number of foster children shall not exceed five (5).~~
- ~~4. Homes licensed for in excess of five (5) foster children pursuant to the terms of previously adopted regulations shall be reduced to a maximum of five (5) foster children through attrition.~~
- ~~5. Each home's capacity to accommodate foster children will be assessed individually, and not to exceed seven (7) total.~~
- ~~6. The number and ages of natural, adopted and foster children in the household shall be considered on an individual basis. An exception to the maximum limits can be made to accommodate sibling groups and relative placements on an individual basis. This variance may be obtained from the Licensing Administrator.~~
- ~~7. The applicant shall demonstrate an ability to meet the needs of all children in the home.~~

F. Personal Characteristics

~~Foster parents must be qualified to meet the children's physical, emotional, social, developmental, treatment, educational, cultural, and permanency needs. Therefore, they must demonstrate the maturity, interpersonal qualities, and life experiences that prepare them to provide family foster care.~~

- ~~1. An applicant shall demonstrate the following personal characteristics to the Department's satisfaction:
 - a) Maturity;
 - b) Stability;
 - c) Flexibility;
 - d) Ability to cope with stress;
 - e) Capacity to give and receive love; and
 - f) Good character.~~
- ~~2. Such characteristics shall be assessed by a review of the following:
 - a) Social history, including the applicant's own experience in being raised as a child;
 - b) The applicant's current parenting experiences;
 - c) Ability to demonstrate an understanding of the role and responsibility of being a parent;
 - d) Ability to express emotions appropriately;
 - e) Reactions to experience of separation and loss (through death, desertion, divorce, etc.);
 - f) Education and employment history;
 - g) Participation in community activities and relationships with extended family;
 - h) Money management ability and daily routines and habits;
 - i) Hobbies, special interests, skills and talents.~~

~~3. If the agency has doubts about the willingness and ability of prospective foster parents to meet the requirements for fostering, those prospective foster parents may not be selected.~~

G. Foster Parent Ability

~~At the time of licensing or certification, foster parents should have the knowledge and skills to:~~

- ~~1. Protect and nurture children in a safe, healthy environment with unconditional positive support;~~
- ~~2. Support relationships among children and their parents, siblings, and kin;~~
- ~~3. Meet the developmental needs of the child by:
 - ~~a) helping them cope with separation and loss;~~
 - ~~b) helping to build trusting relationships;~~
 - ~~c) building self-esteem;~~
 - ~~d) affording positive guidance;~~
 - ~~e) promoting cultural identity;~~
 - ~~f) using discipline appropriate to the child's age and stage of development and without harsh, humiliating, or corporal punishment;~~
 - ~~g) supporting intellectual development and educational growth, and~~
 - ~~h) encouraging and modeling positive social relationships and responsibilities.~~~~
- ~~4. Support permanency planning, focusing on the child's care plan that may include family reunification or other safe, nurturing relationships intended to last a lifetime;~~
- ~~5. Participate as essential and effective members of a team, including managing the impact of fostering on themselves and their family, and obtaining rewards from the fostering experience;~~
- ~~6. Inform the Department if they (the foster parents themselves) need assistance in reading comprehension;~~
- ~~7. The applicant shall cooperate in the assessment of his or her parenting ability which shall take into account the following:
 - ~~a) Motivation for becoming a foster parent;~~
 - ~~b) Characteristics and number of children best suited to the family;~~
 - ~~c) Existing family relationships; attitudes and expectations regarding the applicant's own children and parent-child relationships, especially where such relationships might effect the child;~~
 - ~~d) Capacity to provide for child's needs while giving proper consideration to natural or adopted children;~~
 - ~~e) Realistic assessment of positive and negative aspects of foster parenthood;~~
 - ~~f) Willingness to comply with the provisions of the foster care regulations, as set forth herein;~~
 - ~~g) Ability to understand, participate in and assist in carrying out the child's plan, as appropriate;~~
 - ~~h) Personal characteristics necessary to provide continuity of care throughout the placement;~~~~

- ~~i) Flexibility to meet changing needs over the course of the placement;~~
- ~~j) Ability to accept the child's relationships with his or her natural family, including visitations;~~
- ~~k) Ability to help a child return home or be placed for adoption, and to gain satisfaction when appropriate, from the experience;~~
- ~~l) Ability and initiative to work with the child's biological parents (where appropriate) towards the goal of reunification; and~~
- ~~m) Otherwise demonstrate the ability to meet the child's physical, emotional, social, develop mental, treatment, educational, cultural, and permanency needs.~~

~~H. Health and Safety~~

- ~~1. The house and the premises of the applicant shall be free of hazards to the safety of a child and shall conform to necessary state and local codes and ordinances.~~
- ~~2. The residence and all structures associated with it shall be maintained in a clean, safe and sanitary condition and in a reasonable state of repair.~~
- ~~3. All outdoor recreation equipment shall be maintained in a reasonable state of repair.~~
- ~~4. Reasonable efforts shall be made to protect a child, through the use of physical barriers or adult supervision, from potential hazardous outdoor areas, such as water, open pits and wells, cliffs and caves, high speed or heavily traveled roads, and electrical equipment and machinery.~~
- ~~5. The residence shall be adequately heated and safely lighted and ventilated.~~
- ~~6. Bleach, cleaning materials and any poisonous or corrosive household chemicals shall be stored in a safe area, inaccessible to young children.~~
- ~~7. Prescription and over the counter drugs and alcohol shall be stored out of reach of young children.~~
- ~~8. The agency shall be informed if a resident of the household owns or possesses a firearm. Possession or ownership of firearms shall conform state and local laws.~~
 - ~~a) Any firearm, air rifle, hunting slingshot or other projectile weapon shall be stored in an area inaccessible to children;~~
 - ~~b) Any ammunition, arrows or projectiles for weapons shall be stores separately from the weapon or firearm in a locked space;~~
- ~~9. The residence shall have telephone service that must be maintained. Appropriate emergency telephone numbers, including local police, fire, rescue, poison control, and the child-placing agency, shall be posted in proximity to each telephone.~~
- ~~10. All locking doors within the residence shall be able to be unlocked from both sides.~~
- ~~11. The residence shall have a continuous supply of safe drinking water.~~
- ~~12. Bathroom and toilet facilities used by the child shall be located inside the residence and connected to an indoor plumbing system and be maintained in good working order.~~

~~13. Garbage and rubbish shall be disposed of on a regular and reasonable basis; the outside storage~~

~~of garbage or rubbish shall be in covered containers or closed bags.~~

~~14. Smoke detectors shall be placed in appropriate locations and be operative in the residence whenever~~

~~required in accordance with provisions of the State Fire Code.~~

~~15. Household heating equipment shall be used and equipped with appropriate safeguard in~~

~~accordance with the State Fire Code.~~

~~16. Dogs, cats, and other pets or domestic animals maintained on the premises shall be kept in a safe~~

~~and sanitary manner, and according to state and local requirements.~~

~~a) Pets maintained on the premises shall have up-to-date rabies vaccinations as appropriate;~~

~~b) Children shall, according to their ages and function levels, be protected from animals which~~

~~are potentially dangerous to their health;~~

~~c) The number and types of pets must be in accordance to state and local requirements.~~

I. Comfort and Privacy

~~1. All sleeping rooms for children shall have at least one window, and shall be used only as bedrooms.~~

~~2. Living rooms, dining rooms, and halls shall not be used as bedrooms for the foster child, or any~~

~~other member of the household. An exemption may be made for relative caretakers.~~

~~3. Attics, basements and cellars must meet all codes and regulations to be used as bedrooms.~~

~~4. Each foster child shall have his/her own bed of a type and size appropriate to the child's stage of~~

~~development. Cots will not be considered beds. Each infant shall have his/her own full size crib~~

~~that must conform to all safety regulations.~~

~~5. Except for children under the age of one (1) year, sufficient sleeping space shall be available so~~

~~that neither the parent's own child nor the foster child shares the bedroom of any adult.~~

~~6. A child more than three (3) years of age shall not share a bedroom with any child of the opposite~~

~~sex.~~

~~7. Except for children under the age of one (1) year, space shall be provided within the sleeping~~

~~room for the child's personal possessions and for a reasonable degree of privacy.~~

~~8. Each sleeping room shall provide a minimum of square footage of floor space per child in accordance~~

~~with the State Fire Code.~~

~~9. No more than four (4) children shall be permitted to sleep in one bedroom.~~

~~10. Where bunk bed are used, the vertical distance between the mattresses shall allow each occupant~~

~~to sit up comfortably in bed; the top bunk shall be fastened securely to the side frames. No child~~

~~under the age of six (6) will be allowed to sleep in the top bunk.~~

~~11. No child under the age of three (3) will be allowed to sleep on a waterbed at any time.~~

~~12. Youth or toddler beds can only be used for children ages two (2) to four (4).~~

J. Training

~~1. The foster parent shall complete training as recommended by the agency.~~

~~2. Successful completion of the pre-service orientation course shall be required prior to initial~~

~~licensing. All applicants must attend. Special exemptions may be made only at the approval of~~

~~the Licensing Administrator.~~

~~3. All courses shall be provided or approved by the agency.~~

~~4. Relative caregivers may be exempt from this requirement. Child specific homes may be exempt~~

~~from the pre-service orientation course requirement only at the discretion of the Licensing Administrator.~~

V. The Provision of Services

~~The foster parent shall agree to and meet the following conditions in order to retain the foster care~~

~~license throughout its terms:~~

1. Ability to Work with the Agency

~~a. The foster parent shall work respectfully and cooperatively with the agency representatives as~~

~~members of a team responsible for planning, providing for and discussing the total care services~~

~~provided to the child, as addressed in the case and service plans.~~

~~b. The foster parent shall fully and timely disclose all information related to a child's problem(s).~~

2. Supervision

~~a. Each child in care shall be adequately supervised at all times, as appropriate to the child's needs~~

~~and level of development.~~

~~b. When the foster parent must be absent from the home for any reason, the child shall be left in the~~

~~care of a competent person.~~

~~1. Foster parents should provide the caseworker with the names and ages of all baby sitters who care for the child on a regularly scheduled basis for extended periods.~~

~~2. Overnight sitters must be at least eighteen (18) years old.~~

~~3. BCI and DCYF clearances will be completed by the child's case worker.~~

~~c. If the absence of the foster parent is on a regular basis, the child care arrangements made by the~~

~~foster parent shall be approved by the agency.~~

3. Problem Management

~~a. A foster parent shall make every effort to use the same disciplinary methods with all children in the~~

~~household, within the limitations outlined below.~~

~~b. A foster parent shall use discipline to teach a child appropriate behavior in a manner consistent~~

~~with the child's age and functioning level.~~

~~1. Disciplinary methods shall stress praise and encouragement for desired behavior.~~

~~2. All rules and expectations made by the foster parent shall be explained to the child in a manner appropriate to the child's age and understanding. This explanation shall be made during the child's initial orientation to the home, and prior to any disciplinary actions for violations of such rules.~~

~~3. Children shall not be punished for actions over which they have no control.~~

~~4. Children are not be punished for bedwetting or in the course of toilet training activities.~~

~~c. The foster parent shall not subject a child to a verbal abuse or to derogatory remarks about him or herself, family, race or ethnic background; or to threats of physical violence, or to repeated threats of removal.~~

~~d. The foster parent shall not use, or delegate any other person to use, any of the following punishments on a child:~~

~~1. Corporal (physical) punishment of any form, including hitting, slapping, pinching, spanking,~~

~~paddling, shaking, kicking, biting, mechanical restrain or un-approved physical restrain;~~

~~2. Requiring or forcing the child to take a painful or uncomfortable position, including but not~~

~~limited to, squatting, kneeling, bending;~~

~~3. Requiring or forcing the child to repeat physical movements;~~

~~4. Verbal abuse, ridicule or humiliation;~~

~~5. Denial of elements of the case plan, including visitation with the legal family;~~

~~6. Delegation of discipline to other children, or to persons unknown to the child;~~

~~7. Assignment of physically strenuous exercise or work;~~

~~8. Withholding of any meal;~~

~~9. Unreasonable or prolonged denial of involvement in extracurricular or community activities, contact with peers, visiting or communicating privileges;~~

~~10. Denial of sufficient sleep;~~

~~11. Requiring the child to remain silent for long periods of time;~~

~~12. Denial of shelter, clothing, or bedding;~~

~~13. Isolation of a child in a small, confined space, including a closet, locked room, or a box;~~

~~14. Prolonged withholding of emotional response or stimulation; or~~

~~15. Destruction or unreasonable withholding of a child's property.~~

4. Sexual Development

~~a. Sexual maltreatment of any child is prohibited.~~

~~b. The foster parent shall be sensitive to the special needs of the child who has been sexually abused,~~

~~and shall request help from the child's care worker or supervisor whenever a difficulty arises in this~~

~~area. Should assistance not be available, the parent shall contact the licensing agency.~~

~~c. A foster parent shall be aware of the child's needs for appropriate information about sexuality~~

~~geared to the child's age and stage of development. A foster parent should consult with the case~~

~~worker or supervisor for any necessary assistance in providing information to the child.~~

5. Transportation

- a. Foster parents should have reliable transportation so that the children in their care have access to school, community services, and the agency.
- b. Any vehicle used to transport children shall be maintained in a safe condition and in compliance with motor vehicle laws.
- c. Children transported in a motor vehicle shall be in an appropriate safety restraint or seat belt, in accordance with Federal and State Laws.
- d. Children five (5) years of age or younger are required to ride in the back seats of motor vehicles.
- e. Children shall be transported in vehicles covered by liability insurance.
- f. Anyone who transports children must have a valid driver's license.

6. Medical Care

- a. The foster parent shall ensure that the child's medical needs are addressed in a timely and competent manner.
- b. The foster parent shall inform the agency in a timely manner of any care or treatment provided to the child by a professional medical person.
- c. The foster parent shall make no decision regarding major medical or surgical intervention (including the use of psychotropic medication) without the approval of the agency, except in emergencies.

7. Education

- a. The foster parent shall enroll a child of school age in the appropriate school within five (5) school days of the child's placement into the home.
- b. The foster parent shall cooperate with the agency, the child and the educational advocate, if any, in the development and maintenance of the child's educational plans.
- c. The foster parent shall intercede with the school authorities, and shall advise the agency on a regular basis of the child's educational performance.
- d. The foster parent shall review grade reports and other information from school authorities, and shall advise the agency on a regular basis of the child's educational performance.
- e. The foster parent shall provide a quiet, well-lighted space for the child to study, and shall establish regular times for homework and study.

8. Children's Money

- a. When age and circumstances permit, a foster parent shall allow and encourage a child to possess his or her own money.
- b. A foster parent shall give a child above the age of five (5) years a reasonable allowance at least weekly. The amount and frequency of the allowance shall be agreed upon with the agency.
- c. Money earned, received as a gift or an allowance by the child shall be the child's personal property.

~~d. A foster parent may limit the amount of money a child may possess or to which he/she has unencumbered access, when the limitations are in the child's best interest and agreed upon with the agency.~~

~~e. A foster parent shall not require a child to assume any part of the expenses for his or her care unless indicated by the case plan.~~

~~f. A foster parent may deduct reasonable sums from a child's allowance to pay restitution for damages done by the child, if such restitution plan is agreed upon by the case worker and documented.~~

~~Restitution must be based on the child's ability to pay.~~

~~g. When a foster child has ongoing earned income from employment, he or she shall be encouraged~~

~~to establish an interest-bearing savings account. The foster parent is encouraged to monitor the~~

~~child's expenditures, and any withdrawals and deposits to his or her accounts. The agency shall be~~

~~notified of the existence of the child's savings account.~~

~~I. Visitation and Contacts~~

~~1. A foster parent shall support visitation between the child and his or her family as outlined in the child's case plan.~~

~~2. In accordance with the child's case plan, there shall be reasonable opportunity provided for the child's use of the foster home telephone to contact family and friends.~~

~~3. A foster parent shall not restrict or censor correspondence to or from the child, except in accordance with the child's case plan.~~

~~J. Religion~~

~~1. A foster parent shall not require any religious observance or practice of a child, except upon the written request of the parent or guardian.~~

~~2. Reasonable efforts shall be made by the foster parent to provide the opportunity for a child to participate~~

~~in religious observances or practices other than that of the foster parent in accordance with the~~

~~wishes of the parent or guardian.~~

~~3. The foster parent shall notify and receive the approval of the agency before any change in religious~~

~~affiliation is made by the child; nothing herein shall be construed to suggest that the Department~~

~~may prevent a change in religious affiliation by a child of sufficient age and competence to make~~

~~such a decision.~~

~~K. Work~~

~~1. A child shall not be required, nor denied the opportunity to work outside the foster home, except in~~

~~accordance with the case plan.~~

~~2. The foster parent shall notify the agency whenever a child is working outside the foster home.~~

~~3. A foster parent shall notify and involve each child, as age and circumstances permit, in routine household maintenance.~~

~~a) A foster parent shall ensure that household chores are performed in a reasonable and safe manner.~~

~~b) The foster parent shall not require the child to perform household chores in a manner dissimilar to any other child in the household of similar age or ability.~~

L. Clothing

~~1. A foster parent shall ensure that each child has adequate, clean, well fitting and seasonable clothing that is age and gender appropriate.~~

~~2. A child's clothing must be identifiably his/her and not shared in common.~~

~~3. A foster parent shall surrender all of a child's clothing currently identified as his/her to the child~~

~~when the child is discharged from the home. If a child leaves the home prior to receiving the clothing check, the foster parent shall return it to the Department.~~

~~4. All monies provided by the agency for a child's clothing shall be expended exclusively for clothing for the child.~~

M. Personal Belongings

~~1. A child shall be allowed to bring his/her personal belongings to the foster home, and to acquire belongings of his or her own.~~

~~2. A foster parent may, as necessary, limit or supervise the use of an item.~~

~~3. Where extraordinary limitations are imposed, the child shall be informed of the reasons. Limitations shall be discussed with and agreed to by the agency.~~

~~4. The foster parent shall make reasonable provisions for the protection of a child's property.~~

~~5. A foster parent shall surrender to the child his or her personal belongings when he/she is discharged from the foster home.~~

N. Personal Hygiene

~~1. The foster parent shall provide age appropriate training to the child to establish habits of physical cleanliness, good grooming and personal hygiene. The foster parent shall ensure that each child~~

~~has necessary articles for his or her own use to maintain personal hygiene.~~

~~2. Foster parents who care for children of color are expected, if necessary, to obtain information on how to care for their hair and skin.~~

O. Recreation

~~1. The foster parent shall provide regular opportunity for recreational activities that are appropriate to the age and abilities of the child.~~

~~2. The foster parent shall encourage the child to participate in school and community services and activities both with the family and on his or her own.~~

~~3. The foster parent shall encourage and arrange for the child to have contacts and friendships with other children.~~

~~4. The foster parent shall make available materials and equipment appropriate to the child's age and ability for both active and quiet play.~~

P. Meals

~~1. The foster parent shall provide the child with a minimum of three (3) well-balanced meals, or the equivalent, each day at regular times, with not more than fourteen (14) hours between the evening meal and breakfast.~~

~~2. The foster parent shall not exclude the child from family meals.~~

~~3. The foster parent shall provide for any special dietary needs for the child as determined by a proper medical authority or dictated by the child's religion or culture.~~

Q. Required Notification

~~1. The foster parent shall notify the agency prior to allowing any person to visit in the home for a period in excess of three (3) days.~~

~~2. The foster parent shall notify the agency prior to making plans for the care of the child by another person for a period in excess of forty-eight (48) hours.~~

~~3. The foster parent shall notify the agency immediately in any of the following instances:~~

~~a) The death of a child;~~

~~b) A serious injury or illness involving medical treatment of the child;~~

~~c) A serious emotional or behavioral crisis which may endanger the child or others;~~

~~d) When a child has been subjected to alleged abuse or neglect, or has been the alleged victim~~

~~of assault or other physical or sexual abuse;~~

~~e) Unauthorized absence of the child from the home in accordance with Department policy;~~

~~f) Removal of the child from the home by any person or agency other than the placing agency; or any attempts at such removal.~~

~~g) Any fire or other emergency requiring overnight evacuation of the premises;~~

~~h) Any exclusion of a child from school or involvement with police;~~

~~j) Any changes in household composition.~~

~~4. The foster parent shall inform the agency as soon as possible, but not more than five (5) working days following any circumstance listed below:~~

~~a) Any serious illness or death in the household;~~

~~b) The permanent departure of any member of the household;~~

~~c) Any other circumstance or incident seriously affecting the child or child care.~~

~~5. The foster parent shall inform the agency at least four (4) weeks prior to a planned move of residence.~~

6. ~~The foster parent shall notify the agency by the end of the next working day of any fire requiring the services of the fire department within the residence.~~
7. ~~The foster parent shall notify the agency within five (5) working days prior to taking foster child out of State.~~

~~ADDITIONAL REGULATIONS FOR FOSTER HOMES FOR DEVELOPMENTALLY DISABLED~~

1. ~~Kitchen, living room, bedrooms, and bathrooms used by the children in care shall be located on the ground floor and shall be easily accessible to the physically disabled.~~
2. ~~Developmentally disabled foster children shall occupy bedrooms on the first floor.~~
3. ~~There shall be a written plan for egress, approved by the agency, in the event of an emergency.~~
4. ~~All doors to the outside shall be equipped with inside locks permitting egress with a single hand motion.~~
5. ~~In accordance with the goals established by the case plan, each child shall be taught by the foster parent(s) self-help skills, namely; dressing, bathing, feeding, toileting, and personal grooming.~~
6. ~~In accordance with each child's developmental stage and capabilities, as established by the case plan, each child should be provided by the foster parent(s) appropriate activities for motor language, social, emotional, and intellectual growth and development.~~
7. ~~In accordance with the child's case plan, as indicated, adaptive equipment shall be used to facilitate the activities of daily living.~~
8. ~~Foster parent(s) shall provide the opportunity for each child to participate in outdoor activities on a regular basis, unless there is compelling medical reason not to do so, as documented in a written statement by a licensed physician.~~
9. ~~Foster parent(s) shall participate in a course of specialized training offered or approved by the agency concerning the care and the development of developmentally disabled persons. This training shall be upgraded on an annual basis.~~
10. ~~Smoke detectors shall be operational on each floor of the home.~~
11. ~~There shall be written emergency provisions approved by the Department regarding heat, light, and cooking facilities.~~

~~STATE OF RHODE ISLAND DEPARTMENT OF CHILDREN, YOUTH AND FAMILIES Appendix I—Licensing and Certification of Foster Care Homes Criminal Offenses~~

~~The arrest and conviction or arrest pending disposition for one of the following criminal offenses~~

would preclude a prospective applicant from having his/her home licensed/certified as a foster care home.

Offenses Against the Person

Murder

Voluntary manslaughter

Involuntary manslaughter

Kidnapping

Kidnapping with intent to export

First degree sexual assault

Second degree sexual assault

Third degree sexual assault

Assault with intent to commit specified felonies

Assault by spouse

Felony assault

Domestic assault

First degree child abuse

Second degree child abuse

Offenses against the family

Incest

Child snatching

Exploitation for commercial or immoral purposes

Public Indecency

Transportation for indecent purposes:

Harboring

Prostitution

Pandering

Deriving support or maintenance from prostitution

Circulation of obscene publications and shows

Sale or exhibition to minors of indecent publications, pictures, or articles

Child nudity in publication

Drug Offenses

Any offense constituting a felony which is enumerated in Rhode Island General Law 21-28-1.01 et

seq., the Uniform Controlled Substances Act.