

CHILD CARE REGULATIONS

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STATE OF RHODE ISLAND
DEPARTMENT OF CHILDREN, YOUTH AND FAMILIES

1987

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I. GENERAL PROVISIONS

A. Legal Basis

1. These regulations are issued pursuant to:
 - a. The Licensing Act for the Placement and Care of Children, which requires that a person or group of persons shall obtain from the Department of Children, Youth and Families a license prior to operating a child care program; and
 - b. The Act relating to the Certification of Child Care Personnel, Title 40, chapter 13, RIGL.
2. A child care program, as defined by the Act, is a person or agency which offers residential or nonresidential care or treatment for a child apart from his/her parent or guardian.
3. These regulations shall apply to:
 - a. **ALTERNATIVE TREATMENT PROGRAM** any community based, non-residential program which provides care or treatment such as psychological services, recreational or educational services to an emotionally disturbed child in the natural or foster home.
 - b. **CHILD DAY CARE CENTER**: means any person, firm, corporation, association, or agency who, on a regular or irregular basis, receives any child under the age of sixteen (16) years, for the purpose of care and/or supervision, not in a home or residence, apart from his parent or guardian for any part of a 24 hour day, irrespective of compensation or reward. It does not include nursery schools or other programs of educational services subject to approval by the commissioner of education.
 - c. **DAY TREATMENT PROGRAM**: any non-residential specialized program of care or treatment for emotionally disturbed children.
 - d. **FAMILY DAY CARE HOME**: any home other than a child's natural, relative or adoptive home in which child day care in lieu of parental care or supervision is offered at the same time to more than three (3) but less than nine (9) children who are not related to the caregiver.
 - e. **GROUP HOME I** : a specialized facility for child care or treatment in a dwelling or apartment owned, rented or leased by a public or private child-placing agency, an independent operator or private or public organization which receives not more than eight (8) children for twenty-four (24) care.
 - f. **GROUP HOME II**: which is defined as group home I (above), excepting that the number of children in care may not exceed twelve (12)
 - g. **INDEPENDENT LIVING PROGRAM**: the placement of a child in his/her own residence under the regular supervision of a licensed child care program.
 - h. **IN-HOME SERVICES PROGRAM**: a program which provides care or treatment to a child and his/her family in his/her natural or adoptive home. This shall include reunification programs.
 - i. **RESIDENTIAL GROUP CARE PROGRAM**: any program serving thirteen (13) or more children, which provides 24-hour care, including room, and board, recreational programs, social services, and may include educational or psychological services.
 - j. **RESIDENTIAL TREATMENT PROGRAM**: a program which provides on a 24-hour basis, care or treatment for emotionally disturbed children whose needs exceed the normal limits of care. Treatment can include, but is not limited to, psychiatric services, clinical social work, psychological services, special education, and medical services.
 - k. **SECURE CARE**: any program of residential care which employs locked doors or any other physical means to prevent a child from leaving the facility.
 - l. **SHELTER CARE PROGRAM**: any program which provides temporary care in a group home or institution for a period not exceeding ninety (90) days.
 - m. **SUPERVISED APARTMENT LIVING PROGRAM**: a program which places adolescents, apart from their parent or guardian, in apartments with other adolescents and provides routine supervision by a social service worker.
 - n. **WILDERNESS PROGRAM**: a program designed to teach interpersonal and survival skills to a child in a wilderness setting.

4. As provided by law, these regulations do not apply to shelter operations for parents, boarding schools, recreation camps, nursing homes, hospitals, mental health centers, maternity residences and programs licensed for use by the Department of Mental Health, Retardation and Hospitals for developmentally disabled children.
5. These regulations were designed and written to apply to the child care programs named in this document. In some instances, however, certain programs are exempted from, or are required to meet additional, regulations.
 - a. Exemptions to specific regulations are noted in the body of the text immediately following the regulation from which the program is exempted.
 - b. Additional child care regulations, as appropriate to specific child care programs are appended to the end of this document.

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 the state agency authorized and responsible for the regulation of child care programs and the promulgation of standards governing these programs.

Child care programs assist the Department in its implementation of child care responsibilities. Through the provision of a variety of care and treatment options; child care programs serve to protect and safeguard the well-being of children in their care and also to enhance their reintegration and readjustment in the community.

These regulations are written to ensure a basic quality of care, health and human rights for children served in child care programs, and to assist the child care programs in fulfilling these responsibilities for the benefit of the children and families they serve. The regulations are to be interpreted in the best interest of the child.

C. Definitions

1. **ACT** shall mean the Licensing Act for the Placement and Care of Children.
2. **AGENCY** shall mean the Department of Children, Youth and Families or a child placing agency, which ever has placed a child in the program.
3. **APPLICANT** shall mean a child placing agency or a child care provider that applies for a license to operate.
4. **BEDROOM SPACE** shall mean the space in which a child sleeps.
5. **CASE PLAN** shall mean the comprehensive, goal-oriented, time-limited, individualized program of action for a child and his/her family, developed by the child placing agency in cooperation with the family, whenever possible.
6. **CASE RECORD** shall mean the unified, comprehensive collection of information concerning a child.
7. **CHEMICAL RESTRAINT** shall mean the use of psychotropic agents as a means of controlling behavior.
8. **CHILD** shall mean one or more children as defined in the Act.
9. **CHILD ABUSE OR NEGLECT** shall mean the improper treatment of a child, as defined by law.
10. **CERTIFY** shall mean the process, as described in the Regulations for Child Placing Agencies, by which a child care program, having demonstrated compliance with the regulations contained herein to a licensed child placing agency, is recommended to the Department for licensing.
11. **DEPARTMENT** shall mean the Rhode Island Department of Children, Youth and Families.
12. **DISCIPLINE POLICY** shall mean written policies and procedures governing conduct, which prescribes consequences for violation of rules and positive responses to appropriate behavior.
13. **FACILITY** shall mean the physical environment used by a program.
14. **GOVERNING BODY** shall mean the association of persons who have the ultimate responsibility for conducting the affairs of a child care program.
15. **ISOLATION** shall mean the confinement of a child in an unlocked room when there is no staff member
16. **LICENSING AGENCY** shall mean the Department.
17. **LIVING UNIT** shall mean an integral living space used by a particular group of children for eating and sleeping.
18. **MECHANICAL RESTRAINT** shall mean the restriction by mechanical means of a child's mobility or ability to use his/her hands, arms, or legs.

19. **ON-GROUNDS EDUCATIONAL PROGRAM** shall mean a program of educational services approved by the State Department of Education and operated by the program.
20. **PARENT** shall mean the natural or adoptive mother or father, and shall be construed to mean both parents of a child when applicable.
21. **PASSIVE PHYSICAL RESTRAINT** shall mean the least amount of direct physical contact required on the part of a staff member to prevent a child from harming him/herself or others, or to prevent destruction of property by a child.
22. **PROGRAM** shall mean a child care program.
23. **PSYCHOTROPIC MEDICATION** shall mean a drug or substance which affects behavior.
24. **RESEARCH** shall mean the use of a child physically, emotionally or psychologically for purposes of investigation or experimentation of scientific data.
25. **RESTRAINT** shall mean the physical restriction off a child's freedom or freedom of movement.
26. **SERVICE PLAN** shall mean the time limited, goal oriented, individualized plan for the care, treatment and education of a child, developed and implemented by a child care program that has the child in its care; this plan shall be based upon and in conformity with the child's case plan.
27. **STAFF** shall mean all persons, individually or collectively who provide services within the program; including all employees, volunteers, student interns, and consulting professionals.
28. **TIME-OUT PROCEDURE** shall mean the isolation of a child in an unlocked room.
29. **TREATMENT MODALITY** shall mean a consistent program of services designed to meet special needs of children served by the program over and above the provision of basic care.

II. LICENSING PROCESS

A. Licensing Process

1. The Administrator of Licensing may allow a variance to a rule upon the submission of a written request and documentation, providing that the variance in no way jeopardizes the health, safety and well-being of the child(ren) in care.
2. A program shall not operate unless it is licensed by the Department.
3. A program may be certified for a license by a licensed child placing agency as described in the Regulations for Child Placing Agencies.
4. A program shall:
 - a. receive the approval of the facility by the authorities having jurisdiction, namely the Division of Fire Safety and the State Health Department;
 - b. submit a completed application form to the licensing agency; and
 - c. submit to and assist in completing an inspection of all aspects of the program and facility by the licensing agency as requested.
 - d. provide evidence of substantial compliance with the regulations contained herein, as determined by the licensing agency;

OR

- a. submit satisfactory evidence that it meets the current standards of a national accrediting organization approved by the Department; **and**
- b. at the Administrator's request, provide, the following additional written documentation, including, but not limited to:
 - i. the philosophy of the agency;
 - ii. clientele to be served;
 - iii. services offered;
 - iv. programmatic descriptions;
 - v. a listing of personnel and job duties.

B. Licensing Limitations

1. A license shall apply only to the site occupied by the child care program at the time of issuance.
2. A license is valid from the date of issue and expires one (1) year from the date of issuance, unless otherwise specified; or unless revoked or otherwise invalidated by the Department; or voluntarily surrendered by the program. A grace period can extend the term of a license by ninety (90) days pending re-evaluation.

3. The applicant may be issued a provisional license for a period not to exceed six (6) months for a program not previously licensed.
4. An applicant may be issued a conditional license which places specific restrictions, on the license.
5. An applicant may be issued a probationary license which sets forth the terms of remediation and which shall not exceed a period of twelve (12) months.
6. A program shall admit for care or treatment no more than the number of children stipulated in its license.
7. A program shall admit for care or treatment only those children who might derive a benefit from the treatment modality offered by the program, unless ordered to do otherwise by a court of law.

C. Evidence of Ability to Comply with These Regulations

An agency, as an applicant or as a licensee, its corporation board members, its officers, agents and employees shall demonstrate an ability to offer child care services in substantial compliance with these regulations. Ascertainment of substantial compliance with these regulations shall include but is not limited to the following:

1. the status of any out-of-state child caring or placing licenses held by the agency;
2. the status of any other application by the agency for child caring licenses;
3. the status and nature of any administrative, civil or criminal action ever brought with respect to the provisions of child caring service by the agency, its officers, agents or employees;
4. the status and nature of any state or federal agency's investigation of the agency, its officers, agents, or employees with respect to the provision of child caring services;
5. the status and nature of any written communications expressing satisfaction or dissatisfaction with the agency as an applicant or as a licensee in its provision of child caring services;
6. whether an agency, its officers, agents or employees:
 - a. are under indictment for or have been convicted of any offense listed in Appendix 1
 - b. have been fined or are subject to any agreement resulting from any administrative or civil action pertaining to their professional care of children; or
 - c. have been denied a license or have had a license revoked pertaining to the professional care of children.

III. ADMINISTRATION AND ORGANIZATION (exempted: Child Day Care Center and Family Day Care Home)

A. The Governing Body

1. An agency shall be operated by an individual or a corporation.
2. An agency shall have a governing body which is responsible for its continual compliance with licensing requirements and conformity with the provisions of its charter.
3. The names of any and all members of the governing body shall be supplied to the licensing agency.

B. Statement of Purpose

1. A program shall have and conform to a written statement of its child caring philosophy, program and services.
2. This description shall include:
 - a. Pre-placement and admission criteria;
 - b. Intake policies and procedures; intake criteria shall describe characteristics of children who will be admitted and characteristics which preclude admission;
 - c. Admission policies;
 - d. Sample daily program schedule and description of typical daily activities including the extent of adult supervision and procedures for behavior management
 - e. Plan for the provision of services to the child, including services provided in cooperation with community resources;
 - f. Plan for the provision of services to the child's family;
 - g. Criteria for discharge; and
 - h. Assessment and evaluation procedures used in treatment planning and delivery.

C. Organizational Table

A program shall maintain a current organizational table which accurately reflects the structure of authority, responsibility and accountability within the program.

D. Operations

1. The licensee shall do each of the following:
 - a. meet with the licensing authority upon request;
 - b. contact the Department prior to implementing programmatic changes in a licensed program;
 - c. make such reports to the Department as may be required to demonstrate that the requirements for licensure are met;
2. The Licensee shall provide a safe and suitable office facility, including space to assure privacy and a reasonable degree of comfort for the convenience of clients.
3. The program shall make available to all employees a written code of ethics that prohibits employees from using their official position to secure privileges for themselves or others and from engaging in activities that constitute a conflict of interest.

E. Protection of Privacy

1. The privacy of the child and his/her family shall be protected.
2. The identity of a child used in any form of publicity shall be given only if a positive value accrues to the child.
3. The written consent of a parent or guardian, and the child, where applicable, shall be obtained prior to using a child or picture of a child in any form of publicity.

F. Research

1. An agency shall not use any child in any research without submitting a description of the proposed research and its purpose to the Department, and receiving the approval of the Department for such research.
2. Statistical research is permitted, provided that the child's identity is masked in all phases of research.
3. A program shall establish a human rights committee to monitor and approve any research, if required by the Department.

G. Fundraising

Children shall not participate in fundraising activities without the express prior written permission of the Department.

H. Finances

1. Fees
 - a. The program, if it charges fees, shall have a written policy on fees and a rate chart explaining fees.
 - b. The policy shall describe the relationship between fees and the costs of services provided and the conditions under which fees are charged or waived.
2. Accountability
 - a. A program shall demonstrate fiscal accountability through the regular recording of its finances and an annual financial statement.
 - b. The program shall obtain an independent audit of all its financial accounts. Non-governmental programs shall be conducted annually by an independent certified public accountant who is not administratively related to the program. Programs operated by governmental units shall have audits conducted as required by statute.

I. Records

1. Records shall be secure against loss, tampering, and unauthorized use.
2. Staff shall be made aware of the need for protection of confidential information, whether written or oral;
3. A program shall, upon written request and a signed release, make available information in the case record to the child, his/her parent or guardian, and their respective legal counsel, providing that the information being released does not contain material which:
 - a. Violates the right of privacy of another individual; or
 - b. Was generated by another agency; or
 - c. Should be withheld from release according to other laws or by order of the court.

4. A program shall not use material from case records for teaching or research or for the development of the governing body's understanding and knowledge of the program's services or similar educational purposes, unless names and other identifying information are disguised or deleted.
5. A program shall utilize videotapes of children only for teaching program staff and with the written prior permission of the child's parent(s) and the placing agency. Any exception to this regulation must be granted by the placing agency in writing.
6. A program shall maintain a written record for each child, which shall include administrative, treatment, and educational data from the time of admission until the time of discharge.
7. The content and format of these records shall be uniform within the program.
8. A child's case record shall include at least the following:
 - a. The name, sex, birth date, and birthplace of the child;
 - b. The name, address, telephone number and marital status of the child's Parent(s) or guardian;
 - c. The name, address, telephone number and relationship to the child of the person with whom the child was living prior to admission, when the child was not living with his/her parent;
 - d. Date of admission and source of referral;
 - e. All documents related to the referral of the child to the program;
 - f. Current custody and legal guardianship status;
 - g. Consent forms signed by the parent or guardian prior to placement, which allow the program to authorize all necessary medical care, routine tests, immunizations, and emergency medical or surgical treatment for the child;
 - h. Service plans and related material;
 - i. Summary of services to the child's family;
 - j. Cumulative health records;
 - k. Educational reports;
 - l. Treatment or clinical records and reports;
 - m. Date of discharge, reason for discharge, and the name, address and telephone number of the person or agency to whom the child was discharged; and discharge summary and aftercare plans;
 - n. Records of special or critical incidents within the program; and
9. A program shall maintain a current register of all children who are admitted and discharged.

J. Notification Required

1. The program shall notify the agency and the parent or guardian immediately in any of the following instances:
 - a. A serious injury or illness involving medical treatment of a child;
 - b. Any actual suicidal or homicidal attempt;
 - c. The death of a child;
2. The program shall notify the agency immediately in any of the following instances:
 - a. 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;
 - b. Unauthorized absence of the child from the program in accordance with Departmental policy;
 - c. Removal of the child from the program by any person or agency other than the placing agency; or any attempts at such removal;
 - d. Any fire or other emergency requiring overnight evacuation of the premises;
 - e. Any exclusion of a child from school or involvement with police; and
 - f. A physician's order requiring a child to be force-fed or otherwise coerced to eat against his/her will.
3. The program shall notify the agency by the end of the next working day of any fire requiring the services of a fire department within the residence.
4. The program shall provide written notification within thirty (30) days to the Department of changes in administrative and professional personnel and admissions criteria.

IV. PERSONNEL

A. General Staff Requirements and Qualifications

1. The chief administrator of a program shall be qualified by education, training, experience and management skills to ensure effective utilization of the agency's personnel and financial resources and coordination of the agency's program of service with other community services.

2. Child care supervisory staff shall be qualified by experience or training in supervision to supervise, evaluate and monitor the work of child care workers.
3. A program shall ensure that all staff have the necessary skills and training to meet their job objectives as defined in the written job description.
4. Consultants and specialists shall be retained by the program, with clear written specification of their roles and responsibilities, where appropriate to and providing an integral part of the programs scope of services.
5. A program shall have employment practices which attempt to ensure that employees and volunteers are of good character, emotional stability, and sufficient health, ability, experience and education to perform the duties assigned.
6. A program shall develop and implement a staffing ratio based on a written workload formula. The staffing ratio shall specify the number of administrative, supervisory, social service workers and other staff necessary to provide programmatic services.

B. Staff Evaluation and Development

1. A program shall have and follow a written plan for the orientation, on-going development, supervision and evaluation of all staff members annually.
2. The written plan shall address the following topics:
 - a. The principles and practices of child care;
 - b. The program's administrative procedures and overall program goals;
 - c. Acceptable behavior management techniques;
 - d. Crisis management;
 - e. Methods of restraint;
 - f. The programs emergency and safety procedures;
 - g. Introductory orientation program for all staff;
 - h. Annual staff evaluation conference or reports; and
 - i. Relevant state laws and regulations.

C. Staff Communication

1. There shall be written procedures for ongoing communication among all staff involved in each child's service plan.
2. All child care and educational staff shall be familiar with the service plans of children in their case loads, and shall have access to necessary information from a child's case record.
3. The program shall have a written plan and schedule concerning administrative and clinical coverage and support for its child care staff.
4. The program shall have a written plan regarding the orderly transfer of information at the beginning and end of each shift among child care staff and supervisors. The method for this transfer of information shall be documented.

D. Personnel Policies and Practices

1. There shall be sufficient number of qualified staff with sufficient authority to adequately perform the following functions:
 - a. Administrative;
 - b. Fiscal;
 - c. Clerical;
 - d. Housekeeping, maintenance and food services;
 - e. Direct child care service;
 - f. Supervision;
 - g. Record keeping and reporting; and
 - h. Other service functions which form a part of the program.
2. A program shall have written personnel policies and procedures which shall be provided to all staff members.
3. A program shall have complete written job descriptions for all its positions, and a list of all current staff assignments and lines of authority.
4. A program shall ensure that child care staff have regularly scheduled hours of work. A record of actual work assignments shall be maintained.
5. A program shall have one (1) personnel file for each employee, which shall contain at a minimum:
 - a. The application for employment and resume;

- b. Reference reports;
 - c. Applicable professional credentials and certifications;
 - d. All performance evaluations;
 - e. Personnel actions relating to the individual's employment with the program; and
 - f. Employee's starting and termination dates.
6. A program shall maintain the following hiring practices:
- a. All staff members shall be properly certified or licensed, as legally required.
 - b. All staff members shall be cleared for employment history;
 - c. A program shall require prospective employees and volunteers who work directly with children to be cleared according to the provisions of Title 40, Chapter 13, of the General Laws of Rhode Island, which mandates fingerprinting and a check of employment background;
 - d. A program shall not hire, or continue to employ any person convicted of any of the offenses listed in Appendix 1;
 - e. A program shall require at least three (3) references from non-related persons for any staff or volunteer who will work directly with children; and
 - f. References may, as a matter of policy be kept confidential from the employee or volunteer.

E. Volunteer Services

1. A program which utilizes volunteers or student interns to work directly with a particular child or group of children, shall have a written procedure for using such resources.
2. This procedure shall be given to all volunteers or student interns.
3. This procedure shall indicate that all such persons shall:
 - a. Be directly supervised by a paid staff member;
 - b. Be oriented and trained in the philosophy of the program and the needs of children in care, and the methods used to meet those needs;
 - c. Be cleared for employment history and for criminal record checks, as is legally required;
 - d. Be used to enrich the program, but not to provide essential services which would otherwise be unavailable; and
 - e. Be made aware of the need for protection of confidential information, whether written or oral, at the time of orientation.

V. ENVIRONMENT (exempted: In-Home Services)

A. Comfort and Privacy (exempted: Alternative Treatment Programs)

1. A program shall be housed in a facility constructed, equipped, used and maintained to ensure the privacy, safety, health, and physical comfort of all children.
2. All structures on the premises, the grounds, and outside equipment shall be maintained in good repair, free from any unacceptable hazard or risk.
3. Each living unit used for residential purposes by the program shall contain a variety of interior spaces for the free and informal use of children. This space shall be constructed and equipped in a manner consistent with programmatic goals.
4. All habitable areas of the facility shall be well lighted and ventilated (exempted: Wilderness Program).
5. There shall be sufficient dining areas for children, staff and guests to eat together (exempted: Independent and Supervised Apartment Living Programs).
6. In a residential facility, the program shall ensure that:
 - a. Each child in residence has his/her own bed;
 - b. No more than four (4) children shall occupy one bedroom (exempted: Wilderness Program);
 - c. No child more than three (3) years of age shall occupy a bedroom with one of the opposite sex;
 - d. No adult shall sleep in the same bedroom with a child (exempted: Wilderness Program);
 - e. When bunk beds are used, the vertical distance between the mattresses of any bunk bed shall permit each occupant to sit up comfortably in bed; the top bunk shall be fastened securely to the side frames;
 - f. Each child in residence shall be provided with his/her own dresser or other adequate storage space for private use, and a designated space for hanging clothes in proximity to the bedroom occupied by the child (exempted: Wilderness Program); and
 - g. Closet, bedroom and bathroom doors unlock from both sides (exempted: Independent and Supervised Apartment Living and Wilderness Programs).

7. A minimum of one wash basin with hot and cold water, one flush toilet, and one bath or shower with hot and cold water shall be provided for every eight (8) children in residence; lavatories and baths shall allow for individual privacy as necessary (exempted : Wilderness Program).
8. All sinks, showers, and bathtubs shall be equipped with functioning anti-scald valves (exempted: Independent and Supervised Apartment Living Programs).
9. A program utilizing live-in staff shall provide adequate separate living space for these staff (exempted: Supervised Apartment Living and Wilderness Programs).
10. A program shall provide a space which is distinct from children's living areas to serve administrative needs.
11. A program shall have a designated space to allow private discussions and counseling sessions between individual children and staff (exempted: Child Day Care Center, Family Day Care Home, Independent and Supervised Apartment Living Programs).
12. All areas of a facility shall be cleaned and maintained routinely.
13. A program shall ensure that there are sufficient and appropriate storage areas (exempted: Independent and Supervised Apartment Living and Wilderness Programs,
 - a. Storage spaces for all potentially harmful materials, such as bleach, cleaning materials and other poisonous or corrosive chemicals, and potentially dangerous tools or utensils shall be securely locked.
 - b. Keys to storage spaces shall be available only to authorized staff.

B. Safety

1. Each separate living unit within a facility shall have 24 hour telephone service, or an intercom system connected with an outside telephone service (exempted: Wilderness Program).
2. Emergency telephone numbers, including fire, police, physician, poison control, health agency and rescue shall be conspicuously posted adjacent to each telephone (exempted: Wilderness Program).
3. A program shall not maintain any firearm or chemical weapon on the grounds or within the structures of the facility, nor shall a program permit any staff member, or child to be in possession of any firearm, or chemical weapon on the grounds or within the structures of the facility.
4. The use of candles shall not be allowed in sleeping areas (exempted: Independent Apartment Living and Wilderness Programs).
5. Power-driven equipment used by a program shall be kept in safe and good repair. Such equipment shall be used by children only under the direct supervision of a staff member and according to state law (exempted: Independent and Supervised Apartment. Living Programs).
6. A certified lifeguard adult shall be present and supervise when children are swimming (exempted: Independent Living Program).
7. Emergency Procedures (exempted: In-Home Services, Independent and Supervised Apartment Living Programs)
 - a. A program shall have written procedures for staff and children to follow in case of an emergency or disaster.
 - b. These procedures shall be developed with the assistance of qualified fire and safety personnel and shall include provisions for the evacuation of buildings and assignment of staff during emergencies (exempted: Alternative Treatment Program, Child Day Care Center, Family Day Care Home).
 - c. A program shall conduct emergency drills which shall include actual evacuation of children to safe areas at three (3) month intervals. The program shall provide or obtain training for personnel on all shifts concerning performance of assigned tasks during emergencies and use of the fire-fighting equipment in the facility (exempted: Alternative Treatment Program, Child Day Care Center, Family Day Care Home).
 - d. A record of such emergency drills shall be maintained (exempted: Alternative Treatment Program, Child Day Care Center, Family Day Care Home).
 - e. All persons in the building shall participate in emergency drills (exempted : Alternate Treatment Program, Child Day Care Center, Family Day Care Home).
 - f. The program shall make special provisions for the evacuation of any handicapped children.
8. Transportation
 - a. A program shall ensure that there is adequate supervision in any vehicle used by the program to transport children in care.
 - b. Children transported in a motor vehicle shall be in an appropriate seat restraint or seat belt.
 - c. Children shall be transported in vehicles covered by liability insurance.
9. Drugs (exempted: Alternative Treatment, In-Home Services, Independent and Supervised Apartment Living programs)
 - a. All drugs including over the counter and prescription drugs are to be kept in a locked storage space.
 - b. The program shall have a designated person to administer drugs.

- c. A written log shall be maintained indicating all medications dispensed to individual children, with the child's name, the name of the drug, the dosage, the time dispensed, and the name of the person administering the drug.
- d. A program shall maintain a separate written log of all over-the-counter medications acquired for child(ren) in care.
- e. Stimulants, tranquilizers or psychotropic drugs requiring intramuscular administration shall be prescribed only by a physician, following a physical examination of the child by a physician, and shall be administered by a licensed medical practitioner.
- f. Under no circumstances shall a stimulant, tranquilizer or psychotropic drug be administered for purposes of program management and control, or for purposes of experimentation and research.
- g. Subcutaneous medication shall be administered only by a licensed medical practitioner. Prescribed insulin injections may be administered routinely for diagnosed diabetic conditions.
- h. A written register shall be maintained for any drugs confiscated from children in care.

VI. QUALITY OF LIFE

A. Children's Bill of Rights

A child care program licensed under these regulations by the Department shall adhere to all provisions of the Children's Bill of Rights, RIGL 42-72-15, herein adopted by reference.

B. Family Involvement (exempted: Alternative Treatment, Child Day Care Center, Family Day Care Home, Independent and Supervised Apartment Living Programs)

- 1. A program shall have a written description of its overall approach to family involvement.
- 2. A program shall make every possible effort to facilitate positive communication between a child and his/her parent or guardian.
- 3. A program shall make the following information available to the parent or guardian prior to placement:
 - a. The philosophy of the program;
 - b. The normal daily routines;
 - c. Behavior management and disciplinary practices of the program;
 - d. Any specific treatment strategy employed by the program;
 - e. Visiting hours and other procedures related to communication with the child;
 - f. Services provided to families by the program;
 - g. Procedures which the parent may use to register complaints about the quality of care the child is receiving; and
 - h. Name and telephone number of a staff person whom the parent may contact on an on-going basis.

C. Visitation and Outside Contacts (exempted: Alternative Treatment, Child Day Care Center, Family Day Care Home, In-Home, Independent and Supervised Apartment Living Programs)

- 1. There shall be regularly scheduled opportunities for a child in a residential program to visit with parents or guardian and siblings in accordance with the child's service plan.
- 2. Visiting hours shall be reasonable and flexible.
- 3. There shall be procedures for a child's use of a telephone.
- 4. A program shall provide conditions of reasonable privacy for visits and telephone contacts between a child and his/her family.
- 5. A program providing residential care shall have written procedures for overnight visits outside the facility. The program shall maintain the following information on record whenever a child is on an overnight visit:
 - a. The child's location;
 - b. The duration of the visit;
 - c. The name, address and telephone number of the person responsible for the child during visitation; and
 - d. The time of the child's return.
- 6. A program shall permit a child in care to receive and send mail in accordance with the child's case plan.
- 7. When the right of a child to visit or to communicate in any manner with a person outside the program must be curtailed, a program shall:
 - a. Notify the agency to determine if this is appropriate;
 - b. Inform the child of the reasons for the restriction or termination of his/her right to communicate with specified individuals;

- c. Document the decision in the child's case record; and
 - d. Review the decision at least every three (3) months.
8. A program shall not bar the agency or department from visiting, corresponding with or telephoning a child.
- D. Children's Money (exempted: Alternative Treatment Child Day Care Center, Day Treatment, In-Home, Independent and Supervised Apartment Living Programs)
- 1. When age and circumstances permit, a program shall allow and encourage a child to possess his/her own money.
 - 2. Money earned, received as a gift or as an allowance by a child shall be the child's personal property.
 - 3. The program may limit the amount of money a child may possess or to which he/she has unencumbered access, when the limitations are considered to be in the child's best interests and are duly recorded in the child's service plan.
 - 4. A program shall not require a child to assume expenses for his/her care and treatment unless indicated in the service plan.
 - 5. A program may deduct reasonable sums from a child's allowance or pay for work done within the program as restitution for damages done by the child, if such restitution plan is duly recorded in the service plan. Restitution must be based on the child's ability to pay.
 - 6. A program shall maintain a separate accounting for each child's money.
 - 7. When a child has ongoing earned income from employment, he/she shall be encouraged to establish an interest-bearing savings account. The program is encouraged to monitor the child's expenditures and any withdrawals and deposits to his/her saving accounts. The agency shall be notified of the existence of the child's savings account.
 - 8. Fines shall not be levied except in accordance with a written policy of the program. This policy shall be made known to the children in care and shall describe how revenue from fines are used.
- E. Work and Employment (exempted: Alternative Treatment, Child Day Care Center, Day Treatment, Family Day Care Home, Independent and Supervised Apartment Living)
- 1. The program shall use work assignments within the facility only insofar as they provide a constructive experience for children, and not as unpaid substitution for adult staff, and in accordance with written program policy.
 - 2. The program shall ensure that any child who is legally not attending school is either:
 - a. Gainfully employed; or
 - b. Involved in a program geared to the acquisition of suitable employment or necessary life skills.
- F. Religion (exempted: Alternative Treatment, Child Day Care Center, Day Treatment, Family Day Care Home, independent and Supervised Apartment Living Programs)
- 1. A program shall not require any religious observance or practice of a child except upon the written request of the parent or guardian.
 - 2. A program shall have a written description of its religious orientation, if any, the presence or absence of observances, and any religious restrictions on admission. This description shall be provided to the child, the parent or guardian and the agency at the time of a child's admission.
 - 3. During the admission process, the program shall:
 - a. Discuss the religious orientation and policy, if any, of the program with the child and his/her parent or guardian; and
 - b. Determine the wishes of the parent or guardian and the child regarding the child's religious training.
 - 4. Reasonable efforts shall be made to provide the opportunity for each child to participate in religious activities and services in accordance with the wishes of the parent or guardian.
 - 5. The child's parent or guardian shall be consulted before any change in religious affiliation is made by the child.
- G. Supervision (exempted: In-Home Services, Independent and Supervised Apartment Living Programs)
- 1. Each child in care shall be adequately supervised at all times, as appropriate to the child's needs and level of development.
 - 2. A program providing overnight care shall ensure that each child has ready access to a responsible staff member throughout the night.

H. Clothing (exempted: Alternative Treatment, Child Day Care Center, Day Treatment, Family Day Care Home, In-Home Services, Independent and Supervised Apartment Living Programs)

1. A program which provides twenty-four (24) hour care shall ensure that each child has adequate, clean, well fitting and seasonable clothing.
2. A child's clothing must be identifiably his/her own and not shared in common.
3. The program shall make provisions for clothing needs at the time of discharge, and shall permit a child to take all clothing currently identified as his/hers.

I. Personal Belongings (exempted: Alternative Treatment, In-Home Services, Independent and Supervised Apartment Living Programs)

1. There shall be a written policy delineating the possession and acquisition of personal belongings (exempted: Child Day Care Center, Day Treatment, Family Day Care Home).
2. A child shall be allowed to bring his/her personal belongings to the program and to acquire belongings of his/her own in accordance with this policy (exempted: Child Day Care Center, Day Treatment, Family Day Care Home).
3. The program may, as necessary, limit or supervise the use of these items (exempted: Child Day Care Center, Day Treatment, Family Day Care Home).
4. Where extraordinary limitations are imposed, the child shall be informed by staff of the reasons; the decision and the reasons shall be duly recorded in the case record (exempted: Child Day Care Center, Day Treatment, Family Day Care Home).
5. Reasonable provisions shall be made for the protection of the child's property entrusted to the program.

J. Personal Care and Hygiene (exempted: Independent and Supervised Apartment Living Programs)

Children shall receive training from staff to establish habits of physical cleanliness, good grooming, and personal hygiene. Each child shall possess necessary articles for his/her own use to maintain personal hygiene.

K. Food Services (exempted: Alternative Treatment, Family Day Care Home, In-Home Services, Independent and Supervised Apartment Living Programs)

1. A program shall maintain sanitary food preparation and storage facilities separate from other building areas.
2. Menus shall be prepared in conformity with accepted nutritional standards, and shall be posted at least seven (7) days prior to a served meal.
3. A program which provides 24-hour care shall ensure that each child is provided at least three (3) meals or their equivalent, available daily at regular times with not more than fourteen (14) hours between the evening meal and breakfast.
4. No child shall be denied a meal for any reason unless medical reasons dictate otherwise; medical staff shall record in the child's medical records information relating to special nutritional needs.
5. No child shall be force-fed or otherwise coerced to eat against his/her will, except by order of a doctor; the agency shall be notified immediately of any such order.
6. Prior to placement, the program shall notify the agency, parent(s), and child of any special dietary restrictions of the program, and shall elicit from the agency and parent(s) information regarding any dietary restrictions of the child.

L. Medical Care in Residential Programs (exempted: Alternative Treatment, Child Day Care Center, Day Treatment, Family Day Care Home, Day Treatment, In-Home Services, Independent and Supervised Apartment Living Programs)

1. A program shall maintain the availability of a comprehensive program of preventive, routine, and emergency medical and dental care for all children.
2. A program must arrange for children to receive timely, competent medical and dental care when needed and to continue to receive necessary follow-up medical and dental care.
3. A program shall ascertain and document any known allergies and medical conditions of the children in its care.

4. A program shall arrange a general medical examination by a licensed medical practitioner for each child within fifteen (15) days of admission, unless the child has been examined within twelve (12) months before admission and the results of that exam are available to the program.
5. The program, shall arrange at least annual physical examinations for all children in its care.
6. A program shall maintain a cumulative record of visits to medical care facilities. This record shall include at a minimum:
 - a. The name of the child;
 - b. The reason for the visit;
 - c. The name of the physician or attending person;
 - d. Results and recommendations of the medical exam;
 - e. Type and usage of medication ordered by the physician; and
 - f. The reason for prescribing any medication.
7. Upon discharge, the program shall provide a copy or summary of the child's health record to the person or agency responsible for the future planning and care of the child.
8. A program shall arrange for a child to receive a dental examination by a dentist within sixty (60) days of admission, unless the child has been examined within twelve (12) months prior to admission and the results of the exam are available to the program.
9. Each child over the age of four (4) years shall have an annual dental examination arranged by the program.
10. A program shall make every effort to:
 - a. Determine the child's need for eyeglasses, a hearing aid, a prosthetic or other corrective device; and
 - b. Provide the child with the necessary equipment or device.

M. Emergency Medical Services (exempted: Alternative Treatment, In-Home Services, Independent Living Programs)

1. A program shall have written procedures for staff to follow in case of a medical emergency, including the administration of first aid.
2. Emergency medical procedures shall:
 - a. Define the circumstances that constitute a medical emergency;
 - b. Include instructions to staff regarding their conduct once the existence of a medical emergency is suspected or has been established;
 - c. Be conspicuously posted.
3. At least one child care staff for each living unit and on each shift shall be certified to administer first aid and CPR Certification shall be updated annually.
4. A first aid kit which meets the most recent guidelines of the Red Cross shall be available in each unit of a facility.

N. Problem Management

1. A program shall have written policies and procedures regarding discipline which shall be explained to all children, families, staff and placing agencies.
2. A program shall prohibit corporal punishment of any form, as well as all cruel, humiliating, severe, unusual or unnecessary punishments, including, but not limited to:
 - a. Spanking, hitting, shaking or otherwise engaging in aggressive physical contact with a child;
 - b. Physical exercises, such as running laps or performing push-ups;
 - c. Requiring or forcing the child to take an uncomfortable position, such as squatting, kneeling or bending, or requiring or forcing the child to repeat physical movements;
 - d. Excessive denial of on-grounds program services or denial of any essential program service;
 - e. Depriving a child of food, water, rest or opportunity for toileting;
 - f. Denial of reasonable visiting or communication privileges;
 - g. Denial of shelter, clothing or bedding;
 - h. Excessive withholding of emotional response or stimulation;
 - i. Chemical, mechanical or excessive physical restraint;
 - j. Exclusion of a child from entry to the residence;
 - k. Sensory deprivation or electrical shock or any derivation thereof;
 - l. Any act defined as abuse or neglect in Chapter 11, Title 40 of state statutes; and
 - m. Destruction or unreasonable withholding of a child's property which has emotional significance to the child.
3. A program shall ensure that discipline is not delegated to other children or to persons not known to the child.

4. A program shall not use any form of restraint, including isolation in a locked room, other than passive physical restraint.
 5. Each incident of passive physical restraint shall be recorded and shall describe the child's behavior and indicate what less restrictive measures were used prior to restraint, or reasons why such restraint could not be used.
 6. A program shall use "time-out" only when it is in accordance with the written policy of the program, and only when this policy has received prior written approval of the Department.
 7. Programs dealing with psychotic and autistic children may, with written prior Departmental approval, utilize an isolation room which shall be unlocked, lighted, well-ventilated, equipped with an observation window and at least fifty (50) square feet. A child in isolation shall be visually observed through the observation window at minimum at five (5) minute intervals. The use of isolation shall be considered to be a "time-out" in these programs.
 8. Any use of "time-out", as described in #7, which exceeds thirty (30) minutes in duration shall be approved in writing by a supervisor and shall be duly recorded, describing the reason for and duration of the "time-out".
- O. Children's Grievance Procedure (exempted: Child Day Care Center, Family Day Care Center, In-Home Services Programs)
1. A program shall have a clear and simple written grievance procedure for children, explaining the method of registering and resolving complaints.
 2. Each child shall receive a copy of, or have explained to him/her, the grievance procedure.
- P. Education (exempted: Family Day Care Home, In-Home Services, and Independent Living Programs)
1. Within five (5) school days of a child's admission, a program shall arrange for the child to attend an appropriate educational program in accordance with state law.
 2. A program shall not operate an educational program without the written approval of the state Department of Education. The program shall provide a written description of any on-grounds educational program to the child and his/her parent or guardian at the time of admission.
 3. A program shall provide appropriate space and supervision for quiet study, and shall ensure that the child has access to necessary reference materials.
 4. The program shall provide or arrange for vocational preparation services or life skills training for a child not enrolled in a regular academic program. Such training and services shall be appropriate to the age and abilities of the child.
- Q. Recreation
1. A program shall provide recreational activities which are appropriate to the age and abilities of the child.
 2. A program shall encourage a child to participate in recreational activities proffered by the community and by local schools.
 3. A program shall permit and encourage outdoor exercise and recreational activities, weather permitting.
- R. Sexuality
1. Sexual maltreatment of any child is prohibited.
 2. The program staff shall be sensitive to the needs of the sexually abused child, and shall request help from the agency if a difficulty beyond the treatment scope of the program arises.
 3. The program shall address the child's needs for an age-appropriate information about sexuality (exempted: Child Day Care Center and Family Day Care Home Programs)

VII. DIRECT SERVICE MANAGEMENT

- A. Referral Process and Admission Procedures (exempted: Family Day Care Home Programs)
1. A program shall have a written referral and admission policy which defines the participation of the child, parent(s) or guardian, and the agency in the admission process.
 2. When refusing to admit a child, a program shall provide a written statement of the reason for refusal to the referring agency.

3. A program shall make clear its expectations and requirements for behavior, and shall provide the child with an explanation of the program's criteria for successful participation in and completion of the program.
 4. Where appropriate to the ages and functioning levels of the children, there shall be a clear, written list of rules and regulations governing conduct for children in the program. These rules shall be conspicuously posted.
 5. The program shall orient the child to daily routine in the program at the time of admission.
- B. Treatment (exempted: Child Day Care Center, Family Day Care Homes and Shelter Care Programs)
1. A program shall have and follow a written overall plan for treatment and service.
 2. The written plan shall include at a minimum the following:
 - a. The name, position and qualifications of the person who has overall responsibility for the treatment program;
 - b. The names and qualifications of staff responsible for planning and implementation of the treatment procedures and techniques are to be used;
 - c. The anticipated range or types of behavior conditions for which procedures and techniques to be used.
 - d. The range of procedures and techniques to be used;
 - e. The restrictions on the use of procedures and treatment modalities that present significant risk of psychological or physical damage;
 - f. The assessment procedures for ensuring the appropriateness of the treatment for each child;
 - g. Provisions for on-going monitoring and recording; and
 - h. Provisions for regular and thorough review in analysis of the treatment data, the individualized treatment strategies and the overall treatment orientation.
- C. Service Planning and Child Management (exempted: Child Day Care Center, Family Day Care Home)
1. Within sixty (60) days of admitting a child, a program shall conduct a review of the child's service needs and strengths in at least the following areas (exempted: Shelter Care Programs):
 - a. Health care;
 - b. Education;
 - c. Personal/social development;
 - d. Family relationships, including parental strengths and weaknesses;
 - e. Pre-vocational and vocational training;
 - f. Recreation; and
 - g. Life skills development.
 2. On the basis of this review, and in accordance with the agency's case plan, a program shall develop a written service plan aimed at successful discharge.
 3. This plan shall include the following components:
 - a. Goals to be achieved or worked toward;
 - b. Services to be provided to and activities to be pursued with the child and his/her family in order to achieve the stated goals;
 - c. Identification of all persons responsible for implementation of the plan;
 - d. Specific time-limited targets in relation to overall goals and specific objectives and the methods to be used for evaluating the child's progress; and
 - e. Goals and preliminary plan for discharge and after care.
 4. The completed service plan shall be signed by the chief administrator of the program (or his/her designee) and by the child, where appropriate to the age and functioning level of the child.
 5. The social service worker of the placing agency shall be provided opportunities to participate in all planning meetings relative to the development of case goals, change of placement, or discharge.
 6. A program shall provide an opportunity for at the child and his/her parent(s) or guardian to participate in the planning process, unless contraindicated.
 7. A program shall ensure that the service plan and subsequent revisions are explained to the child and his/her parent(s) or guardian in language understandable to them.
 8. A program shall review each service plan at least once every six (6) months.
 - a. It shall evaluate the degree to which the goals have been achieved.
 - b. The service plan shall be revised as appropriate for the needs of the child.
 9. There shall be reports to and meetings with the parent(s) or guardian at least once every three (3) months. These meetings shall be noted in the case record.

10. The program shall establish clear policy with regard to dismissing a child from the program prior to the discharge schedule agreed upon with the agency. To the extent possible, such dismissal shall be preceded by significant actions to maintain the child in the program.

D. Discharge and Aftercare (exempt: Child Day Care Center and Family Day Care Homes)

1. Prior to the planned discharge of a child, the program shall formulate, in conjunction with the agency an aftercare plan specifying the supports and resources to be provided to the child.
2. A program shall complete a written discharge summary within fifteen (15) days of the date of a child's discharge (exempted: Shelter Care Programs).
3. The discharge summary shall be included in the child's case record, and shall be sent to the agency.
4. When the discharge is in accordance with the service plan, the summary shall include, but need not be limited to, the following:
 - a. A summary of services provided during care;
 - b. Progress in achieving the goals stated in the service plan;
 - c. The assessed needs which remain to be met and alternate service possibilities which might meet those needs;
 - d. A statement of an aftercare plan and identification of who is responsible for follow-up services and aftercare; and
 - e. Medical records, including immunizations, allergies and medical conditions, as well as educational reports and clinical and other pertinent data.
5. When the discharge is not in accordance with the service plan, the following items shall be added to the summary:
 - a. The circumstances leading to the unplanned discharge;
 - b. Any special action taken by the program and the reason for these actions; and
 - c. Recommendations for services for unmet needs.

VIII. SPECIFIC CHILD CARE REGULATIONS

Additional child care regulations for specific child care programs as needed and as defined in I.A.3. are appended to this document.

APPENDIX 1

DEPARTMENT OF CHILDREN, YOUTH AND FAMILIES

CRIMINAL RECORDS CHECKS

Disqualifying Information

Information contained in the national criminal identification computer pertaining to conviction or arrest pending disposition for the crimes identified below will result in a letter to applicant and operator disqualifying the applicant from employment in child-caring facilities.

Offenses Against the Person

Murder
Voluntary manslaughter
Involuntary manslaughter
Kidnapping
Kidnapping with intent to extort
First degree sexual assault
Second degree sexual assault
Third degree sexual assault
Assault by spouse
Assault with intent to commit specified felonies
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 sec., the Uniform Controlled Substances Act.

**ADDITIONAL REGULATIONS
FOR DAY AND RESIDENTIAL TREATMENT PROGRAMS**

- A. A program shall formulate and follow a written policy statement describing its philosophy of treatment, treatment goals and performance objectives for the children it purports to serve, as well as the geographic area to be served. The extent and mix of professional services utilized by a program shall correlate with its policy statement.
- B. Within thirty (30) days of admission, each child shall receive medical, dental and psychiatric examinations and also psychological and educational evaluations. A psychosocial history of the child and his/her natural family shall also be completed.
- C. Child care staff shall receive supervision from a credentialed clinical worker(s) a minimum of one (1) hour per week.
- D. Direct child care staff shall participate in the development of the initial service plan and in subsequent clinical reviews conducted quarterly.
- E. During the night, there shall be at least one (1) awake responsible adult on duty. The Department may require additional awake staff, depending on the construction of the facility and on the level of emotional disturbance of the children (exempted: Day Treatment).
- F. Child care staff shall receive in-service training in, at minimum, the following areas: interviewing, child and family counseling, psychological interventions, problem management, including techniques of passive physical restraint, the effects of psychotropic medications and group work techniques with children. This training shall be provided by credentialed clinical worker(s), and be at least thirty (30) hours annually, with staff participation documented.
- G. The following professionals shall be employed as staff or retained as consultants to the program: psychiatrist, clinical psychologist, clinical social worker, education specialist, pediatrician, and medical and dental specialists. Professionals filling these positions shall meet national standards or state certification requirements. Program files shall contain the credentials of these staff and shall include written contracts for consultants, including itemized descriptions of services provided as well as actual service hours rendered by each consultant on an annual basis.
- H. Where appropriate, and in accordance with the program's written philosophy and goals, professional staff, as delineated in G above, shall provide direct clinical or educational services to children in care.
- I. Professional staff, as delineated in G above, shall participate in each child's service plan and in quarterly clinical reviews. Respective reports and recommendations of staff shall be documented in the child's case record.
- J. Professional clinical staff, as delineated in G above, shall provide not less than one (1) hour of supervision monthly for each clinical supervisor and child care supervisor.
- K. A program shall maintain a continuous written log of all staff, their respective job positions and staffing ratios.
- L. A program shall develop a program evaluation design to measure the attainment of its treatment goals and performance objectives as well as the effectiveness of its policies and procedures. Internal evaluations shall be conducted semi-annually and written reports kept on file.
- M. A purchase-of-service agreement shall be signed by both the program and the purchasing agency in which, at minimum, is included: the services to be provided by the program, the conditions of payment and the financial agreement between the parties.
- N. Programs operating their own educational program shall be licensed as special education programs by the R.I. Department of Education for the population served.
- O. No child under the age of five (5) years shall be placed in a residential treatment program (exempted: Day Treatment).

ADDITIONAL REGULATIONS FOR SHELTER CARE PROGRAMS

- A. Within five (5) working days of a child's admission, a program shall gather information regarding the child and shall conduct a review of the child's service needs and strengths in the following areas:
 - 1. Health care;
 - 2. Education;
 - 3. Personal/social development;
 - 4. Family relationships;
 - 5. Vocational training;
 - 6. Recreation; and
 - 7. Life skills development.

- B. At the time of the child's discharge, the program shall complete and forward a written discharge summary to the next placement.

ADDITIONAL REGULATIONS FOR IN-HOME SERVICES

- A. The program shall provide staff with knowledge of rudimentary first aid procedures and of available medical resources in the community.
- B. The program shall have written procedures concerning staff responsibilities in the event of a medical emergency.
- C. A program shall formulate and follow a written policy statement describing its philosophy, service goals and performance objectives for the children it purports to serve, as well as the geographic area to be served. The extent and mix of services offered by a program shall conform to its policy statement.
- D. At minimum, the program shall include written individual service plans, counseling and work with the natural family and coordination with other resources utilized by the child and his/her family. Additionally, these programs may include respite care, homemaker services, family life education, reunification services and parent aide services.
- E. Respite care providers shall be licensed according to the specific nature of the facility and program proffered, e.g. a respite home shall be licensed as a foster home, a shelter facility shall be licensed as a shelter.

DAY CARE CENTERS AND DAY CARE HOMES

Refer to **DayCare Center Regulations** for additional regulations.

Refer to **Family Day Care Homes, Standards for Certification** for additional regulations.

ADDITIONAL REGULATIONS

FOR INDEPENDENT AND SUPERVISED APARTMENT LIVING PROGRAMS

- A. A program shall formulate and follow a written policy statement describing its philosophy, service goals and performance objectives for the children it purports to serve, as well as the geographic area to be served. The extent and mix of services offered by a program shall conform to its policy statement.
- B. A program authorized by the Department to care for children in independent or supervised apartment living programs shall have a written program statement which describes the types of living arrangements approved by the agency, the means of financial support for the children in its care, and its provisions for emergency medical care.
- C. Children eligible to participate in these programs must:
 - 1. be at least sixteen (16) years of age, but under twenty-one (21) years of age; and
 - 2. either attend school regularly, be enrolled in vocational school/training, be gainfully employed, or be working and attending school.
- D. Where children are gainfully employed, a program shall establish a sliding scale for participants to contribute to room and board expenses; the scale shall be based on actual cost and on the child's weekly earnings.
- E. No more than four (4) children, including a staff person, may live in an apartment at one time.
- F. Children and staff living in an apartment shall be of the same gender.
- G. Overnight guests are allowed with prior program authorization.
- H. A child shall have telephone access to a staff member twenty-four (24) hours a day.
- I. There shall be a mutually agreed upon contract between the program and the child which specifies the responsibilities of the agency and the child and which is signed by the child and a social service representative of the agency. The contract shall be reviewed and updated quarterly.
- J. The agency shall provide emancipation preparation for the child as part of the child's case plan. This preparation shall include training and monitoring in the following areas:
 - 1. hygiene, personal grooming and dressing
 - 2. personal and household money management
 - 3. housekeeping and laundry
 - 4. nutrition and menu planning
 - 5. educational and/or vocational planning including techniques of job seeking
 - 6. obtaining medical and dental care
 - 7. interpersonal relationships
 - 8. recreation
- K. The program shall maintain a social service log of contacts with the child as well as quarterly updates by the social service worker as to services rendered, their frequency, by whom, and the extent to which these services, as prescribed in the case plan, were utilized by the child.
- L. A program shall assist the child and his/her family in accordance with the case goals of the individual service plan.
- M. A program shall provide or arrange for the provision of financial support to meet all the individual components of the child's service plan.
- N. A program shall document that the child has adequate financial resources to meet housing, clothing, food and miscellaneous expenses.

- O. In an independent living program, appropriate child care staff shall provide a minimum of one (1) hour per week onsite supervision for each child, and two (2) hours of face-to-face meetings with each child, both announced and unannounced (exempted: supervised apartment living).
- P. In a supervised living program, each child shall be seen face-to-face by appropriate child care staff for at least three (3) hours per week (exempted: independent living).

ADDITIONAL REGULATIONS FOR SECURE FACILITIES

A. Generic Regulations

1. A program shall formulate and follow a written policy statement describing its philosophy, service goals and performance objectives for the children it purports to serve, as well as the geographic area to be served. The extent and mix of services offered by a program shall conform to its policy statement.
2. A secure facility shall be utilized for a population of children either adjudicated as delinquent by court of proper jurisdiction or deemed by a team of professionals comprised of, but not limited to, a psychiatrist, clinical, social worker and clinical psychologist, to present an immediate danger to themselves or others.
3. A secure facility for a delinquent population shall not admit children below the age of twelve (12) years; a secure facility for a mentally ill population shall not admit children below the age of five (5) years.
4. There shall be written policies and procedures as to eligibility for release programs as well as for transitional aftercare residential programs.

B. Safety and Emergency Procedures

1. The facility shall comply with all requirements of classification determined by the authority having jurisdiction for the type of fire code occupancy that the fire authority determines is appropriate for the facility.
2. There shall be written specifications for the selection and purchase of facility furnishings. These specifications shall indicate the fire safety performance requirements of the materials selected. Rooms shall be equipped with nonflammable and non-toxic mattresses.
3. There shall be written procedures regarding the control and use of all flammable, toxic and caustic materials.
4. The facility shall have a written evacuation plan in the event of fire or major emergency which is approved by the authority having jurisdiction, namely the Division of Fire Safety. The plan, at minimum, shall include:
 - a. evacuation routes, including the use of exit signs and directional arrows for traffic flow;
 - b. locations of the publicly posted plan;
 - c. quarterly fire drills on all shifts at different times within the facility; and
 - d. procedures to follow for the temporary disposition and housing of children and provisions for medical care and/or hospital transportation for injured parties, as necessary.
5. There shall be two (2) identifiable exits in each juvenile housing area and other high density areas to permit the prompt evacuation of juveniles and staff under emergency conditions.
6. Travel distances to all exits shall be in compliance with appropriate fire safety standards.
7. All facility personnel shall be trained in the implementation of written emergency plans, including but not limited to, fire, evacuation, riot, hostage, medical and natural disasters. These plans shall be made available to all staff and shall be reviewed and updated quarterly.
8. There shall be written policies and procedures specifying the means for release of children from locked areas in case of emergency and provisions for a back-up system.
9. The facility shall have access to an alternate power source to maintain essential services in an emergency. Power generators shall be tested at least every two (2) weeks and other emergency equipment and systems at least quarterly for effectiveness. Repairs or replacements shall be made, as necessary.
10. There shall be written policies and procedures providing for a communications system in emergency situations within the facility and between the facility and the community.

C. Security and Control

1. There shall be a manual containing all of the procedures for facility security and control and detailed instructions for implementing these procedures. This manual shall include procedures for:
 - a. physical plant inspection;
 - b. child counts;
 - c. searches and control of contraband;
 - d. the use and control of keys and tools as well as culinary and medical equipment; and
 - e. handling emergencies.
2. The facility's perimeter shall be controlled by an appropriate means to restrict children within the perimeter and to prevent access by the general public without the appropriate authorization.
3. There shall be written policies and procedures reviewed annually and updated as necessary for the following:
 - a. supervision of children outside the facility perimeter;

- b. searches of children for the control of contraband;
 - c. handling escapes, runaways and unauthorized absences; and
 - d. special management for children with serious behavior problems and for children requiring protective care.
4. There shall be a system in operation whereby children are physically counted on each shift.
 5. All special incidents, including but not limited to the taking of hostages, use of restraint equipment or the use of physical restraint shall be reported in writing, dated and signed by the staff person reporting the incident. The report, shall include the actions taken by the person in charge at the time of the incident. The report shall be placed in the child's case record and reviewed by the administrator or parent agency.
 6. There shall be an established policy regarding searches of children for the control of contraband. This policy shall be posted in a conspicuous area where it is accessible to the child.

D. Juvenile Rights

1. There shall be equal access to program and services for male and female children in co-correctional facilities. There shall be no discrimination in work assignments.
2. There shall be written policies and procedures granting children access to recreational opportunities and equipment, including, weather permitting, outdoor exercise.

E. Rules and Discipline

1. There shall be written rules of conduct for children which specify prohibited actions and penalties that may be imposed for various degrees of violation; these rules shall be reviewed annually and updated if necessary.
2. There shall be provided to each child a rule book containing all chargeable offenses, ranges of penalties and disciplinary procedures. This rule book shall also be posted in a conspicuous and accessible area to children. Where there is a language difficulty, the child must be given an understanding of the rules.
3. There shall be written policies and procedures as to the use of disciplinary reports in instances of rule violations, follow-up investigations, disciplinary hearings, case disposition, and appeal rights of children.
4. There shall be written policies and procedures as to the need for, use of and time frame of confinement for children.
5. Where there is a security room separate from the living unit, it shall be equipped with plumbing and security furniture and accessible to staff observation.
6. A permanent log shall be maintained of all children assigned to confinement.