

R501. Health and Human Services, Administration, Administrative Services, Licensing.

R501-12. Foster Care Services.

R501-12-1. Authority.

This [R]rule is authorized by [Sections 62A-2-401 et seq.]Section 26B-2-104.

Commented [1]: This is the new citation after department consolidated. Content remains exactly the same.

R501-12-2. Purpose Statement.

(1) This [R]rule establishes standards for the licensure of foster parents for children in the custody of DHHS, inclusive of its divisions.

(2) This [R]rule establishes standards ~~that must be utilized by~~ for child[-] placing foster agencies ~~for~~ to utilize in the certification of foster parents to provide care for foster children.

(3) This [R]rule establishes compliance standards for licensed and certified foster parents.

Commented [2]: Small changes like this are in compliance with the new rule writing manual of Utah. This is to eliminate passive voice and remove the word "must" which is not permitted.

R501-12-3. Definitions.

[~~As used in this Rule:~~

(1) "Agency" means ~~the owners, directors and managers of a child[-] placing foster agency licensed by the DHHS Office of Licensing to certify foster parents.~~ the owners, directors and managers of a child[-] placing foster agency licensed by the DHHS Office of Licensing to certify foster parents.

(2) "Child" is defined in Section ~~[62A-2-404.]~~26B-2-101.

(3) "Child Care" is defined in Section ~~[26-39-402.]~~26B-2-401.

(4) ~~["DCFS" means the DHS Division of Child and Family Services.]~~ "Certified" means a family recruited by a child placing foster care agency who meets all the requirements of Rule R501-12 and is issued a certification that would equal a foster care license if issued by the office. A certified family under this rule does not mean a home certified by the office for providing unlicensed services to a Division of Services for People with Disabilities client.

Commented [3]: Added to reduce confusion regarding what certified means to foster care vs what certified means to DSPD

(5) ~~["Custodial Agency" means the agency that maintains legal custody of the foster child.~~

(6) "DCFS" means the DHHS Division of Child and Family Services.

(5) ~~["DHS]Department" means the Utah Department of~~ Health and Human Services (DHHS), including all divisions, offices and institutions.

(6) ~~["Direct Access" is defined in Section [62A-2-404.]~~26B-2-101.

(7) ~~["DJJS" means the DHS Division of Juvenile Justice Services.]~~

(8) ~~["Foster Care" means the temporary provision of~~ family based care for a foster child by a foster parent.

(9) ~~["Foster Child" means a person under 21 years of age who remains subject to the continuing jurisdiction of the [H]juvenile [C]court or whose placement in the home was facilitated by a division of the Department of~~ Health and Human Services.

(10) ~~["Foster Parent" means a substitute parent licensed by the DHHS Office of Licensing or certified by a licensed child[-] placing foster [A]gency[-] and includes the spouse of the primary applicant. A [F]oster parent[s] may also be referred to by other titles, including [I]ncludes a proctor [foster-parent[s], professional [foster-parent[s], resource family[ies], or kinship caregiver[s].~~

Commented [4]: Added because it's used 10 times in this rule and could refer to DCFS or DJJS. Left open as it could also mean the Department for some sole source kids that need services across multiple divisions.

(11) ~~["Hazardous Material" means any substance that if ingested, inhaled, ignited, used, or touched may cause significant injury, illness, or death. These substances include:~~

(a) pesticides;

(b) gasoline;

(c) bleach, including bleach-based cleansers;

(d) compressed air;

(e) ammonia, including ammonia-based cleansers;

(f) chemical drain openers;

(g) hair relaxers or permanents;

(h) kerosene;

(i) spray paint;

(j) paint thinner;

(k) automotive fluids;

(l) toxic glues (excludes non-toxic glues);

(m) oven cleaners;

(n) matches, lighters, lighter fluid;

(o) cleaning aerosols;

(p) medications; and

(q) ultra and concentrated detergent capsules.] "General, common use, household items" means:

(a) oral hygiene products;

(b) hair and cosmetic products;

(c) facial and skin hygiene products;

(d) cutlery;

(e) laundry and dish detergent, excluding concentrated pods;

(f) cleaning wipes;

(g) rubbing alcohol;

(h) nail polish remover;

(i) laundry stain remover;

(j) propane attached to a grill;

(k) air fresheners and deodorizers; and

(l) spray furniture polish.

(13) ~~["Hazardous Material" means any substance that if ingested, inhaled, ignited, used, or touched may cause significant injury, illness, or death. These substances include:~~

(a) pesticides;

(b) gasoline;

Commented [5]: Anyone licensed or certified to provide foster care services is a provider of family based care. If a provider offers TAL services, they are still considered foster providers (unless they acquire a RS license for less restrictions on placements).

- (c) bleach, including bleach-based cleansers;
- (d) compressed air;
- (e) ammonia, including ammonia-based cleansers;
- (f) chemical drain openers;
- (g) hair relaxers or permanents;
- (h) kerosene;
- (i) spray paint;
- (j) paint thinner;
- (k) automotive fluids;
- (l) toxic glues, excluding non-toxic glues;
- (m) oven cleaners;
- (n) matches, lighters, lighter fluid;
- (o) cleaning aerosols;
- (p) medications; and
- (q) concentrated detergent capsules.

(1)(2)(4) "Home Study" means a [the same as a pre-placement adoptive evaluation as outlined in Section 78B-6-128 and is the] written assessment of an applicant's ability to:

- (a) comply with applicable statutes and administrative rules related to providing foster care;
- (b) meet the physical and emotional needs of a foster child; and
- (c) actively engage in achieving the custodial [A]agency's identified outcomes for a foster child.

(1)(3)(5) "Human Services Program" is defined in Section [62A-2-101-]26B-2-101.

(1)(4)(6) "Incidental Care" is defined in Section [62A-2-120]26B-2-120.

[(a) Foster parents shall utilize reasonable and prudent judgment in selecting a provider of incidental care of a foster child.

(b) Incidental care is permitted only in DHS licensed homes, not those certified by child placing agencies.]

(1)(5)(7) ["Medication" means any over-the-counter or prescription drug, vitamin, or supplement in any form.] "Kinship Connection" means relationships to foster children with the purpose of maintaining or strengthening familial relationships and connections with other individuals that are approved in writing in the DHHS client record.

(1)(8) "Medication" means any over-the-counter or prescription drug, vitamin, or supplement in any form.

(1)(6)(9) "Office" [is defined in 62A-2-101(30)] means the office of licensing within the Division of Licensing and Background Checks under DHHS.

(1)(7)(20) "Poverty Guidelines" means the current US Department of Health and Human Services listing of poverty levels as determined by the number of members of a family. [(see <https://aspe.hhs.gov/poverty-guidelines>)]

(1)(8)(21) [For purposes of this rule:] "Reside" means living in the foster home for any cumulative 30 [thirty] days of the past 12 months.

Reside is further defined in Rule R501-14 as it applies to background clearances only.

[(a) for purposes of background screening, please refer to "reside" definition listed in Section R501-14-2.]

(1)(9)(22) "Respite Care" means the short term provision of family based care for a foster child by a foster parent [in order] to provide relief to another parent. Respite care does not include kinship connections, if identified individuals are specifically named, along with any contact allowances or parameters in the DHHS client record.

(23) "Reasonable Temperature" means between 65 and 82 degrees Fahrenheit.

(2)(9)(4) "Siblings" means children with a common parent or grandparent, regardless of whether their legal relationship has been severed, including biological siblings, half-siblings, step-siblings, adopted siblings, and cousins.

(2)(4)(5) "Sick" means to have a fever, to be experiencing ongoing or severe diarrhea, unexplained lethargy, respiratory distress, ongoing or severe vomiting, or pain or other symptoms that are ongoing or severe enough to impair a child's ability to participate in normal activity.

(26) "The Provider" means a foster parent or agency.

R501-12-4. Initial Application, Renewal, and Reapplication Process.

[(1) Initial application for licensure or certification]

(a)(1) [a]An individual or legally married couple age 18 or over may apply for licensure or certification to be a foster parent.

(2) The provider shall apply for licensure or certification by fully completing the approved [initial license application template form], that is found on the office website. [Applicant shall provide a completed Office or Agency foster care application that lists each member of the applicant's household and shall include:

(a) an acknowledgement of responsibility to maintain clients' confidentiality;

(b) a signed Office of Licensing Provider Code of Conduct form as required in Rule R501-1-11;

(c) an acknowledgement that the applicant has read and understands Rule R501-12 Foster Care Services; and

(d) A written statement of household income and expenses, together with consecutive current pay stubs or income tax forms.]

(i)(3) The [O]office or [A]agency may consider poverty guidelines when evaluating the dependence of a foster parent on foster payments for their own expenses.

(i)(4) The [O]office or [A]agency may require supporting documentation of household income and expenses to verify the foster parent or foster parent applicant is financially stable and will not be dependent on foster care reimbursement.

(2)(5) [Training]

(i) A [The foster parent applicant shall provide verification of successful completion of DCFS or [A]agency approved pre-service training [by each applicant-]within the past 24 months, and]

(i)(6) The foster parent applicant shall provide v[V]erification of current cardiopulmonary resuscitation (CPR) and first aid training [for each prospective foster parent]. Accepted training includes Heart Savers, American Red Cross, and American Heart Association Friends and Family.

(3) Medical Assessment

(a)(7) [Eaeh]The foster parent applicant shall authorize a licensed health care professional to complete a physical exam within the previous 12 months and send a signed medical reference report directly to the [O]office or [A]agency. A medical reference report [must]shall assess the current ability of the individual to be a foster parent.

Commented [6]: Removed because not every home study is performed for adoption as required by this statute.

Commented [7]: Added for DCFS as they amend practices to maintain familial connections for kids while they are in care.

Commented [8]: Rule of thumb: anything that has a warning label to keep out of the reach of children or anything that could be ingested to cause overdose or negative health consequences.

Commented [9]: Can't cite a link in a rule. 2023 guideline is here: https://www.google.com/search?q=2023+poverty+guidelines&rlz=1C1GCEA_enUS1006US1006&oq=2023+poverty+guideline&gs_lcrp=EgZjaHJvbWUqCggAEAAyQMYgAQyCggAEAAyQMYgAQyBggBEEUYOTIHCAIQABiABDIHCAMQABiABDIHCACQABiABDIHCAUQRhAMgYlBhBfGEAyBggHEEUYQNBICY2MjVqMGo3qAIAsAIA&sourceid=chrome&ie=UTF-8

Commented [10]: This means that if the DCFS record names the person and types of contact they can have, the foster parent can utilize them for the outlined contact without having to ensure background clearance or any licensure standards because it is part of their treatment plan to maintain these connections.

Commented [11]: Foster parent when licensed directly by OL, Agency when they certify their own homes. A rule that specifically applies to foster parents will address accordingly, a rule that says provider means agency or licensed foster parent. You will also see "office or agency" this means office when we license foster parents and agency when they certify foster parents.

Commented [12]: When doing file reviews, make sure they are using this form. The move to templates has been a long time coming and standardizes the info they collect to be similar to our processes for approving foster providers.

Commented [13]: Agencies have requirements for policy and procedure and other required training outlined in R501-1. Utah Foster Care offers preservice training on their website that agencies can emulate.

Commented [14]: Rule will be updated to say: Red Cross, American Heart Association, Health & Safety Institute, or equivalent pediatric first aid and CPR certification. We were alerted that the current listings are limited and proprietary and we agree that we will accept these additional nationally recognized programs until the rule is later re-updated.

(b)8 [A] If required by the office or agency to assess mental health status, the foster parent or foster parent applicant shall complete a professional mental health examination. [of a prospective or current foster parent may be required by the Office or the Agency if there are concerns regarding the individual's mental status which may impair functioning as a foster parent. These concerns may be based upon any information gathered during the licensing or certifying and monitoring process.]

(i)a The office or agency shall determine the type of professional mental health examination required [shall be determined by the Office or Agency] based on the nature of the presenting concerns.

(ii)b The office or agency administration shall collaborate with a clinical professional to make the [D] determination of need and type of examination required. [will be made collaboratively involving the licensor, Agency or Office administration, and clinical staff from within the DHS or Agency.]

(iii)c The [prospective or current] foster parent or foster parent applicant shall authorize the release of examination information to the [O] office or [A] agency, including a signed report that assesses the ability of the individual to parent vulnerable foster children full time as a foster parent.

(iv)d The foster parent or foster parent applicant shall pay for any requested [M] medical [and] or mental health examinations. [shall be paid for by the prospective or current foster parent.]

(e)g The [Agency or the Office] office or agency may, in the exercise of their professional judgment, deny, suspend or revoke an application, certification or license if a medical reference report or other examination reveals reasonable concerns regarding an applicant's ability to provide foster care services, or if the required examination is not completed and provided to the [Agency or the Office] office or agency.

(4) References

(a)9 At the time of initial application or as requested thereafter, [the] the foster parent applicant shall submit the names, mailing address, email addresses, and phone numbers of no more than four individuals who will be contacted by the [Agency or the Office] office or agency and asked to provide a reference letter. [These individuals shall be knowledgeable regarding the ability of the applicant to provide a safe environment and to nurture foster children. One reference must be a relative of the applicant and three must be non-relatives. Only the four original reference individuals submitted will be considered.] If there is more than one individual listed on the foster parent application, the referents may address both individuals in the same reference.

(a) The foster parent applicant shall select referents who are knowledgeable regarding the ability of the applicant to provide a safe environment and to nurture foster children.

(b) The foster parent applicant shall select one referent that is a relative of the applicant and three non-relatives.

(c) The agency or office shall only consider the four original reference individuals submitted.

(b)d A minimum of three out of the four individuals, including one relative and two non-relatives, [must] shall submit reference letters directly to the [Agency or the O] office or agency. Except as provided in Subsection R501-12-15(3), [A] the office or agency shall require a minimum of three reference letters received [must be] that are acceptable to the [Agency or the O] office or agency.

(e)e The [Agency or the O] office or agency may, in the exercise of their professional judgment, deny an application if a reference reveals reasonable concerns regarding an applicant's ability to provide foster care services.

(5) Background screening

(a)10 [Each] The foster parent applicant and each person[s] 18 years of age or older residing in the home shall submit a background screening application as part of the initial application. [A background screening application is also required at the point any new individual over the age of 18 moves into the home. A foster parent shall not be licensed or certified unless the background screening applications of persons 18 years of age or older who reside in the home are approved by the Office in compliance with Section 62A-2-120 and Rule R501-14.]

(a) A background screening is also required for any new individual over the age of 18 who moves into the home.

(b) The office or agency may not license or certify a foster parent unless the background screening of each person 18 years of age or older that resides in the home is deemed eligible by the office in compliance with Section 26B-2-120 and Rule R501-14.

(b)c [A] The foster parent [shall] may not permit any person without an [O] office approved background [screening] clearance to have unsupervised direct access to a foster child unless:

(i) the person is a provider of ["Incidental Care"-] incidental care [as defined in Section 62A-2-120 and Subsection R501-12-3(14)]; or
(ii) the person's access is driven by child-centered normalcy needs that are guided by reasonable and prudent parenting as described in Section[s] [62A-4a-211 through 62A-4a-212.] 26B-1-238 and is not a foster parent-centered delegation of parental responsibility.

(e)d [A] The foster parent shall immediately notify the [O] office or [A] agency if any person in the home is charged with or under investigation for any criminal offense, or allegation of abuse, neglect, or exploitation of any child or vulnerable adult.

(i)e A pending Child Protective Services, Adult Protective Services or Law Enforcement investigation of any person in the home [shall] may result in a license or certification suspension until resolved to the satisfaction of the Office.

(d)d [Pursuant to] In accordance with [Sub] section [62A-4a-1003(2)] 80-2-1001, the [O] office shall review and evaluate information from the Division of Child and Family Services Management Information System for [the purpose of] licensing and monitoring individuals who reside in the foster home. When, in the professional judgment of the Office, a supported or substantiated finding against any individual who resides in the foster home may pose a risk of harm to a foster child, the [O] office may issue a safety plan, place parameters on the license or issue a notice of agency action to the foster parent or [A] agency.

(6) Home Study

(a) The Office or Agency is not required to perform a home study until after the background screening applications of persons 18 years of age or older who reside in the foster home are approved.

(b) A narrative home study shall be completed by an adoption service provider as described in Subsection 78B-6-128(2)(c) and may be used for adoptive purposes.]

(1) After completing the required background checks, the office or agency shall conduct a home study before any placement is made in the home.

(a) If the home study is being conducted for adoptive purposes, an adoption service provider, as defined in Section 78B-6-103, shall complete the home study.

(b) If the home study is not being conducted for adoptive purposes, the home study may be conducted by an individual who:

(i) is an adoption service provider; or

(ii) is employed or contracted to conduct a home study for an agency licensed by the department and who has participated in the recruiting, hiring, training, and supervising of proctor foster homes for at least a year.

Commented [15]: OL uses Kyla Clark in DCFS as our clinical consultant

Commented [16]: The letter is required by rule. OL has a template in survey format that can be used or agencies can create their own. If an agency rep wishes to have a verbal conversation, they may do so IN ADDITION to reviewing the submitted letter, but may not omit the letter all together. The rationale is that we have to see the person's reference in their own words. Any discussions in addition to the letter must also be documented in the provider file.

Commented [17]: This is statutorily required. Family First Prevention Services Act (FFPSA).

Commented [18]: This eliminates "shopping" for a good reference. Even if they are not good references, we only accept the original 4. We don't HAVE to deny based on them, but we can if we feel it's appropriate.

Commented [19]: Separated out to comply with rulewriting manual standards.

Commented [20]: A suspension on new placements is most often necessary to ensure safety until the investigation is resolved. (DCFS or the custodial agency may decide to leave the child in the placement even under suspension, and that's their decision). OL must document decisions to suspend (or not suspend) when they are aware of an open investigation. Since the Office has to be satisfied in order to lift the suspension, Agencies with a family under investigation need to coordinate with the licensor to determine how to proceed with suspension or other actions while the investigation is active. s

Commented [21]: Parameters need to be noted on the certificate (even for agencies).

Commented [22]: On the certificate.

Commented [23]: Added language due to discussions with legislator to relax requirements if studies are not being done with initial intent of adoption.

(c) The office or agency shall fully complete the home study document on the office approved home study document template, that is found on the office website before an applicant is licensed or certified to take foster placements. ~~shall include background and current information of each caregiver to include:~~

- ~~(i) information regarding family of origin, discipline used by parents, family history or presence of abuse or neglect, current or historical use or abuse of alcohol or illegal substances by anyone in the household, education, employment, relationship with extended family, mental and physical health history based on doctor's examination completed within 12 months, mental health history for household members and applicants' stress reduction techniques, values, and interests;~~
 - ~~(ii) marital or relationship information, including areas of conflict, communication, how problems are resolved, and how responsibilities are shared;~~
 - ~~(iii) family demographic information, including ages, ethnicity, languages spoken, dates of birth, gender, relationships, and history of adoption;~~
 - ~~(iv) family characteristics including functioning, cohesion, interests, work/life balance, family activities, ethnicity, culture, and values;~~
 - ~~(v) child care and supervision arrangements;~~
 - ~~(vi) written description of in-home interviews conducted with the applicants, applicants' children, and others residing in the home;~~
 - ~~(vii) written description of the physical characteristics of the home, including neighborhood and school information, sufficient space and facilities to meet the needs of foster children and ensure their basic health and safety;~~
 - ~~(viii) motivation for doing foster care, including assessment of interest in adoption vs. foster care only;~~
 - ~~(ix) assessment of understanding and expectations of a foster child;~~
 - ~~(x) previous experience caring for a child;~~
 - ~~(xi) current and planned methods of discipline, use of privileges, family rules;~~
 - ~~(xii) previous experience with a child with special needs or trauma histories;~~
 - ~~(xiii) description of the reference response regarding the character and suitability of the applicants;~~
 - ~~(xiv) assessment of informal and formal;~~
 - ~~(xv) assessment of willingness and ability to access support and resources;~~
 - ~~(xvi) finances, including bankruptcies;~~
 - ~~(xvii) applicant strengths and weaknesses;~~
 - ~~(xviii) applicant history of any previous applications, home studies, licenses or certifications related to providing foster care;~~
 - ~~(xix) assessment of ability to actively engage in achieving the custodial agency's identified outcomes for foster children; and~~
 - ~~(xx) recommendations for the applicant's suitability for placement of a foster child, to include: child matching, capacity, training, and support needs; and~~
 - ~~(xxi) query results of the home address on the Utah Sex Offender Registry and address how potential threats will be mitigated.~~
- ~~(8) Foster parent annual renewals~~

Commented [24]: This is our concession for relaxing the requirements, all studies now have to be done on this template, not just for OL licensed homes.

~~(a) (12) A foster parent who wishes to remain [authorized] licensed or certified to provide foster care services shall submit a renewal application [paper work at least 30 days and no longer than 90 days prior to] as requested by the office before the license or certification expiration.~~

~~(b) (a) Each applicant requesting license or certification renewal shall fully complete the renewal application form that is found on the office website. [Renewal applications shall address updates and changes to the initial application to include:~~

- ~~(i) an acknowledgment of responsibility to maintain confidentiality for current and past clients;~~
- ~~(ii) a signed Office of Licensing Provider Code of Conduct form as required in Rule R501-1-11;~~
- ~~(iii) an acknowledgment that the applicant has read and understands Rule R501-12 Foster Care Services;~~
- ~~(iv) health statement including new medical reference form if there has been significant health changes over the past year;~~
- ~~(v) proof of current CPR and first aid certification;~~
- ~~(vi) background screening as outlined in Subsection R501-12-4(7); and~~
- ~~(vii) financial statement outlining changes to household income, job status, and expenses, including any foreclosures or bankruptcies.~~

Commented [25]: Required for agencies now also. It is important that foster parents re-apply each year-even for certification. It is not an automatic renewal.

~~(A) The Office or Agency may consider poverty guidelines when evaluating the dependence of a foster parent on foster payments for their own expenses;~~

~~(B) (b) The [O]ffice or [A]gency may require supporting documentation of household income and expenses [in order] to verify the foster parent will not be dependent on foster care reimbursement.~~

~~(e) (c) The office or agency shall update the home study [shall be updated] in writing annually after a home visit and safety inspection [and shall be completed by an adoptions service provider as described in Subsection 78B-6-128(2)(e)] as a means to assess the family's experience over the past year as a foster family [and shall] to include:~~

- ~~(i) any changes to required home study information; [and~~
- ~~(ii) interviews with any members of the home; and~~
- ~~(iii) references or other requested information needed to update the home study.~~

~~(9) Reapplication~~

~~(a) (13) A previously licensed or certified foster [home] parent is subject to the same requirements as an initial application, with the following additional requirements;~~

~~(i) (a) [E]ach applicant shall disclose previous foster care licenses and certifications, including those outside of Utah; [-]~~
~~(i) (b) [P]each previously licensed applicant[s] shall request a written reference from the [-] custodial agency where they last held a foster care license to be sent directly to the [O]ffice or [A]gency [-];~~

~~(c) each p[P]reviously certified applicant[s] shall request a written reference letter from the last [A]gency where they were certified, and [every A]each agency they have been certified by within the past three years, to be sent directly to the [O]ffice or [A]gency [-]; and~~

~~(i) (d) [E]ach applicant shall sign a release of information for any [A]gency where the foster parent previously provided certified or licensed foster care.~~

~~(i) (4) Reapplication of previously licensed or certified applicants may utilize an update of the previous home study as long as the home study was created by the same [A]gency currently relicensing or recertifying the home.~~

~~(a) The [O]ffice or [A]gency may add an update to the existing home study from another [A]gency if the [-]agency provides it directly and it is completed on an [O]ffice approved template found on the office website that addresses and updates general [provider] foster parent requirements. The update may reference applicable portions of the original study as an attachment.~~

~~(b) The [Office or DCFS] department may request new reference letters or additional information if needed to update the home study.~~

Commented [26]: An agency can do this also (or request it through the licensor if needed).

- (c) ~~The reference letter requirement is waived if 12 months or less have passed since the lapse of any license or certification.~~ ~~non-agency references shall be waived.~~
- (d) ~~A personal health statement is still required, but a physician's statement is waived if 12 months or less have passed since lapse of any license or certification.~~ ~~physician's statement shall be waived.~~ ~~Personal health statement is still required.~~
- (e) ~~Initial training requirements are waived, as long as there is not a change of the licensing or certifying agency if 24 months or less have passed since lapse of any license or certification.~~ ~~initial training requirements shall be waived as long as there is not a change in licensing or certifying Agency.~~ A change in [A]agency shall require[s] new initial training.
- (14) ~~5~~ The office or agency shall base the decision to approve or deny the applicant to provide foster services ~~shall be made on the basis of~~ on the facts, health and safety factors, and the professional judgment of the ~~Agency or the Office~~ office or agency.
- (a) ~~The office or agency may not deny a~~ ~~No~~ person ~~may be denied~~ a foster care license or certification on ~~the~~ basis ~~of the religion, race, color, or national origin of any individual~~ that violates any applicable federal or state anti-discrimination law.
- (b) The approval of a license or certification is not a guarantee that a foster child will be placed or retained in the foster parent's home.
- (c) Except for kinship ~~providers~~ parents, a foster parent ~~s shall~~ may not be licensed or certified to provide foster or respite care services in the same home ~~in which they are providing~~ where they provide child care or another licensed or certified ~~Department of Health or Department of Human Services~~ DHHS program.
- (d) ~~In order to~~ To promote health and safety, the ~~Office or~~ [A]agency may issue a license or certification that includes additional restrictions unique to the circumstances of the license.
- (e) If a license or certification is denied, an applicant may not reapply for a minimum of 90 days from the date of denial.
- (12) ~~Initial license expiration dates must coincide with background screening clearance dates by:~~
- (a) ~~allowing the applicants to resubmit clearances in order to receive a full year's license; or~~
- (b) ~~setting the initial license expiration date no more than one year from the date of the earliest initial completed background clearance.~~

Commented [27]: See definition of "certified" it is a different term in foster care than it is for DSPD placements in a group home that takes 3 or less clients.

R501-12-5. Foster Parent Requirements.

- (1) ~~The~~ [F]foster parent[s] shall comply with the following:
- (a) be in good health and emotionally stable;
- (b) be able to provide for the physical, social, mental health, and emotional needs of the foster child;
- (c) be a responsible person[s] who ~~are~~ is 18 years of age or older;
- (d) be able to communicate with the foster child, DHHS, health care providers and other service providers;
- (e) have at least one functionally literate applicant in the home able to read medication labels and other critical information;
- (f) provide documentation of legal residential status[;] in accordance with the Code of Federal Regulations Title 63, Chapter 99a, Parts 104 and 1621;
- (g) have the ability to help the foster child thrive;
- (h) not be dependent on foster care reimbursement for their own expenses, outside of those expenses directly associated with providing foster care services;
- (i) provide updated medical, social, financial, or other family information when requested by the ~~Office~~ [O]office or [A]agency;
- (j) follow federal, state and local laws and ordinances; ~~and~~
- (k) not engage in conduct that poses a substantial risk of harm to any person or that is illegal or grounds for denying a license under Section ~~62A~~ 26B-2-112[;] and
- (l) cooperate with the custodial agency goals and requirements regarding permanency and reunification.
- (2) ~~A~~ DHHS employee[s] ~~shall~~ may not be licensed or certified as a foster parent[s] for children in the custody of their respective division[s], unless they qualify as a ~~relative~~ [r]relative[;] to the child in accordance with Subsection ~~78A-6-307~~ 80-2a-101(5). An employee may provide foster services for children in the custody of a different division only with the prior written approval of both divisions' directors in accordance with DHHS conflict of interest policy.
- (3) ~~The~~ [F]foster parent[s] shall cooperate with the ~~Office~~ [O]office, [A]agency, courts, and law enforcement officials.
- (4) ~~Each~~ [The] foster parent shall read, acknowledge, and comply with the ~~Office of Licensing P~~ [O]office of [C]code of [C]conduct.
- (a) ~~The~~ [F]foster parent[s] ~~shall~~ may not abuse, neglect, or maltreat a foster child through any act or omission.
- (b) ~~The~~ [F]foster parent[s] ~~shall~~ may not encourage or fail to deter the acts or omissions of another that abuse, neglect, or maltreat a foster child.
- (5) No more than two children under the age of two, including children who are members of the household and foster children, shall reside in a foster home.
- (6) No more than two non-ambulatory children, including children who are members of the household and foster children, shall reside in a foster home.
- (7) ~~Except as provided by Section 62A-2-116.5 and Subsection R501-12-5(8), n~~ No more than four foster children shall reside in a licensed foster home and no more than three foster children shall reside in a certified foster home ~~unless~~;
- (a) placing a foster child or sibling group in a home where they previously resided; ~~The capacity limits of foster homes may be exceeded under the conditions outlined in Section 62A-2-116.5. Foster homes, as defined in Subsection 62A-2-101(19), shall remain in continual compliance with foster care rules established by the Office.~~
- (b) placing a foster child where a sibling currently resides;
- (c) placing a sibling group in a home that:
- (i) has no other foster placements; or
- (ii) has only one other foster placement.
- (8) ~~The foster parent shall utilize reasonable and prudent judgment in selecting an incidental caregiver for a foster child and incidental care may only be utilized by a DHHS licensed foster parent, not a foster parent certified by a licensed child placing agency.~~
- (8) ~~9~~ The [F]foster parent[s] may provide respite care in their home as long as they remain in compliance with licensing rules in regard [s] to each child placed for foster and respite care. ~~The~~ [F]foster parent[s] may provide respite care when the additional foster children exceed their licensed capacity only as follows:
- (a) Respite care is limited to a maximum of 10 days within any 30 day period.
- (i) For a foster child who is not part of a sibling group, each day of respite for each individual foster child counts as one day of respite care.

Commented [28]: This is meant to say 63-99a-104. It's Utah law. Title 8-1621 is CFR.

Commented [29]: Requested by DCFS because they have had a number of cases where the foster parents refused to honor the reunification plan and hired lawyers to fight to keep the kids.

Commented [30]: Only agencies that take custody of children under the Division of Community Health and Wellbeing: (DJJS or DCFS) If a DHHS division doesn't take custody of children, the employees may be licensed like anyone else. Agencies are advised to consult with their licensor when a DHHS employee applies to foster with their agency.

Commented [31]: Statute still applies even if not cited here. New citation number is 26B-2-128 and lists the reason that capacity limits can be exceeded as follows:

- (2) When placing a sibling group into a foster home, the limits in Subsection (1) may be exceeded if:
- (a) no other foster children reside in the foster home;
- (b) only one other foster child resides in the foster home at the time of a sibling group's placement into the foster home; or
- (c) a sibling group re-enters foster care and is placed into the foster home where the sibling group previously resided.

(3) When placing a child into a foster home, the limits in Subsection (1) may be exceeded:

- (a) to place a child into a foster home where a sibling of the child currently resides; or
- (b) to place a child in a foster home where the child previously resided.

Commented [32]: The agency must defer to the individual caseworker re: who can access the kids placed under their agency.

(ii) For a foster child who is part of a sibling group, each day of respite for a sibling group receiving respite in the same foster home at the same time counts as one day of respite care.

(b)a) [F]there ~~must be~~are no licensing sanctions currently imposed, including corrective action plans or conditional licenses[-]; and

(e)b) [F]total number of foster and respite children in a home at one time ~~shall~~may not exceed six unless all except~~but~~ one or two of the children are part of a single sibling group.

(9)10) [R]espite care can be provided by an unlicensed caregiver only for kinship providers as approved by DCFS as a means to maintain familiar connections.

(a) Unlicensed kinship respite caregivers are still subject to licensure background screening requirements and a DCFS staff walk-through of the home for safety approval. ~~Respite care, child care, incidental care, emergency care or other temporary care for a foster child may be allowed in a licensed or unlicensed setting, with or without background clearances if the child's DHHS client record identifies, by name, the kinship connections to be maintained.~~

(a) The DHHS custodial agency shall set parameters and oversee the safety aspects of a kinship connection.

(b) Unlicensed kinship respite caregivers, identified by DHHS, are still subject to licensure background screening requirements and a custodial agency walk-through of the home for safety approval.

(c) A licensed child placing agency, except a DHHS custodial agency, may not utilize an unlicensed caregiver for care of any foster child, unless specifically outlined in the custodial agency client record and authorized by the child's case worker.

(1)0)1) [A]The foster parent shall report the following major changes or events to the [O]ffice or agency[-Agency] within one business day[-];

(a) A major change includes:

(i)a) the death or serious illness of a member of the foster parent's household;

(ii)b) change in marital status;

(iii)c) loss of employment;

(iv)d) change in household composition, such as the birth or adoption of a child, addition of household members, or tenants;

(v)e) allegations of abuse or neglect of any child or vulnerable adult against any member of the foster parent's household; or

(vi)f) anything defined as a "critical incident" in Rule R501-1.

(b)1)2) [F]the [O]ffice or [A]gency ~~may~~shall evaluate major changes to determine necessary actions ~~which~~that may include an update to the home study,[-] implementation of a safety plan[-], amendments to the license certification[-], request for new references or examinations[-], or [A]gency action[- in the form of a penalty-]

(1)1)3) [A]The foster parent shall report any potential change in address in advance to the [O]ffice or [A]gency.

(a) ~~A [-]license[s] and/or certification[s] are~~is site[-]-specific.

(b) An adjoining dwelling with a separate address that is not accessible from the foster home is not considered part of the foster home site.

(c) A foster child ~~shall~~may not be moved into a home that is not licensed or certified to provide foster care except as allowed in Subsection R501-1-6(2) ~~provisions-~~for relocation of a license.

(d) The [F]oster parent ~~providers must~~shall reside at the license location.

(e) In the event of a separation or divorce, ~~the office or agency shall remove a provider~~ foster parent who no longer resides at the licensed location ~~shall be removed~~from the license certificate and ~~must~~that foster parent shall apply for a separate initial license and meet licensing requirements in the new residence ~~in order-~~to become licensed at the new location.

(i) The ~~provider~~ foster parent remaining in the home shall demonstrate the ability to continue to meet the financial and other foster care licensure requirements and ~~the office or agency shall complete~~ an update to the home study,[-~~shall be completed-~~]

(1)2)4) The [F]oster parent[s] shall offer nutritious, balanced meals that meet each foster child's individual needs.

(15) A foster parent with a foster placement in the home shall continually comply with Rule R501-12 and a foster parent with no placements in the home shall demonstrate ability to comply upon request and ensure compliance before any new placement is made.

R501-12-6. Physical Aspects of Home.

(1) The provider shall ensure the following regarding the foster home environment: ~~Indoor and outdoor areas of the home shall be maintained to ensure a safe physical environment.~~

(a) indoor and outdoor areas of the home are maintained to ensure a safe physical environment;

(2)b) [F]the home ~~shall be~~is free from health and fire hazards[-];

(3)c) [F]the home ~~shall have~~has a working smoke detector and a working carbon monoxide detector on each separated level and at least one of each ~~is required to-~~shall be in close proximity to sleeping areas[-];

(4)d) [F]the home ~~shall have~~has at least one ~~approved-~~fire extinguisher meeting the rating requirements of 2A:10BC, that is fully charged ~~fire extinguisher~~and readily accessible to the main living area[-. An approved fire extinguisher shall be a minimum of 2A:10BC five point-rated multi-purpose, dry chemical fire extinguisher.];

(5)e) [F]the home ~~shall have~~has at least one toilet, sink and tub or shower[-]; and

(a)f) [E]each bathroom ~~shall have~~has a lock sufficient to preserve the privacy of the occupant.

(6)2) The ~~home shall have~~provider shall ensure ~~sufficient bedroom space to provide for the~~bedroom spaces comply with the following:

(a) ~~children of the opposite genders do not share a bedroom~~ ~~shall not be shared by children of the opposite sex-~~unless;[-each child sharing the room is under two years of age;]

(i) each child sharing the room is under two years of age;

(ii) the DHHS client record identifies gender-specific rationale; or

(iii) there is written caseworker approval for the bedroom assignment;

(b) [a]the foster parent's bedroom ~~may~~is only ~~be-~~shared with a foster child~~ren who are~~ under the age of two years and the foster parent~~s must~~ may not bed-share with a foster child~~ren~~;

(c) [a]the foster parent's bedroom ~~shall not be~~is not considered in calculating the allowable bedroom space for a foster child~~ren~~;

(d) a foster child ~~shall~~may not share a bedroom with other adults in the home;

(e) ~~each~~a foster child ~~must have-~~has an individual bed[-] or crib, mattress, and linens that meet the child's needs;[-and are comparable to other similarly-utilized sleeping accommodations in the household;]

Commented [33]: And all rules still apply. If they have 5 bio kids and want to have 6 foster kids...they have to have the space and meet the conditions of rule/statute even if only respite.

Commented [34]: This is critical because our statute requires no unsupervised access without a clearance. DCFS treatment plans can identify the best interests of the children in their care and can identify who needs to have ongoing contact as part of their treatment. It is not considered a foster parent allowing unsupervised access if the DCFS treatment plan (or client record) requires that contact as part of the treatment in foster care. Any written document from DCFS that outlines the names and contact level permitted will suffice for licensors to verify compliance with this requirement (if needed). We need to be sure the families understand that they have to have written permission for contact that doesn't require background clearance.

Commented [35]: Agencies need to either have a copy of the treatment plan outlining who can have contact or they need to show something in writing from the caseworker to demonstrate compliance

Commented [36]: Separate postal address is required to be considered a separate dwelling: apartments, condos, townhomes etc. If the home has an area that can at any time be open to the foster home, it is not considered separate and needs to be included in the home inspection and compliance requirements. This is a safety issue for the kids placed in these settings.

Commented [37]: Agencies need to issue certificates to indicate start and end dates, names and address and any parameters ie: immunizations, age restrictions etc.

Commented [38]: Exposed wiring, insulation, outlets, excessive clutter, inaccessible exits all contribute to determination of a fire hazard.

Commented [39]: A,B and C are the types of fires that it can put out, the number is poundage. You need a minimum of 2 and AB&C to be compliant. You can accept 2 rated at 1ABC if they are kept together, you cannot accept 2 rated at BC because there is no A rating on them.

Commented [40]: The use of the term "children" here is deliberate and means ANY child. The use of the term "foster child" elsewhere in this rule is where we specifically mean foster child and not all children.

Commented [41]: Changed from opposite "sex" to update terminology. Mixed gender rooms (for biological or identified gender) must be determined by placing workers. OL does not make placement decisions and child placing foster agencies need to collaborate with the custodial agency for safe bedroom assignments for all involved (not just the child being placed, but any child they are being placed with).

(f) weighted blankets ~~may only be~~are only used for foster children if therapeutically recommended in writing or approved in writing by the child's caseworker;

(g) there is a minimum of 40 square feet per child, excluding adjoining bathrooms and storage space;

(h) no more than four children are housed in a single bedroom that houses at least one foster child;

(i) a bedroom(s) used for a foster child ~~ren~~ shall be is comparable to other similarly utilized bedrooms in the home, including access, location, space, finishings, and furnishings;

(j) a bedroom(s) used by a foster child ~~ren shall have a source of natural light and shall be equipped with a screened window that opens and provides egress to the outdoors; and~~ on the ground floor shall have a minimum of one screened window that opens that may be used to evacuate the room in case of fire;

(k) a bedroom used by a foster child that is not on the ground floor shall have a source of natural light and a minimum of two exits, at least one of which shall exit directly to outside the home that may be used to evacuate the room in case of fire; and

(l) closet or dresser space shall be is provided within the bedroom for the foster child's personal possessions and for a reasonable degree of privacy.

(8)3 The provider shall ensure ~~home shall have space or access to common areas for recreational activities;~~

(a) there is space or access to common areas for recreational activities;

(9)b ~~The home shall have~~ there is adequate lighting, ventilation and ~~be~~the home is maintained at a reasonable temperature when occupied by a foster child ~~in consideration of the age and needs of the foster child and other residents~~ ~~may be considered~~; ~~Generally, reasonable temperatures range between 65 and 82 degrees Fahrenheit.~~

(10)c ~~The home shall have~~ there is a properly operating kitchen with working refrigerator, cooking appliances, adequate supply of safe drinking water and functional indoor plumbing[-];

(11)d ~~H~~ hazards on the property shall be are abated and mitigated through the use of protective hardware, fences, banisters, railings, grates, natural barriers, or other licenser approved methods ~~to include~~;

(a) ~~F~~ all hazards of 3 feet or greater including steep grades, cliffs, open pits, window wells, stairwells, elevated porches, retaining walls[-];

(b) ~~D~~ drowning hazards including swimming pools, hot tubs, water features, ponds or streams[-];

(e) ~~B~~ burn hazards including fireplaces, candles, radiators, water temperature[-];

(d) ~~U~~ unstable heavy items to include televisions, bookshelves[-]; and

(e) ~~H~~ high voltage boosters, or dangerous traffic conditions[-];

(12)e ~~The home and its contents~~ shall be are maintained in a clean and safe condition ~~and food, clothing, supplies, furniture, and equipment~~ shall be are of sufficient quantity, variety, and quality to meet the foster child's needs[-];

(13)f ~~F~~ the home shall be is free from rodent and insect infestation[-];

(14)g ~~F~~ there shall be are at least two exits ~~adequately sized for emergency personnel~~ on each accessible floor of the home ~~and~~ Each exit shall be accessible and adequately sized for emergency personnel. ~~M~~ multiple-level homes shall have a functional, automatic fire suppression system, or an escape ladder, stairway, or other exterior egress to ground level accessible from each of the upper levels[-];

(15)h ~~the F~~ foster parent ~~s shall have~~ has and uses child safety devices appropriate to the needs of the foster child, including safety gates, and electrical outlet covers[-];

(16)i ~~H~~ the home address is clearly visible and location is accessible[-];

(17)j ~~W~~ the water and sewage disposal system[s], other than a public system[s], ~~must be~~ is approved by the appropriate authorities[-];

(18)k ~~Home shall have~~ there is ~~proper~~ trash and recycling disposal[-];

(19)l ~~any S~~ swimming pool ~~s will be~~ is secured ~~in order~~ to prevent unsupervised access and compl[y]ies with applicable community ordinances[-]; and

(20)m ~~any H~~ hot tub[s] and spa ~~s shall have~~ has a locked cover[s].

(21) Foster providers shall ensure that physical aspects of the home outlined in this section remain in continual compliance for the duration of the child's placement in the home.

(22) Foster providers with no placements made in the home shall demonstrate the ability to comply upon request.

R501-12-7. Safety.

(1) ~~A~~ The foster parent and their guests shall ~~may not~~ smoke any substance in the foster home or vehicle when a foster child is present or residing in the home and shall ensure that ~~s~~ smoking materials shall be are inaccessible to foster children.

(2) The ~~F~~ foster parent[s] shall provide training to children regarding response to fire warnings and other instructions for life safety upon the initial placement of a foster child and annually thereafter. This includes an evacuation plan that also anticipates the evacuation of a foster child who is non-ambulatory or who has a disability.

(3) The foster parent ~~home~~ shall have a ~~tele~~phone that can make outgoing calls and is recognizable to the 911 system on-site during any time[s] that a foster child is present. ~~This may be a land line or a mobile phone, but must be able to receive and make calls and be recognized by the 911 system.~~ and shall post ~~F~~ telephone numbers for emergency assistance, poison control, the emergency evacuation plan and the address of the home shall be posted next to the telephone or in a central location visible to the foster child.

(4) ~~The home~~ The foster parent shall have a fully supplied first aid kit ~~such~~ as recommended by the American Red Cross.

(5) The ~~F~~ foster parent[s] shall inform the ~~O~~ office or ~~the A~~ agency if they possess or use a firearm or other weapon.

(6) ~~Firearms, ammunition, and other weapons shall be inaccessible to foster children.~~ ~~A~~ ~~F~~ foster parent[s] shall ensure that firearms, ammunition and other weapons are inaccessible to foster children ~~not provide a weapon to a foster child or permit a foster child to possess a weapon except as outlined in Sections 76-10-509 through 76-10-509.7.~~

(7) The foster parent may not provide a weapon to a foster child or permit a foster child to possess a weapon except as outlined in Sections 76-10-509 through 76-10-509.7.

(a) The ~~F~~ foster parent[s] does not have the authority of a parent or guardian to provide a dangerous weapon to a minor under Section 76-10-509.

(b) The provider shall ensure the following regarding firearms in the foster home:

(b) ~~F~~ firearms ~~may be~~ are only stored together with ammunition ~~only~~ in a locked container commercially manufactured for the secure storage of firearms[-];

Commented [42]: Access to parts of the home cannot be restricted just to foster children. If a part of the home is meant to be inaccessible to foster kids only, but the family can access it (aside from locked chemicals/meds) it is noncompliant with this rule. Access to spaces such as attics & crawl spaces should be limited for children or pose no hazard as noted in 501-12-6(3)(d) below and are not utilized as bedrooms unless they meet the requirements for a bedroom (egress, natural light etc) and are similarly utilized by household members, not just foster kids.

Commented [43]: This means if all the beds in the home are on bedsprings with no frames, then it is comparable. If some have frames, but the foster child's does not-it is not comparable to other similarly utilized furnishings and is not compliant with this requirement.

Commented [44]: Shared language with recovery residences. This applies to 2nd floors as well as basements. There has to be a window big enough for escape or rescue. The other exit could be the stairs to the other floors.

Commented [45]: Many homes have small basements with windows that are too small for rescue, these homes cannot house foster kids in those rooms. They can apply for a variance to this rule with the assurance that kids don't sleep in these rooms and provide safe alternatives for rescue if there were to be a fire in that area.

Commented [46]: Moved to 501-12-5(15) because it applies to all rules under 501-12 there, not just the physical aspects of the home.

Commented [47]: Any phone that can call 911 and be recognized by the 911 system for emergency location is acceptable.

Commented [48]: "Fully supplied" means minimum contents to include: bandages of different sizes; tweezers; antiseptic; and disposable sterile gloves.

(e)ii) [F]firearms not stored in a locked container commercially manufactured for the secure storage of firearms [shall be]are unloaded and securely locked. Ammunition for these firearms [shall be]is kept securely locked in a separate location[-];
(iii) [F]the locked storage for firearms and ammunition [shall not be]is not accessible through the same keys or combinations[-];
(i)iv) [K]keys and combinations utilized to open locked storage for firearms and ammunition [shall]are not be accessible to a foster child[-]; and
(d)vi) [F]firearms [may be]are stored in display cases only if unloaded and ~~made~~rendered inoperable through the effective use of trigger locks, bolts removed, or other disabling methods.
(e)8) [This]Subsection R501-12-7(6) does not restrict an individual's rights regarding concealed weapons permits pursuant to [UC]Section 53-5-704.

(7)9) The [F]foster parent[s] who ha[ve]s alcoholic beverages in their home [shall]may not consume in excess and shall ensure that the beverages are closely monitored and inaccessible to foster children.

(8)10) The provider shall ensure h[H]azardous materials [shall be stored securely and remain]remain locked when not in active use, and closely monitored while in active use[-], and shall ensure compliance with the following:

(a) [H]hazardous materials [shall be]are stored in the manufacturer's original packaging together with the manufacturer's directions and warnings, a container that complies with the manufacturer's directions and warnings and is clearly labeled with the contents, manufacturer's directions and warnings[-];

(9)b) [F]flammable substances, including gasoline and kerosene, [shall be]are locked in a ventilated storage area separate from living areas[-], [-]this requirement does not include substances contained within the storage tanks of equipment, including automobiles, lawnmowers, ATV's, boats and snow blowers[-]; and

(10)c) g[G]eneral, common use, household items [shall be]are stored responsibly in consideration of the age, behavior, history, and cognitive and physical ability of each foster child in the home[-]. ~~The foster parent is responsible for consulting and in consultation with the caseworker and child and family team regarding individual restrictions.~~ ~~General, common use, household items include the following:~~

- ~~_____ (a) oral hygiene products;~~
- ~~_____ (b) hair and cosmetic products;~~
- ~~_____ (c) facial and skin hygiene products;~~
- ~~_____ (d) cutlery;~~
- ~~_____ (e) laundry and dish detergent, excluding concentrated pods;~~
- ~~_____ (f) cleaning wipes;~~
- ~~_____ (g) rubbing alcohol;~~
- ~~_____ (h) nail polish remover;~~
- ~~_____ (i) laundry stain remover;~~
- ~~_____ (j) propane attached to a grill;~~
- ~~_____ (k) air fresheners and deodorizers; and~~
- ~~_____ (l) spray furniture polish.~~

(11) The [F]foster parent[s] shall comply with local laws and ordinances regarding the care and number of animals on their property.

(12) The [F]foster parent[s] shall ensure that the foster child has the safety equipment, supervision, and training necessary for the foster child to safely participate in an activity that has an inherent risk of bodily harm, injury, or death.

(a) These activities include participation in rock climbing, swimming, target practice, camping, hiking, use of recreational vehicles, and sports.

(b) The foster parent shall take c[E]very precaution [must be taken]in allowing a foster child to participate in the respective activity as safely as possible to include[-]. This includes: wearing DOT or Snell approved helmets when riding off-highway vehicles, OHV, completing OHV education, personal watercraft or boating education, wearing Coast Guard approved lifejackets, and completing hunter's education.

(i) wearing Department of Transportation or Snell-approved helmets when riding off-highway vehicles (OHVs);

(ii) completing OHV education;

(iii) completing personal watercraft or boating education;

(iv) wearing Coast Guard-approved lifejackets; and

(v) completing hunter's education.

(c) The [F]foster parent[s] shall follow any applicable statute pertaining to minors operating OHV[-]s, personal watercraft, boats, and firearms.

~~_____ (d) Foster parents shall not permit a foster child any access to firearms without first obtaining the written approval of the foster child's caseworker.~~

(13) The [F]foster parent[s] shall comply with any written safety plan or license parameter required by the [O]office or [A]agency, [which]that establishes additional safety requirements to protect the foster child from hazardous conditions on the foster parent's property. A safety plan [shall]may not waive any applicable requirement of Rule R501-12.

(14) The foster parent shall provide v[V]erification of compliance with the Utah Department of Health and Human Service's recommended immunization schedules [shall be provided]for each individual residing in the home who is not a foster child. The foster parent may only be licensed or certified for placements of foster children who are over the age of 2 months and are currently immunized if vaccination compliance of residents in the home cannot be verified.

~~_____ (a) Recommended influenza immunizations are optional unless a foster child in the home has an immunocompromised condition.~~

~~_____ (b) If compliance of residents in the home cannot be verified, the license shall be restricted to only placements of foster children who are over the age of 2 months and who are immunized in accordance with the Utah Department of Health's recommendations for their age.~~

(i)a) The [F]foster parent[s] must shall disclose if any individual residing in the home is not in compliance with the Utah Department of Health and Human Services' recommended immunization schedules to the child placing [A]agency [prior to]before accepting a placement.

(ii)b) Newborn infants [must]shall reach the required age and receive their first dose of required vaccinations to be considered appropriately immunized for their age.

(15) The [F]foster parent[s] [shall]may not accept the placement of a foster child into their home [in violation of]outside any license conditions or parameters.

Commented [49]: "locked" means completely inaccessible. If the placed kids are toddlers who are not able to get by a magnetic or zip tie lock, it is acceptable, however these lock types for stronger older children and teens are completely insufficient and a key or padlock are required.

Commented [50]: Place a parameter outlining this if applicable on the license or certification certificate. Otherwise an agency will have to prove how this is met if no certificate parameter is made.

Commented [51]: Noted on the certificate

R501-12-8. Emergency Plans.

(1) The [F]foster parent[s] shall have a written plan of action for emergencies and disaster to include the following:

- (a) evacuation with a pre-arranged site for relocation;
- (b) transportation and relocation of foster children when necessary;
- (c) supervision of foster children after evacuation or relocation; and
- (d) notification of appropriate authorities.

~~(2) Foster parents shall have a written plan for medical emergencies, including arrangements for medical transportation, treatment and care.~~

(3) The Foster parent[s] shall immediately report any serious illness, injury, or death of a foster child to the appropriate division or Agency and the Office.

R501-12-9. Infectious Disease.

(1) In the event of an infectious or communicable disease outbreak, the foster parent[s] shall follow specific instructions given by the local health department.

R501-12-10. Medication and Medical Emergencies.

(1) The [F]foster parent[s] shall ensure the following regarding medications and medical emergencies: ~~that prescribed medication is administered according to the written directions of the foster child's health provider.~~

(a) prescribed medication is administered according to the written directions of the foster child's health provider;

(a) [b] Foster parents shall ensure that the foster child actually consumes the medication[-];

(b) [c] Foster parents shall report any severe or unexpected side effects or reactions are immediately reported to the foster child's health provider[-];

(2) [d] [M]medication [shall only be] is only given to the foster child for whom it was prescribed[-];

(3) [e] [M]medication [shall not be] is not discontinued without the approval of the foster child's health provider[-];

(4) [f] [N]non-prescription medication[s] may be administered by a foster parent[s] according to manufacturer's instructions unless otherwise directed by the foster child's health provider[-];

(5) [g] [M]medication[s] [shall not be] are not administered or carried by the foster child, unless approved in writing by the foster child's health provider[-];

(6) [h] [M]medication [shall not be] is not used for behavior management or restraint unless prescribed in writing by the foster child's health provider and after notification to the division or [Agency] caseworker[-];

(7) [i] [M]medication [shall] remains locked at times [they are] it is not in immediate, active use[-];

(a) [j] Foster parents shall not leave medications in active use are not left unattended and shall the foster parent may not abuse or misuse prescription or non-prescription drugs or medications[-];

(b) [k] [If a foster child requires immediate access to their medication, including a foster child with asthma or diabetes, the foster parent[s] may carry a single dose of medication for active use on the foster parent's person, if a foster child requires immediate access to their medication for asthma, allergies, diabetes or other condition requiring urgent administration of the medication[-];

(8) [l] [M]medication[s] [shall] remains in the original pharmacy or manufacturer's packaging[-];

(a) [m] the [F]foster parent[s] [shall] may not repackage medications or divide doses into alternative containers[-];

(b) [n] the [F]foster parent[s] [should] partners with the pharmacy regarding any needed divisions of medication[-];

(9) [o] the [F]foster parent[s] [shall] promptly takes a foster child who has a medical emergency, who is sick, or who is injured, for an assessment by a medical practitioner[-]; and

(10) [p] the [F]foster parent[s] [shall] compl[y]ies with the treatment orders of the foster child's health provider.

(11) [2] The foster parent shall transfer any unused medications to the caseworker or agency w[hen] a foster child is no longer placed in the foster parent's home, ~~unused medications shall be transferred to the caseworker or Agency.~~

(3) The foster parent shall have a written plan for medical emergencies, including arrangements for medical transportation, treatment and care.

R501-12-11. Transportation.

(1) The provider shall ensure a [D]driver[s] of a vehicle[s] carrying a foster child [shall have] has a valid, current driver's license and valid, current vehicle insurance, and comply with traffic regulations.

(2) The provider shall ensure transport [Transportation] of a foster child ~~ren shall be provided~~ is provided in an enclosed, registered vehicle that has functional seatbelts. ~~Foster parents shall ensure that foster children properly utilize seatbelts and other safety equipment, including age and size appropriate car or booster seats. Recreational vehicles, including motorcycle, shall not be used for transportation.~~

(a) The provider shall ensure foster children properly utilize seatbelts and other safety equipment, including age and size appropriate car or booster seats.

(b) Recreational vehicles, including motorcycles, may not be used for transportation.

(3) The provider shall ensure e[mergency] contact information, including caseworker and [A]gency information, ~~shall be provided and~~ is accessible to any passenger in each vehicle used to transport foster children.

(4) The foster parent shall equip e[ach] vehicle [shall be equipped] with a first aid kit.

R501-12-12. Behavior Management.

(1) The [F]foster parent[s] shall provide supervision appropriate to the age and needs of each foster child.

(2) The [F]foster parent[s] shall may not use, nor permit the use of corporal punishment including physical, mechanical, or chemical restraint, physical force, infliction of bodily harm or pain, deprivation of meals, rest or visits with family, or humiliating or frightening methods to discipline, coerce, punish, or retaliate against a foster child.

(3) The [F]foster parent[s] shall only use behavior management techniques appropriate for the foster child's age, behavior, needs, developmental level, and past experiences.

(4) The [F]foster parent[s] shall use the least restrictive method of behavior management available to control a situation.

Commented [52]: Health dept in the case of a communicable or infectious disease; legal guardian and office for critical incidents (including significant criminal activity and significant medical emergency as defined in 501-1-3; public posting for an agency to notify when there's an NAA; any requirements in the agency emergency response plan required by 501-1-13(3)(h)(vi); emergency contacts for agency required in 501-1-20(1)(b); emergency medical care authorization for agency as required in 501-1-22(1)(h); when in doubt agencies should coordinate with licenser on what to report to whom.

Commented [53]: This applies to foster/proctor parents under OL or a licensed agency. When foster parents under a licensed agency are not compliant with this rule (any part of this rule), the agency is also found noncompliant because they are responsible for enforcing the requirements of rule.

Commented [54]: This permission is medication and child-specific. Unless otherwise specified, all other medications need to remain locked when they are permitted to carry only a specific medication. See subsections (i) & (j) below.

Commented [55]: This says foster parent may carry it. It is not permitted for the child to carry their own unless specifically outlined in writing for the particular medication they need to keep on their person.

Commented [56]: When no longer placed in the home means at the time the child is moved out, not weeks or months later. The foster parent must actively pursue ensuring all medications (and medication parameters) go to the responsible party when the child leaves the placement.

Commented [57]: "shall" in the affirmative is a mandate. "Shall" in the negative is a suggestion (ie "shall not" really means "should not"). "May" is a mandate when used in the negative (ie "may not" means it is prohibited). You will see all "shall not" phrases changed to "may not" in all rules.

(5) ~~The [F]foster parent[s] shall only use behavior management techniques that are positive, consistent, and that promote self-control, self-esteem, and independence.~~

(6) ~~The [F]foster parent[s] shall may not use physical work assignments or activities that inflict pain as behavior management techniques. A physical work assignment or activity that results in minor sore muscles does not violate this subsection.~~

(7) ~~The [F]foster parent[s] shall may not abuse, threaten, ridicule, intimidate, or degrade a foster child.~~

(8) ~~The [F]foster parent[s] shall may not deny a child medical care, nutrition, hydration, clothing, bedding, sleep, or toilet and bathing facilities.~~

(9) ~~[Passive physical restraint shall be applied only by individuals who are trained in accordance with the non-violent intervention strategies of a state, regional, or nationally recognized behavior management program. Documentation of passive physical restraint training certification shall be submitted to the Office or Agency with the initial and each renewal application.] Physical restraint of a foster child in the custody of a DHHS division is prohibited, unless expressly indicated in the child's DHHS client record and the foster parent is appropriately trained and authorized by the department for its use.~~

(10) ~~Physical restraint of a foster child who is not in DHHS division custody may only be performed by an individual with verified, documented training in accordance with the nonviolent strategies of a state, regional or nationally recognized behavior management program.~~

(a) ~~Gently hugging, holding or guiding a foster child is not considered a restraint.~~

(b) ~~The foster parent shall only perform self-defense as long as it is without aggression, retaliation or unnecessary force and is reported to the caseworker and office within one business day.~~

Commented [58]: The foster parent/agency must be able to demonstrate this permission (and training) in writing (if it is granted) or it will be considered non-compliant if a restraint is used without it.

Commented [59]: Updated per DCFS request. They do not want OL licensed foster parents ever doing restraints unless the treatment plan requires it (but if it does, they feel a higher level of care should be sought).

R501-12-13. Foster Child's Rights in Foster Care.

(1) ~~The [F]foster parent[s] shall may not violate a foster child's right to:~~

(a) eat nutritious meals with the family;

(b) eat the same food as the family, except when the foster child is provided with alternative food ordered by the foster child's physician;

(c) participate in family and school activities;

(d) privacy, including maintaining the confidentiality of information about the foster child and not retaining copies of the foster child's records once the foster child is no longer placed ~~[there]in the home;~~

(e) be informed of the foster child's responsibilities, including household tasks, privileges, and rules of conduct;

(f) be protected from discrimination; ~~[based upon the foster child's race, color, national origin, culture, religion, sex, sexual orientation, age, political affiliation, or disability];~~

(g) be protected from harm or acts of violence, including protection from physical, verbal, sexual, or emotional abuse, neglect, maltreatment, exploitation including source funding, or inhumane treatment;

(h) be treated with courtesy and dignity, including reasonable personal privacy and self-expression ~~and not provided temporary items including garbage bags for collecting or transporting belongings;~~

(i) communicate with and visit the foster child's family, attorney, physician, and clergy, except as restricted by court order;

(j) have clean clothes and personal hygiene needs met;

(k) participate in their own cultural traditions;

(l) receive prompt medical care when sick or injured; and

(m) be free from media content that is likely harmful considering the foster child's age, behavior, needs, developmental level, and past experiences.

Commented [60]: DCFS request as a client right to be treated with dignity and not send the message that foster kids are "disposable" or not part of the family.

R501-12-14. Additional Child Placing Agency Considerations.

(1) ~~The [A]agency shall comply with [rules and laws that relate to the child placing foster license to include-]Rule R501-12-1-1, Section R501-1-4 regarding incident reporting, Rule R501-14 regarding background screenings and [Section 62A-4a-7]Section 80-2-7 regarding the Interstate Compact for the Placement of Children (ICPC) for agencies taking placements from out-of-state.~~

(2) ~~The [A]agency shall recruit, train, certify, and supervise foster parents.~~

(3) ~~The [A]agency shall may not certify a home [which]that is licensed or certified or applying to be licensed or certified with any other [A]agency.~~

(4) ~~The agency may not certify [A]agency owners, directors, managers, and members of the governing body [shall not be certified]to provide foster care services for foster children placed with or by [the A]any child placing foster agency.~~

(5) ~~[The A]The agency shall: [verify completion of a foster parent's training requirements, including CPR or First Aid training and training regarding the requirements of Rule R501-12, prior to issuing an initial or renewal certification and prior to placing a foster child in the home.]~~

(a) ~~verify completion of the foster parent's training requirements before issuing an initial or renewal certification and before placing a foster child in the home;~~

(b) ~~[The Agency shall]in addition to the foster parent training requirements of Rule R501-12, train each foster parent regarding the [A]agency's policies and procedures and safe practices before [prior to] placing a foster child in the home[-];~~

(c) ~~[The Agency shall]provide the department with identifying information of certified foster homes via the [DHS or]DCFS [P]provider website [if contracted to take DCFS placements, or directly to the licensor as requested of a private agency]; [located on the Human Services DHS or DCFS Employee website and shall report their list of homes annually and upon request-]~~

(d) ~~[The Agency shall]maintain documentation of the initial and annual home studies and any updates and provide to the department upon request; [of the foster parent's home in compliance with Section 78B-6-128-]~~

(e) ~~[The Agency must]have a written agreement with the foster parents [which]that includes:~~

(i) ~~[a] the expectations and responsibilities of the [A]agency, staff, foster parents and limitations of authority;~~

(ii) ~~[b] the services to be provided to and by the foster parent;~~

(iii) ~~[e] the [provision of]requirements to provide medical, remedial, treatment, and other specialized services to a foster child;~~

(iv) ~~[d] the financial arrangements for a foster child placed in the home;~~

(v) ~~[e] the authority foster parents can and cannot exercise over a foster child placed in the home; and~~

(vi) ~~[f] actions that [which] require staff or DHHS authorizations[-];~~

(f) ~~[The Agency shall]monitor and keep detailed documentation regarding foster parents' compliance with Rule R501-12[-];~~

Commented [61]: Added to stop the practice of certifying each other's management to be able to collect additional payments on the contracts. It is the responsibility of the agency to demonstrate how they ensured a transferring foster parent is no longer affiliated with the previous agency or agencies.

Commented [62]: DCFS maintains a database for paying foster parents who provide care for licensed child placing agencies who are contracted with DHHS. You can ask for a list from the SAFE helpdesk (Dani Rikert is good to assist with this). If they are not contracted, it is up to the agency to tell us who they certify and their address/contact info.

Commented [63]: The licensor can ask for this at any time. It is recommended that agencies have an accurate and up to date list of each family, copy of certificate, list of family members (including other adults in the home) and their background clearance status to provide upon request at any time. This will likely become a rule in the near future, so best to get in the habit now. Failure to provide the list when requested will result in noncompliance.

Commented [64]: This can be a generic, one-time agreement, but must be updated when there are specific issues that either contradict or add to the agreement with each child placed. If the new placement doesn't require additional parameters on the agreement, just ensure it is documented that it was reviewed and didn't need any additions.

(g)(11) [The Agency shall] document each announced and unannounced visit[s] to the foster home, including an initial safety inspection and a minimum of one unannounced safety inspection annually; [~~in addition to any announced or unannounced visits to the foster home.~~]

(h)(a) document each safety inspection completed by the [A]agency [~~shall be documented~~] on the [DHS]office-provided [H]home [I]inspection [C]checklist, or a similar form that contains all of the office-provided [DHS] form contents[-];

(j)(b) [The Agency shall] coordinate with the [O]office when checklist items are not compliant or other noncompliance is noted [rule violations] to determine how to proceed [~~which actions should be taken~~];

(j)(f) document a [A]actions on [provider]foster parent certifications [~~shall be documented~~] in the [provider]foster parent file [~~and shall~~] to include[-] any request for remediation with assigned time frames, request corrective action plan from [provider]the foster parent, or any action to suspend certification or revoke certification[-];

(k)(ii) escalate the level of agency action taken toward foster parent certification when there are [M]multiple [violations]notations of noncompliance with [of]the same rule; [~~shall escalate the level of Agency action to be taken toward the license and provider certification.~~]

(iii) Failure of the Agency to take action when a violation is alleged or noted may result in an action on the Agency license by the Office.]

(l)(e) [The Agency shall] maintain completed checklists and compliance monitoring documentation in [the]each [provider]foster parent file[s];

(m)(12) [The Agency shall] investigate complaints and alleged violations of [this rule]Rules R501-12, R501-14 and R501-1. The [A]agency shall provide documentation to the [O]office of any investigations into complaints and alleged violations of [Rule R501-12]licensing rules;

(n)(13) [The Agency shall] provide written notification to each foster parent that informs the foster parent of the rights and responsibilities assumed by [a]the foster parent who signs as the responsible adult for a foster child to receive a driver license, as described in Section 53-3-211-21 and []

(a) The Agency shall] maintain documentation in the foster parent's file, signed and dated by the foster parent, acknowledging receipt of a copy of this written notification[-];

(o)(14) [The Agency shall] have and comply with written policies and procedures regarding the denial, suspension, and revocation of a foster parent's certification to provide foster care services, [~~which must~~]that includes written notification of the foster parent's appeal process[-];

(p)(15) [The Agency shall] provide documentation and immediate notification to the [O]office and [DCFS]and the custodial agency of any denial, suspension, revocation or other [A]agency-initiated termination of a foster parent's certification[-]; [~~Documentation shall be provided within two weeks of the action.~~]

(q)(16) [The Agency shall] not grant or permit any variance to Rule R501-12 or any other regulation without the prior written consent of the [D]director or director's designee of the [O]office[-];

(r)(17) [The Agency shall] certify foster parent for a specific time period that does not exceed one year [~~prior to~~]before placing any foster child[ren] in the home[-] and make [D]documentation of certification dates [~~shall be made~~]available to the [O]office [~~as~~]upon request[ed];

(s)(18) [The Agency shall] provide ongoing supervision of certified foster parents to ensure the quality of care they provide[-]; and

(t)(19) [The Agency shall] participate with [the]each foster child's legal guardian and the foster [home]parent to obtain, coordinate, and supervise care and services necessary to meet the needs of each foster child in their care.

(u)(20) The [A]agency [~~shall~~]may not take placement of a foster child whose needs exceed the scope or ability of the program to reasonably manage, and the agency shall:

(a)(21) [The Agency shall] outline in policies and procedures [~~which~~]the behaviors and presenting issues would be reason for discharge or exclusion from the program[-];

(b)(22) [The Agency shall] document how the placement of the foster child is appropriate and commensurate with presenting needs and [~~which~~]the services that are available to address the child's needs[-];

(c)(23) [The Agency shall] conduct or coordinate monthly visits to the foster child in the placement or school[-];

(d)(24) [The Agency shall] maintain responsibility [~~as the guardian of the child~~]for the child's behavior in the program, school and community; [~~and maintain responsibility for transitioning a child and 18-21 year olds who remain in custody or on variance, into safe and appropriate placements upon planned or unplanned discharge from the program in accordance with Subsection R501-2-6(D)(7) and ICPC disruption plan requirements.~~]

(e)(e) maintain responsibility for transitioning a foster child or 18 to 21 year old into safe and appropriate placement upon discharge from the program or in accordance with ICPC disruption plan if the child is from out-of-state; and [~~Sending a child to homeless shelters, refusal to pick up from detention or offering one way plane or bus tickets are not appropriate or responsible program transition actions unless supported by therapeutic or parental recommendation.~~]

(f) ensure in policy and safe practices that sending a child to a homeless shelter, refusal to pick up from detention, or offering one-way plane or bus tickets are not appropriate or responsible program transition actions, unless supported by therapeutic or parental recommendation.

(7)(25) The [A]agency shall: provide and receive approval from the school district of certified homes with a youth education coordinating form in compliance with the requirements of Section 62A-2-108.1-]

(a) provide and receive approval from the school district of certified homes with a youth education coordinating form in compliance with the requirements of Section 26B-2-116;

(a) Youth Education Coordinating forms are located on the Office website www.hslhc.utah.gov]

(b)(26) [The Agency shall] provide accurate and truthful written references for any previously certified home that requests such reference to work with foster children in another licensed [A]agency[or setting];

(c) maintain copies of completed foster parent initial and renewal applications and accompanying documents, home study document and any subsequent updates, and any other foster parent documentation in a format easily accessible for office review;

(d)(27) [The Agency shall] follow DHHS contract requirements and request guidance from the [Office]Division of Continuous Quality and Improvement[Design] and the [O]office in the event of conflicting requirements[-]; and

(e) if serving individuals involved with the Division of Services for People with Disabilities, ensure compliance with the Home and Community Based Services (HCBS) Settings Final Rule as identified in the Code of Federal Regulations, Title 42, Parts 430 and 431 that shall prevail in the event of a conflict with any rule under Title R501.

(8) Failure of the agency to take action when foster parent noncompliance is alleged or noted may result in an action on the agency license by the office.

Commented [65]: In addition to any scheduled visits including the renewal inspection. (and more when there are compliance concerns).

Commented [66]: Still titled DHS Home Inspection Checklist (created in collaboration with DCFS, DSPD, DJJS and OQD when they were DHS). We will be updating this and other reference materials over the coming year. But until then, this guidance and form is in effect.

Commented [67]: Work with the licensor to determine what this looks like. If minor safety items are not compliant, document how it was addressed. This requirement is for when multiple incidences of the same noncompliance occurs or when a serious noncompliance occurs. (see (k)(l) and (m) below.

Commented [68]: 26B-2-126 cited here for reference (1) The office shall require a child-placing agency that provides foster home services to notify a foster parent that if the foster parent signs as the responsible adult for a foster child to receive a driver license under Section 53-3-211:

(a) the foster parent is jointly and severally liable with the minor for civil compensatory damages caused by the minor when operating a motor vehicle upon a highway as provided under Subsections 53-3-211(2) and (4); and

Commented [69]: This needs to be dated at (or within a few business days) of the finding. Providing this to families months later is not demonstrating compliance with the requirements of this subsection.

Commented [70]: There is no such thing as a "verbal variance" if we permit a variance, we either do it through a formal letter (or email in urgent situations). Without one of these items from OL, a variance is no...

Commented [71]: This is to protect the agency and give them reason to say "no" if presented with a case that is outside of the levels of training and abilities of the agency to safely manage. It can reference case by ...

Commented [72]: This should be part of the intake process. R501-1-21(1)(a) verification that the client meets the eligibility requirements of the program; (b) verification that the client does not meet any of the ...

Commented [73]: Someone from the agency or DCFS needs to be checking on the placed kids monthly. Agencies who have trackers can coordinate for those visits through the tracker. If a caseworker is visiting t...

Commented [74]: Agencies are responsible for the homes, so if the home needs it and the agency asks for it, this rule requires the previous agency to respond and provide it.

Commented [75]: An agency (or foster parent) can request the reference to satisfy 501-12-4(13)(b)(c) and (d) and an agency that refuses to provide it will be found in noncompliance. An agency that certifies a ...

Commented [76]: Settings rule is a federal mandate and only applies to individuals who are on the home and community based services waiver for Medicaid eligibility. Settings rule does not apply to DCFS foster...

Commented [77]: See settings rule guidance starting bottom of page 4 in DMS: <https://powerdms.com/docs/689138>

R501-12-15. Additional DCFS Kinship and Specified Home Licensure Considerations.

- (1) An applicant may ~~be licensed~~ apply for licensure for the placement of a specific foster child or sibling group.
- (~~1~~2) ~~[A-]The minimum age for a kinship specific applicant must be~~ 18 years of age ~~[or older-]and [may be]a kinship applicant is permitted to cohabitate[ing] or be legally married,[i]n accordance with Section 62A-4a-209 and Subsection 78A-6-307(19).~~
- (~~2~~3) Only the office, an agency contracted by the department or an approved DCFS kinship home study specialist may conduct a kinship specific ~~[The]home study,[i] shall be conducted by an approved DCFS kinship home study specialist; an Agency contracted by DCFS to perform home studies; or by the Office.~~
- (~~3~~4) A minimum of ~~two~~ acceptable reference letters sent in accordance with Subsection R501-12-4(5) are required for a kinship applicant ~~[three reference letters shall be sent out and a minimum of two of those reference letters received must be acceptable to the Agency or the Office and one must be completed by a relative.]~~
- (~~4~~5) The foster parent may not accept a placement until the home study, safety inspection, and background screening approvals, ~~[shall be]are~~ successfully completed, ~~[prior to the placement of the foster child in the home-]unless the placement is made on an emergency basis as authorized by Section [62A-4a-209]80-2a-301.~~
- (~~5~~6) The ~~[O]office shall grant a kinship specific~~ **probationary license or initial license** upon receipt and approval of a completed kinship or specific packet submitted by DCFS.
- (a) ~~[The kinship specific probationary license shall be issued for no more than five months until full compliance can be achieved in order to receive an initial license for the remainder of the licensing year.]A kinship probationary license expires no later than the last day of the fifth month from the issue date if compliance is not met before that time.~~
- (b) The probationary licensee may receive an initial license~~[An initial license may be issued]~~ at any time within the probationary 5 months ~~[that] compliance with probationary terms is met.~~
- (c) A probationary licensee whose probationary terms are not met ~~before[prior to] the expiration of that license [shall be-]may either expire or extend[ed] in corrective or penalty status.~~
- ~~(d) Initial license expiration dates shall be determined per Subsection R501-12-4(9).~~
- (~~6~~7) A kinship specific home licensure may not ~~[be utilized for the]accept~~ placement of any foster child other than the foster child, or relatives to that foster child, ~~[who-]as designated on the license certificate.[i]and may not be utilized for general respite care.~~
- (~~7~~8) If a kinship specific ~~[home]licensure~~ desires to provide general foster care services, they shall ~~[submit]complete~~ the following~~[-]:~~
- (a) ~~[Obtain-]submit~~ written approval from their DCFS kinship support worker to become a general foster ~~[provider]parent to the office and the DCFS contracted recruitment and training agency to initiate required training.[i] -If DCFS does not support this license change, no further Licensing action shall be taken.~~
- ~~(i) Provide the written approval to the Office and DCFS contracted foster parent recruitment and training agency-]~~
- (b) ~~[C]close the[~~#~~] [S]specific [L]]license and submit to the requirements of an initial foster care license to include:~~
- (i) complete initial foster care application; and
- (ii) complete foster care pre-service training series with the exception session #1, if completed within the last 2 years~~[-];~~
- (c) ~~[The Office shall complete a home study update on an Office approved template that addresses general provider requirements and replace or redact child-specific personally identifying information in the child-specific study.~~
- ~~(i) The home study update may reference the original study as an attachment, but must address content requirements for general foster care.[i]submit to a home study update interview with their licensor to change child-specific content to general foster parent requirements; and~~
- (~~#~~d) ~~provide any n[~~N~~]ew reference letters [may be]as requested,[i]if determined necessary by the Office or DCFS.~~
- (9) If DCFS does not support a license change, no further licensing action will be taken, unless the issue is disputed and overturned by the office director.
- (~~8~~10) ~~[The Office recognizes the importance of preserving family and cultural connections for foster children in foster care.-]In accordance with Section [62A-2-117.5]26B-2-130 and the Indian Child Welfare Act, United States Code, Title 25 [U.S.C.-Sees.]Sections 1901-1963, DCFS may request reduced requirements for a kinship specific licensee by submitting a variance request outlining the rules to be varied and how the request[the Office may issue a waiver of any rule in regards to a kinship specific home that] does not impact the health and safety of the specific foster child or sibling group. This requires prior written approval by the ~~[D]director of the [O]office before it may become effective.~~~~

Commented [78]: Legislation changed it to two

Commented [79]: If everything is done at the time we receive the app, issue initial. Probationary is reserved just for kinship in order to have the child placed while completing training and safety requirements.

Commented [80]: Statute aligned with our practice of ensuring all licenses expire on the last day of a month regardless of the issue date (so a license issued mid-month for the first time can go to the end of the expiration month). Ie issue 12-15-22 probationary would expire May 31, 2023 and an annual would expire 12-31-23.

Commented [81]: Any update has to remove child-specific references (or redact if providing to the could for a general foster adoption).

R501-12-16. Compliance.

Any active license on the effective date of this rule shall ~~be given-]achieve~~ compliance with this rule within 30 days,~~[to achieve compliance with this rule.]~~

KEY: licensing, human services, foster care, certified foster care

Date of Last Change: 2023[May 11, 2020]

Notice of Continuation: October 3, 2022

Authorizing, and Implemented or Interpreted Law: [62A-2-101 et seq.]26B-2-104

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