

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

R501-12. Foster Care Services.

R501-12-1. Authority.

This rule is authorized by Section 26B-2-104.

R501-12-2. Purpose Statement.

- (1) This rule establishes standards for the licensure of foster parents for children in the custody of DHHS, inclusive of its divisions.
- (2) This rule establishes standards for child placing foster agencies to utilize in the certification of foster parents to provide care for foster children.
- (3) This rule establishes compliance standards for licensed and certified foster parents.

R501-12-3. Definitions.

- (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.
- (2) "Child" is defined in Section 26B-2-101.
- (3) "Child Care" is defined in Section 26B-2-401.
- (4) "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.
- (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.
- (7) "Department" means the Utah Department of Health and Human Services (DHHS), including all divisions, offices and institutions.
- (8) "Direct Access" is defined in Section 26B-2-101.
- (9) "Foster Care" means the temporary provision of family based care for a foster child by a foster parent.
- (10) "Foster Child" means a person under 21 years of age who remains subject to the continuing jurisdiction of the juvenile court or whose placement in the home was facilitated by a division of the Department of Health and Human Services.
- (11) "Foster Parent" means a substitute parent licensed by the DHHS Office of Licensing or certified by a licensed child placing foster agency and includes the spouse of the primary applicant. A foster parent includes a proctor parent, professional parent, resource family, or kinship caregiver.
- (12) "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;
 - (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.
- (14) "Home Study" means a 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 agency's identified outcomes for a foster child.
- (15) "Human Services Program" is defined in Section 26B-2-101.
- (16) "Incidental Care" is defined in Section 26B-2-120.
- (17) "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.
- (18) "Medication" means any over-the-counter or prescription drug, vitamin, or supplement in any form.
- (19) "Office" means the office of licensing within the Division of Licensing and Background Checks under DHHS.
- (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.
- (21) "Reside" means living in the foster home for any cumulative 30 days of the past 12 months. Reside is further defined in Rule R501-14 as it applies to background clearances only.
- (22) "Respite Care" means the short term provision of family based care for a foster child by a foster parent 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.
- (24) "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.
- (25) "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) 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.
- (3) The office or agency may consider poverty guidelines when evaluating the dependence of a foster parent on foster payments for their own expenses.
- (4) The office or 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.
- (5) The foster parent applicant shall provide verification of successful completion of DCFS or agency approved pre-service training within the past 24 months.
- (6) The foster parent applicant shall provide verification of current cardiopulmonary resuscitation (CPR) and first aid training. Accepted training includes Heart Savers, American Red Cross, and American Heart Association Friends and Family.
- (7) 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 office or agency. A medical reference report shall assess the current ability of the individual to be a foster parent.
- (8) 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.
 - (a) The office or agency shall determine the type of professional mental health examination required based on the nature of the presenting concerns.
 - (b) The office or agency administration shall collaborate with a clinical professional to make the determination of need and type of examination required.
 - (c) The foster parent or foster parent applicant shall authorize the release of examination information to the office or agency, including a signed report that assesses the ability of the individual to parent vulnerable foster children full time as a foster parent.
 - (d) The foster parent or foster parent applicant shall pay for any requested medical or mental health examinations.
 - (e) The 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 office or agency.
- (9) At the time of initial application or as requested thereafter, 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 office or agency and asked to provide a reference letter. 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.
 - (d) A minimum of three out of the four individuals, including one relative and two non-relatives, shall submit reference letters directly to the office or agency. Except as provided in Subsection R501-12-15(3), the office or agency shall require a minimum of three reference letters received that are acceptable to the office or agency.
 - (e) The 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.
- (10) The foster parent applicant and each person 18 years of age or older residing in the home shall submit a background screening application as part of the initial application.
- (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.
 - (c) The foster parent may not permit any person without an office approved background clearance to have unsupervised direct access to a foster child unless:
 - (i) the person is a provider of incidental care; 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 26B-1-238 and is not a foster parent-centered delegation of parental responsibility.
 - (d) The foster parent shall immediately notify the office or 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.
 - (e) A pending Child Protective Services, Adult Protective Services or Law Enforcement investigation of any person in the home may result in a license or certification suspension until resolved to the satisfaction of the Office.
 - (f) In accordance with Section 80-2-1001, the office shall review and evaluate information from the Division of Child and Family Services Management Information System for 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 office may issue a safety plan, place parameters on the license or issue a notice of agency action to the foster parent or agency.
- (11) 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.
 - (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.
- (12) A foster parent who wishes to remain licensed or certified to provide foster care services shall submit a renewal application as requested by the office before the license or certification expiration.
- (a) Each applicant requesting license or certification renewal shall fully complete the renewal application form that is found on the office website.
 - (b) The office or agency may require supporting documentation of household income and expenses to verify the foster parent will not be dependent on foster care reimbursement.
 - (c) The office or agency shall update the home study in writing annually after a home visit and safety inspection as a means to assess the family's experience over the past year as a foster family to include:
 - (i) any changes to required home study information;
 - (ii) interviews with any members of the home; and
 - (iii) references or other requested information needed to update the home study.
- (13) A previously licensed or certified foster parent is subject to the same requirements as an initial application, with the following additional requirements;
- (a) each applicant shall disclose previous foster care licenses and certifications, including those outside of Utah;
 - (b) each previously licensed applicant shall request a written reference from the custodial agency where they last held a foster care license to be sent directly to the office or agency;
 - (c) each previously certified applicant shall request a written reference letter from the last agency where they were certified, and each agency they have been certified by within the past three years, to be sent directly to the office or agency; and
 - (d) each applicant shall sign a release of information for any agency where the foster parent previously provided certified or licensed foster care.
- (14) 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 agency currently relicensing or recertifying the home.
- (a) The office or agency may add an update to the existing home study from another agency if the agency provides it directly and it is completed on an office approved template found on the office website that addresses and updates general foster parent requirements. The update may reference applicable portions of the original study as an attachment.

- (b) The department may request new reference letters or additional information if needed to update the home study.
- (c) The reference letter requirement is waived if 12 months or less have passed since the lapse of any license or certification.
- (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.
- (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. A change in agency shall require new initial training.
- (15) The office or agency shall base the decision to approve or deny the applicant to provide foster services on the facts, health and safety factors, and the professional judgment of the office or agency.
 - (a) The office or agency may not deny a person a foster care license or certification on a basis 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 parents, a foster parent may not be licensed or certified to provide foster or respite care services in the same home where they provide child care or another licensed or certified DHHS program.
 - (d) To promote health and safety, the office or 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.

R501-12-5. Foster Parent Requirements.

- (1) The foster parent 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 who 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 or agency;
 - (j) follow federal, state and local laws and ordinances;
 - (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 26B-2-112; and
 - (l) cooperate with the custodial agency goals and requirements regarding permanency and reunification.
- (2) A DHHS employee may not be licensed or certified as a foster parent for children in the custody of their respective division, unless they qualify as a relative to the child in accordance with Subsection 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 foster parent shall cooperate with the office, agency, courts, and law enforcement officials.
 - (4) The foster parent shall read, acknowledge, and comply with the provider code of conduct.
 - (a) The foster parent may not abuse, neglect, or maltreat a foster child through any act or omission.
 - (b) The foster parent 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) 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;
 - (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.

(9) The foster parent may provide respite care in their home as long as they remain in compliance with licensing rules in regard to each child placed for foster and respite care. The foster parent may provide respite care when the additional foster children exceed their licensed capacity only as follows:

(a) there are no licensing sanctions currently imposed, including corrective action plans or conditional licenses; and
(b) total number of foster and respite children in a home at one time may not exceed six unless all except one or two of the children are part of a single sibling group.

(10) 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.

(11) The foster parent shall report the following major changes or events to the office or agency within one business day;

(a) the death or serious illness of a member of the foster parent's household;
(b) change in marital status;
(c) loss of employment;
(d) change in household composition, such as the birth or adoption of a child, addition of household members, or tenants;

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

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

(12) the office or agency shall evaluate major changes to determine necessary actions 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 agency action.

(13) The foster parent shall report any potential change in address in advance to the office or agency.

(a) A license or certification 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 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) for relocation of a license.

(d) The foster parent shall reside at the license location.

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

(i) The 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.

(14) The foster parent 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:

(a) indoor and outdoor areas of the home are maintained to ensure a safe physical environment;
(b) the home is free from health and fire hazards;
(c) the home has a working smoke detector and a working carbon monoxide detector on each separated level and at least one of each shall be in close proximity to sleeping areas;
(d) the home has at least one fire extinguisher meeting the rating requirements of 2A:10BC, that is fully charged and readily accessible to the main living area;

(e) the home has at least one toilet, sink and tub or shower; and
(f) each bathroom has a lock sufficient to preserve the privacy of the occupant.

(2) The provider shall ensure bedroom spaces comply with the following:

(a) children of the opposite genders do not share a bedroom unless;
(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) the foster parent's bedroom is only shared with a foster child under the age of two years and the foster parent may not bed-share with a foster child;

- (c) the foster parent's bedroom is not considered in calculating the allowable bedroom space for a foster child;
 - (d) a foster child may not share a bedroom with other adults in the home;
 - (e) a foster child has an individual bed or crib, mattress, and linens that meet the child's needs;
 - (f) weighted blankets 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 used for a foster child is comparable to other similarly utilized bedrooms in the home, including access, location, space, finishings, and furnishings;
 - (j) a bedroom used by a foster child 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 is provided within the bedroom for the foster child's personal possessions and for a reasonable degree of privacy.
- (3) The provider shall ensure:
- (a) there is space or access to common areas for recreational activities;
 - (b) there is adequate lighting, ventilation and 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;
 - (c) there is a properly operating kitchen with working refrigerator, cooking appliances, adequate supply of safe drinking water and functional indoor plumbing;
 - (d) hazards on the property are abated and mitigated through the use of protective hardware, fences, banisters, railings, grates, natural barriers, or other licenser approved methods to include:
 - (i) fall hazards of 3 feet or greater including steep grades, cliffs, open pits, window wells, stairwells, elevated porches, retaining walls;
 - (ii) drowning hazards including swimming pools, hot tubs, water features, ponds or streams;
 - (iii) burn hazards including fireplaces, candles, radiators, water temperature;
 - (iv) unstable heavy items to include televisions, bookshelves; and
 - (v) high voltage boosters, or dangerous traffic conditions;
 - (e) home and its contents are maintained in a clean and safe condition and food, clothing, supplies, furniture, and equipment are of sufficient quantity, variety, and quality to meet the foster child's needs;
 - (f) the home is free from rodent and insect infestation;
 - (g) there are at least two exits adequately sized for emergency personnel on each accessible floor of the home and multiple-level homes 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;
 - (h) the foster parent has and uses child safety devices appropriate to the needs of the foster child, including safety gates, and electrical outlet covers;
 - (i) the home address is clearly visible and location is accessible;
 - (j) the water and sewage disposal system, other than a public system, is approved by the appropriate authorities;
 - (k) there is trash and recycling disposal;
 - (l) any swimming pool is secured to prevent unsupervised access and complies with applicable community ordinances; and
 - (m) any hot tub and spa has a locked cover.

R501-12-7. Safety.

- (1) The foster parent and their guests 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 smoking materials are inaccessible to foster children.
- (2) The foster parent 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 shall have a phone that can make outgoing calls and is recognizable to the 911 system on-site during any time that a foster child is present and shall post telephone numbers for emergency assistance, poison control, the emergency evacuation plan and the address of the home in a central location visible to the foster child.
- (4) The foster parent shall have a fully supplied first aid kit as recommended by the American Red Cross.
- (5) The foster parent shall inform the office or agency if they possess or use a firearm or other weapon.
- (6) A foster parent shall ensure that firearms, ammunition and other weapons are inaccessible to foster children.
- (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 foster parent 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:

(i) firearms are only stored together with ammunition in a locked container commercially manufactured for the secure storage of firearms;

(ii) firearms not stored in a locked container commercially manufactured for the secure storage of firearms are unloaded and securely locked. Ammunition for these firearms is kept securely locked in a separate location;

(iii) the locked storage for firearms and ammunition is not accessible through the same keys or combinations;

(iv) keys and combinations utilized to open locked storage for firearms and ammunition are not be accessible to a foster child; and

(vi) firearms are stored in display cases only if unloaded and made inoperable through the effective use of trigger locks, bolts removed, or other disabling methods.

(8) Subsection R501-12-7(6) does not restrict an individual's rights regarding concealed weapons permits pursuant to Section 53-5-704.

(9) The foster parent who has alcoholic beverages in their home may not consume in excess and shall ensure that the beverages are closely monitored and inaccessible to foster children.

(10) The provider shall ensure hazardous materials remain locked when not in active use, and closely monitored while in active use, and shall ensure compliance with the following:

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

(b) flammable substances, including gasoline and kerosene, 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

(c) general, common use, household items are stored responsibly in consideration of the age, behavior, history, and cognitive and physical ability of each foster child in the home, and in consultation with the caseworker and child and family team regarding individual restrictions.

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

(12) The foster parent 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, hunting, target practice, camping, hiking, use of recreational vehicles, and sports.

(b) The foster parent shall take every precaution in allowing a foster child to participate in the respective activity as safely as possible to include:

(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 foster parent shall follow any applicable statute pertaining to minors operating OHVs, personal watercraft, boats, and firearms.

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

(14) The foster parent shall provide verification of compliance with the Utah Department of Health and Human Service's recommended immunization schedules 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) The foster parent 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 agency before accepting a placement.

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

(15) The foster parent may not accept the placement of a foster child into their home outside any license conditions or parameters.

R501-12-8. Emergency Plans.

(1) The foster parent 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) The Foster parent 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.

In the event of an infectious or communicable disease outbreak, the foster parent shall follow specific instructions given by the local health department.

R501-12-10. Medication and Medical Emergencies.

- (1) The foster parent shall ensure the following regarding medications and medical emergencies:
 - (a) prescribed medication is administered according to the written directions of the foster child's health provider;
 - (b) the foster child actually consumes the medication;
 - (c) any severe or unexpected side effects or reactions are immediately reported to the foster child's health provider;
 - (d) medication is only given to the foster child for whom it was prescribed;
 - (e) medication is not discontinued without the approval of the foster child's health provider;
 - (f) non-prescription medication are administered by a foster parent according to manufacturer's instructions unless otherwise directed by the foster child's health provider;
 - (g) medication are not administered or carried by the foster child, unless approved in writing by the foster child's health provider;
 - (h) medication 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 caseworker;
 - (i) medication remains locked at times it is not in immediate, active use;
 - (j) medications in active use are not left unattended and the foster parent may not abuse or misuse prescription or non-prescription drugs or medications;
 - (k) the foster parent may carry a single dose of medication for active use, if a foster child requires immediate access to their medication for asthma, allergies, diabetes or other condition requiring urgent administration of the medication;
 - (l) medication remains in the original pharmacy or manufacturer's packaging;
 - (m) the foster parent may not repackage medications or divide doses into alternative containers;
 - (n) the foster parent partners with the pharmacy regarding any needed divisions of medication;
 - (o) the foster parent 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
 - (p) the foster parent complies with the treatment orders of the foster child's health provider.
- (2) The foster parent shall transfer any unused medications to the caseworker or agency when a foster child is no longer placed in the foster parent's home.
- (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 driver of a vehicle carrying a foster child has a valid, current driver's license and valid, current vehicle insurance, and comply with traffic regulations.
- (2) The provider shall ensure transport of a foster child is provided in an enclosed, registered vehicle that has functional seatbelts.
 - (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 emergency contact information, including caseworker and agency information is accessible to any passenger in each vehicle used to transport foster children.
- (4) The foster parent shall equip each vehicle with a first aid kit.

R501-12-12. Behavior Management.

- (1) The foster parent shall provide supervision appropriate to the age and needs of each foster child.
- (2) The foster parent 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 foster parent shall only use behavior management techniques appropriate for the foster child's age, behavior, needs, developmental level, and past experiences.
- (4) The foster parent shall use the least restrictive method of behavior management available to control a situation.
- (5) The foster parent shall only use behavior management techniques that are positive, consistent, and that promote self-control, self-esteem, and independence.
- (6) The foster parent 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 foster parent may not abuse, threaten, ridicule, intimidate, or degrade a foster child.
- (8) The foster parent may not deny a child medical care, nutrition, hydration, clothing, bedding, sleep, or toilet and bathing facilities.

(9) 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.

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

(1) The foster parent 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 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;

(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.

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

(1) The agency shall comply with Rule R501-1 regarding incident reporting, Rule R501-14 regarding background screenings and Section 80-2-7 regarding the Interstate Compact for the Placement of Children (ICPC) for agencies taking placements from out-of-state.

(2) The agency shall recruit, train, certify, and supervise foster parents.

(3) The agency may not certify a home that is licensed or certified or applying to be licensed or certified with any other agency.

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

(5) The agency shall:

(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) in addition to the foster parent training requirements of Rule R501-12, train each foster parent regarding the agency's policies and procedures and safe practices before placing a foster child in the home;

(c) provide the department with identifying information of certified foster homes via the DCFS provider website if contracted to take DCFS placements, or directly to the licensor as requested of a private agency;

(d) maintain documentation of the initial and annual home studies and any updates and provide to the department upon request;

(e) have a written agreement with the foster parents that includes:

(i) the expectations and responsibilities of the agency, staff, foster parents and limitations of authority;

(ii) the services to be provided to and by the foster parent;

(iii) the requirements to provide medical, remedial, treatment, and other specialized services to a foster child;

(iv) the financial arrangements for a foster child placed in the home;

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

(vi) actions that require staff or DHHS authorizations;

(f) monitor and keep detailed documentation regarding foster parents' compliance with Rule R501-12;

(g) document each announced and unannounced visit to the foster home, including an initial safety inspection and a minimum of one unannounced safety inspection annually;

(h) document each safety inspection completed by the agency on the office-provided home inspection checklist, or a similar form that contains all of the office-provided form contents;

- (i) coordinate with the office when checklist items are not compliant or other noncompliance is noted to determine how to proceed;
 - (j) document actions on foster parent certifications in the foster parent file to include any request for remediation with assigned time frames, request corrective action plan from the foster parent, or any action to suspend certification or revoke certification;
 - (k) escalate the level of agency action taken toward foster parent certification when there are multiple notations of noncompliance with the same rule;
 - (l) maintain completed checklists and compliance monitoring documentation in each foster parent file;
 - (m) investigate complaints and alleged violations of Rules R501-12, R501-14 and R501-1. The agency shall provide documentation to the office of any investigations into complaints and alleged violations of licensing rules;
 - (n) provide written notification to each foster parent that informs the foster parent of the rights and responsibilities assumed by the foster parent who signs as the responsible adult for a foster child to receive a driver license, as described in Section 53-3-21 and 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) 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, that includes written notification of the foster parent's appeal process;
 - (p) provide documentation and immediate notification to the office and the custodial agency of any denial, suspension, revocation or other agency-initiated termination of a foster parent's certification;
 - (q) not grant or permit any variance to Rule R501-12 or any other regulation without the prior written consent of the director or director's designee of the office;
 - (r) certify foster parent for a specific time period that does not exceed one year before placing any foster child in the home and make documentation of certification dates available to the office upon request;
 - (s) provide ongoing supervision of certified foster parents to ensure the quality of care they provide; and
 - (t) participate with each foster child's legal guardian and the foster parent to obtain, coordinate, and supervise care and services necessary to meet the needs of each foster child in their care.
- (6) The agency 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) outline in policies and procedures the behaviors and presenting issues would be reason for discharge or exclusion from the program;
 - (b) document how the placement of the foster child is appropriate and commensurate with presenting needs and the services that are available to address the child's needs;
 - (c) conduct or coordinate monthly visits to the foster child in the placement or school;
 - (d) maintain responsibility for the child's behavior in the program, school and community;
 - (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
 - (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) The agency shall:
- (a0) 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;
 - (b) provide accurate and truthful written references for any previously certified home that requests such reference to work with foster children in another licensed agency;
 - (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) follow DHHS contract requirements and request guidance from the Division of Continuous Quality and Improvement and the 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.

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

- (1) An applicant may apply for licensure for the placement of a specific foster child or sibling group.
- (2) The minimum age for a kinship specific applicant is 18 years of age and a kinship applicant is permitted to cohabitate or be legally married.
- (3) Only the office, an agency contracted by the department or an approved DCFS kinship home study specialist may conduct a kinship specific home study.
- (4) A minimum of two acceptable reference letters sent in accordance with Subsection R501-12-4(5) are required for a kinship applicant.

(5) The foster parent may not accept a placement until the home study, safety inspection, and background screening approvals, are successfully completed, unless the placement is made on an emergency basis as authorized by Section 80-2a-301.

(6) The 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) 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 at any time within the probationary 5 months when compliance with probationary terms is met.

(c) A probationary licensee whose probationary terms are not met before the expiration of that license may either expire or extend in corrective or penalty status.

(7) A kinship specific home licensee may not accept placement of any foster child other than the foster child, or relatives to that foster child, as designated on the license certificate.

(8) If a kinship specific licensee desires to provide general foster care services, they shall complete the following:

(a) submit written approval from their DCFS kinship support worker to become a general foster parent to the office and the DCFS contracted recruitment and training agency to initiate required training;

(b) close the specific 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) submit to a home study update interview with their licensor to change child-specific content to general foster parent requirements; and

(d) provide any new reference letters as requested.

(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.

(10) In accordance with Section 26B-2-130 and the Indian Child Welfare Act, United States Code, Title 25 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 does not impact the health and safety of the specific foster child or sibling group. This requires prior written approval by the director of the office before it may become effective.

R501-12-16. Compliance.

Any active license on the effective date of this rule shall achieve compliance with this rule within 30 days.

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

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