

STATE OF RHODE ISLAND
DEPARTMENT OF CHILDREN, YOUTH AND FAMILIES



FOSTER CARE AND ADOPTION
REGULATIONS FOR LICENSURE

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RHODE ISLAND DCYF FOSTER CARE AND ADOPTION REGULATIONS

TABLE OF CONTENTS

SECTION ONE: GENERAL PROVISIONS	3
I. Legal Basis	3
II. Statement of Intent	3
III. Statement of Foster Parent Rights	4
IV. Definitions	5
SECTION TWO: LICENSING PROVISIONS	6
I. Application and Licensing Process	6
II. Determination	8
III. Variance and Waiver	9
IV. Revocation and Other Licensing Actions	9
V. Child Care Provider Seeking a Foster and Adoptive License	10
VI. Appeal/Hearing	11
VII. Renewal	11
SECTION THREE: LICENSING STANDARDS	11
I. General Requirements	11
A. Family Composition	11
B. Age	12
C. Health	12
D. Income and Fiscal Management	12
II. Safety and Well-Being	12
A. General Safety Requirements	12
B. Fire and Safety Inspections	12
C. Emergency and Disaster Procedures	13
D. Lead Paint Safety	13
E. Firearm and Weapon Safety	13
F. Telephones and Emergency Numbers	13
G. Pet Safety	13
H. Comfort and Privacy	14
III. Provision of Services	14
A. Caregiver Personal Characteristics and Abilities	14
B. Confidentiality	15
C. Supervision	15
D. Behavior Management	15
E. Transportation	16
F. Medical Care	16
G. Education	17
H. Children's Money	17
I. Visitation and Contacts	17
J. Religion	17
K. Work	18
L. Clothing	18
M. Personal Belongings	18
N. Personal Hygiene	19
O. Recreation	19
P. Meals	19
Q. Required Notification	19

SECTION ONE: GENERAL PROVISIONS

I. Legal Basis

RI General Law (RIGL)

- RIGL 42-72, Department of Children, Youth, and Families
- RIGL 42-72.1, Licensing and Monitoring of Child Care Providers and Child-Placing Agencies
- RIGL 42-72.10-1, Foster Parent Bill Of Rights
- RIGL 14-1-34, Placement of Dependent and Neglected Children-Criminal Records of Foster Parents
- RIGL 15-7-11, Adoptive Home Investigation and Report
- RIGL 14-1-27, Duty to Investigate the Possibility of Placing Child With a Fit and Willing Relative
- RIGL 23-24.6-14, Lead Poisoning Prevention Act - Inspection of Child Care Facilities
- RIGL 23-28.1 Fire Safety Code General Provisions

Federal Law

- Adam Walsh Child Protection and Safety Act of 2006 (PL 109-248)
- Federal Law [42 U.S.C. 671] (a) (20) and Regulation [45 CFR 1356.30] relating to the Adoption and Safe Families Act (ASFA)
- Keeping Children and Families Safe Act of 2003 (PL 108-36)
- Indian Child Welfare Act (ICWA) of 1978 (PL 95-608)
- Adoption Assistance and Child Welfare Act of 1980 (PL 96-272)
- Multiethnic Placement Act of 1994 (PL 103-382)
- Interethnic Placement Provisions of 1996 (PL 104-188)
- Fostering Connections to Success and Increasing Adoptions Act of 2008 (PL 110-351)

II. Statement of Intent

The Rhode Island Department of Children, Youth and Families (DCYF), pursuant to RIGL 42-72, is responsible to establish and provide a diversified and comprehensive program of services for the social well-being and development of children and their families and is required by federal law to promote safety, permanency and well-being for all children and youth who are placed in its care. The Department is responsible to establish regulations governing foster and adoptive homes.

The Department values foster and adoptive caregivers and acknowledges, in accordance with RIGL 42-72.10-1, the importance of foster parents in the lives of children in DCYF care. The Department ensures that caregivers are treated with dignity, respect and trust.

A caregiver works in partnership with the Department and the community to provide for the safety, well-being and permanency of children in care through a family-centered practice approach. This approach is a way of working with families across service systems to enhance their capacity to care for and protect their children. Family-centered practice recognizes the strengths of family relationships and builds on these strengths to achieve optimal outcomes. Family is defined broadly and includes birth, blended, kinship, foster and adoptive families.

Family members and caregivers are essential partners in the treatment planning process. It is critical that caregivers, in cooperation with the Department, promote the principles of family-centered practice by recognizing that families have strengths, supporting family members in caring for their children, creating an environment that respects cultural diversity, linking and coordinating with the community to access needed services and working with families to achieve the goals of safety, permanency and well-being.

Prospective foster and adoptive parents are subject to the same licensing process, including screening, interview, home study, training and background checks. The Foster Care and Adoption License allows a licensed caregiver to transition to or from the role of foster or adoptive parent without requiring a new home study or additional training.

The application process is similar for both kinship and non-kinship (generic) providers. The Department provides monthly foster maintenance payments to kinship homes pending licensing as soon as background clearances, including nationwide fingerprint checks, are received by the Department, for a period not to exceed six months from the date of placement. If the home is not licensed within this time frame, the foster maintenance payment may be terminated.

Foster care maintenance payments for a child in care may cover the cost of providing food, clothing, shelter, daily supervision, school supplies, a child's personal incidentals, liability insurance with respect to the child, reasonable travel to the child's home for visitation with family or other caregivers and reasonable travel for the child to remain in the school in which the child is enrolled at the time of placement.

These regulations are written to assist applicants and licensed caregivers by providing quality of care standards intended for foster and pre-adoptive children in care. The Department's foster care and adoption licensing process and standards are utilized to approve Legal Guardianship homes.

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

III. Statement of Foster Parent Rights

- A. The Department recognizes the necessity for and importance of foster parents in the protection and nurturing of children who are in the care and custody of DCYF.
- B. In an effort to ensure that foster parents are treated with dignity, respect and trust in their work for the Department and/or the Department's designated child placing agency, foster parents are assured of the following:
 - 1. Consideration as an integral member of the child welfare team.
 - 2. Sufficient training and information from the Department as necessary to provide care to foster children in their homes.
 - 3. Confidentiality regarding a caregiver's personal issues as provided by law.
 - 4. Access to services and supports to address the needs of the children in their care including, but not limited to, twenty-four hour emergency and urgent telephone support.
 - 5. Timely sharing of available appropriate information regarding a foster child with the foster parent, where the information could reasonably be expected to impact the care provided to the child and/or the health and safety of the child and/or foster family members, including other foster children placed in the home.
 - a. Information may include details regarding the child's behavior, physical and mental health/medical history, education history, court/legal decisions and social history as known to the Department and similar information that may affect the manner in which foster care services are provided.
 - b. In an emergency situation, the Department will provide information as soon as it is practical following the emergency placement.
 - 6. Timely notification regarding meetings and court dates which pertain to the child's service planning and the ability to participate in those meetings, as appropriate, as integral members of the child's treatment team with the right to give and receive information.
 - 7. Timely financial reimbursement as provided by Department policy and procedure.
 - 8. Judicious investigations of alleged licensing violations and/or child abuse and neglect in the foster home and an appeals process for such investigations.

IV. Definitions

Adoptive Parent - Adult head of household, also referred to as caregiver, who is licensed to receive children into the home for the purpose of adoption. Pre-adoptive parent is also referred to as adoptive parent. There may be one or two adoptive parents in the household.

Applicant - Person applying for a Foster Care and Adoption License.

Caregiver - Adult head of household, also referred to as foster parent, pre-adoptive parent or adoptive parent, who is granted a license by DCYF to provide foster care or to adopt.

Child in Care - Child or youth, also referred to as a foster or pre-adoptive child, under the care and supervision of DCYF residing in a foster or pre-adoptive home.

Child - Any person under the age of eighteen living in the caregiver's home and/or a youth over the age of eighteen placed by the Department.

Child Placing Agency - Private or public agency, operating in the Rhode Island and licensed by DCYF, which receives children for placement into independent living arrangements, supervised apartment living, residential group care facilities, family foster homes, including specialized foster homes, or adoptive homes.

Corporal Punishment - Physical discipline, including slapping, spanking, paddling, hitting with a belt, having a child march, stand or kneel rigidly in one spot or subjecting a child to any kind of physical discomfort.

DCYF Service Plan - The Department's plan with a child in care and the child's family for care and treatment services.

Department - The Rhode Island Department of Children, Youth and Families, also referred to as DCYF, responsible for child welfare, children's behavioral health and juvenile correctional operations in Rhode Island.

Family-Centered Practice - Best practice approach that encourages the family's strengths, resources and needs to be identified in partnership with service providers for the purpose of developing service plans and delivering appropriate services. Family-centered practice includes the family members in making the decisions that will affect them and their children and is built upon a set of principles that embrace valuing the family and utilizing the family's community as a core support.

Family Service Unit (FSU) Social Case Worker - DCYF worker, also referred to as primary worker, who provides ongoing social services and case management to children and families who have become involved with the Department due to abuse, neglect, wayward or dependency, as well as children who are in need of behavioral and/or mental health services.

Foster Care and Adoption License - Required legal authorization granted by DCYF that permits caregivers to provide foster and/or adoptive care.

Foster Parent - Adult head of household, also referred to as caregiver, who is granted a license by DCYF to provide foster care. There may be one or two foster parents in the household. There are three categories of foster parents: Kinship, Generic and Specialized.

Generic Foster Parent - A licensed foster and/or pre-adoptive care provider, also referred to as caregiver, not previously known or related to the child in care.

Home Study - A written evaluation of a home environment to determine whether a proposed placement of a child meets the individual needs of the child, including the child's safety, permanency, health, well-being and mental, emotional, and physical development. Common areas of inquiry include physical and mental health and criminal history.

Household - Adults and children who reside with the applicant or caregiver.

Juvenile Probation Officer - DCYF worker, also referred to as primary worker, who provides supervision, on going services and case management to youth who have been placed on juvenile probation by the Rhode Island Family Court.

Kinship Foster Parent - Adult head of household, also referred to as caregiver, who is granted a license by DCYF to provide foster care for a related child in care or a child with whom the adult has a kinship bond. The kinship foster parent may be a relative or a member of the child's family support system, such as a godparent, close family friend or member of the child's community. There may be one or two kinship foster parents in the household.

Legal Guardianship - Judicially-created relationship between child and caregiver which is intended to be permanent and self-sustaining as evidenced by the transfer to the caregiver of the following parental rights with respect to the child: protection, education, care and control of the person, custody of the person and decision-making.

Licensing Unit - The division within DCYF responsible for issuing Foster and Adoption Licenses.

Specialized Foster Home - Foster home in which the foster parent receives special training, supervision and support through a Child Placing Agency to care for a wide variety of children and adolescents, usually those with significant emotional or behavioral problems.

Variance - Administrative decision that allows a foster or pre-adoptive home to meet a standard for licensure in a manner other than that specified in the regulations. A variance is granted on a case-by-case basis only when the purpose of the licensing standard is achieved and the safety of the child is maintained.

Waiver - Exemption granted by the Department to disregard a specific requirement for licensure.

SECTION TWO: LICENSING PROVISIONS

I. Application and Licensing Process

A. Application

1. The prospective applicant for a Foster and Adoption License obtains a licensing packet from the Department that includes the Adoption & Foster Care Application, Authorization to Obtain Confidential Information form and the Physician's Reference for Foster Parent form.
2. The applicant returns the Adoption & Foster Care Application and the Authorization to Obtain Confidential Information form completed in full to the licensing unit. The applicant's physician must complete and sign the physician's reference form and return to the Department.

B. Home Study

1. Each applicant participates in a home study that is conducted by the Department or a contracted agency or individual to assess the applicant's ability to provide quality foster or adoptive care for a child. The home study consists of a summary of the Department's past and present contact with the applicant's family and includes the following information:
 - a. Criminal Records Checks
 - i. The applicant provides the legal names and aliases, if any, and birth dates of all members of the household.
 - ii. In accordance with federal and state law and Departmental policy (refer to [DCYF Policy 900.0040, Criminal Records Checks](#)), nationwide, including fingerprinting, criminal records checks are completed for each applicant and each household member

- eighteen years of age and older. Other criminal background checks may be conducted at the Department's discretion.
- b. Department Clearances
 - i. The Department conducts a DCYF record check on each applicant and all other persons living in the home (refer to [DCYF Policy 700.0105, Clearance of Agency Activity](#)).
 - ii. Records of the Department are checked to determine if the applicant or any household member has a history of substantiated child abuse or neglect, or has a child involved with a child-placing agency, Juvenile Probation or the Rhode Island Training School.
 - iii. The applicant may be denied if the record check indicates that a protective services investigation is pending or if there is a substantiated report of child abuse or neglect on any member of the household.
 - iv. In compliance with federal law, all applicants and household members age eighteen and older who have lived in another state in the preceding five years must be checked and cleared through the Child Abuse and Neglect State Central Registry of that state. The applicant may be denied if the record check indicates that a protective services investigation is pending or if there is a substantiated report of child abuse or neglect on any member of the household.
 - v. In limited situations, involving substantiated incidents in which there is not serious physical injury to a child, there can be an administrative determination that the individual will not be disqualified from licensing (refer to [DCYF Policy 700.0105, Clearance of Agency Activity](#)).
 - c. Identifying information on all household members, including minor children and the current needs of each child. All members of the household must be available for interviews.
 - d. Assessment of applicant's parenting ability that takes into account the following:
 - i. Motivation for becoming a foster or adoptive parent.
 - ii. Characteristics and number of children best suited to the family.
 - iii. Existing family relationships, attitudes and expectations regarding the applicant's children and parent-child relationships, especially where such relationships might affect the child in care.
 - iv. Capacity to provide for the needs of child in care while giving proper parenting to all children in the household.
 - v. Realistic assessment of positive and negative aspects of foster or adoptive parenthood.
 - vi. Ability to understand, participate in and assist in carrying out the plan for the child in care, including his or her transition from foster care.
 - vii. Personal characteristics necessary to provide continuity of care throughout the placement.
 - viii. Flexibility to meet changing needs over the course of the placement.
 - ix. Ability to accept the relationships of the child in care with his or her biological family, including visitations, and assist with his or her progression towards reunification or other permanency goal.
 - e. Updated background information on the applicant, including a written self-assessment.
 - f. Child care experience and parenting philosophy of the applicant.
 - g. Information regarding past and present marriage and/or partnership relationships.
 - h. Health History

- i. Current and past medical and psychological conditions, including any addiction to drugs or alcohol of any applicant that may be detrimental to the health and welfare of children.
 - ii. Each health history should include a physician's statement regarding the applicant's general health, specific illnesses or disabilities, alcohol or other drug problems, infectious diseases or other relevant health conditions and a comment on the applicant's ability to foster or adopt.
 - iii. If requested, the applicant must submit the name of a physician or mental health professional who is familiar with the applicant's mental health history and who is available to comment on the applicant's mental health status and ability to foster or adopt.
 - iv. The Department may obtain the health and mental health status and history of all members of the household to ensure that no member has an illness or condition, including alcohol and drug abuse that presents a health or safety risk to any child and may interfere with the caregiver's ability to provide satisfactory care.
 - i. Description of home and local community, including any health and safety concerns regarding the home.
 - j. Documentation that the residence complies with state building codes and the fire inspection and lead safety requirements of these regulations.
 - k. Information regarding the education, finances and employment of the applicant to include the verification of income and expenses.
 - l. Personal References
 - i. Personal reference letters are obtained from a minimum of three individuals who have known the applicant for at least two years and can comment on the applicant's lifestyle and values.
 - ii. Two references must come from persons unrelated to the applicant.
 - m. Information regarding the applicant's willingness and ability to accept and cooperate with care giving support services, including the applicant's level of understanding regarding openness with the birth family.
 - n. Information related to the match between the applicant and the child in care, including attitudes and capabilities of the applicant and the child's characteristics and background.
 - o. Recommendation regarding the suitability of the applicant for fostering and/or adoption.
2. Applicant reads and signs the DCYF Foster Care Home Agreement.
- C. Training
- 1. Applicant for a Foster Care and Adoption License successfully completes a course of pre-service training as required by the Department.
 - 2. All courses will be provided or approved by the Department.

II. Determination

- A. Upon completion of the licensing process, the Department will take one of the following actions within thirty days:
 - 1. Issue a license. A license is valid from the date of issue and expires two years from the date of such issuance, unless otherwise specified, revoked or invalidated by the Department or voluntarily surrendered by the caregiver.
 - a. A Foster Care and Adoption License will apply only to the place of residence occupied by the applicant at the time of issuance.
 - b. If the caregiver moves to a new residence, the Department conducts an address-change licensing visit and fire and safety inspection at the new home prior to re-issuance of the Foster Care and Adoption License.
 - 2. Deny the application and inform the applicant of the right to appeal (refer to section VI, APPEAL/HEARING below). A license may be denied for the following reasons:

- a. Applicant or household member has disqualifying criminal activity (refer to [DCYF Policy 900.0040, Criminal Records Checks](#)).
 - b. Applicant or household member has been convicted of a criminal offense that is not automatically disqualifying if that conduct has an impact upon the fitness and suitability of the applicant to provide care for a child.
 - c. Applicant or household member has a history of disqualifying Department activity (refer to [DCYF Policy 700.0105, Clearance of Agency Activity](#)).
 - d. Applicant or household member has a history of Department activity that is not automatically disqualifying but that history has an impact upon the fitness and suitability of the applicant to provide care for a child.
 - e. Applicant or other member of the household has a past or current history of substance abuse deemed to be currently detrimental to the care of children.
 - f. The biological parent or legal guardian of the child in care resides with applicant.
 - g. Applicant fails to cooperate with the Department in its licensing process, including the falsification or omission of facts.
 - h. Applicant fails to comply with any of these regulations.
3. Applicant will be notified in writing by the Department of the final disposition of his or her application.
- B. If a license is issued, the license remains valid until licensing renewal, or as otherwise consistent with RIGL 42-72.1-5, unless DCYF initiates licensing action for cause or the licensee voluntarily surrenders the license prior to that time.

III. Variance and Waiver

- A. The DCYF Director or designee may grant a variance upon the submission of a written request setting forth the circumstances requiring the variance and demonstrating good cause for the variance to be granted.
- 1. A variance may be granted when the situation does not jeopardize the health, safety and well-being of the children in care.
 - 2. An approved variance will contain a specified time frame and be subject to periodic review.
 - 3. The licensing administrator will document the approved or denied variance in RICHIST.
- B. The DCYF Director or designee may grant a waiver for a kinship home for non-safety licensing standards.
- 1. Special situations may arise where there are grounds for waiving a requirement for a kinship caregiver on behalf of a foster child.
 - 2. In these exceptional circumstances, the reason for the waiver is documented in the licensing record for the kinship foster home and the license indicates its applicability only to the specific child.

IV. Revocation and Other Licensing Actions

- A. Licensing actions include the following:
- 1. Requirement that the caregiver attend corrective or in-service training.
 - 2. Limit on the number of foster and/or pre-adoptive children placed in a home.
 - 3. Revocation of license.
- B. A license may be revoked for the following reasons:
- 1. Caregiver or any household member is convicted of an offense or has an arrest that is pending disposition (refer to [DCYF Policy 900.0040, Criminal Records Checks](#)).
 - 2. Caregiver or any household member has Departmental involvement deemed detrimental to the care of children (refer to [DCYF Policy 700.0105, Clearance of Agency Activity](#)).

3. Caregiver or any household member poses an immediate safety risk to the child in care.
 4. Caregiver does not protect a child from physical or emotional harm due to failure to provide adequate supervision appropriate to the child's needs and level of development.
 5. Caregiver or any other member of the household threatens to harm a child.
 6. Caregiver fails to cooperate with the Department in its licensing process, including the falsification or omission of facts.
 7. Caregiver fails to comply with any of these regulations or with any federal or Rhode Island law relating to the care of children.
- C. Procedure for review relating to possible licensing actions
1. The licensing administrator reviews the documentation concerning reasons for a potential licensing action.
 2. When there is reasonable cause to believe that there exists imminent danger to the physical and/or emotional well being of the child in care:
 - a. The licensing administrator consults with the assigned DCYF regional director, supervisor and/or worker and may order the removal of the child in care from the home if such removal has not already taken place.
 - b. Concurrent with or subsequent to the removal, the caregiver is notified immediately of the decision to remove the child in care from the home.
 3. Regardless of whether the child in care is removed from the home, the following protocol is followed when licensing action is being considered:
 - a. The licensing administrator sends notice by mail informing the caregiver that DCYF is considering a licensing action and provides notice of the facts that may warrant this action. The letter indicates a willingness to meet with the caregiver and provides a date and time for the meeting.
 - b. At the meeting, the caregiver is given opportunity to show cause why the action should not be taken.
 - c. If, after the meeting, the facts continue to appear to warrant licensing action, written notification of that licensing action is sent to the caregiver within ten working days. The caregiver will be notified of his or her right to appeal the decision through administrative hearing.
 - d. A copy of both notices will be sent simultaneously to the Office of the Child Advocate.
 4. Subsequent to the initiation of licensing action by the Department, the caregiver may appeal the action in various forums as delineated in [DCYF Policy 100.0055, Complaints and Hearings.](#)

V. Child Care Provider Seeking a Foster and Adoptive License

- A. A family child care home provider is permitted to apply for a Foster and Adoptive License if the following criteria are met:
1. Applicant has held a family child care home license for a minimum of one year and does not have any violations of any licensing regulations.
 2. Applicant must demonstrate the ability to comply with Family Child Care Home and Foster Care and Adoption Regulations for Licensure.
- B. The decision to approve a caregiver for both licenses is made by the licensing administrator.
- C. The following stipulations apply when a Foster and Adoptive License is issued to a family child care home provider:
1. The Foster Care and Adoption License is limited with regard to the numbers and ages of foster and/or pre-adoptive children allowed.
 2. Foster children and/or pre-adoptive children are counted in determining the total number of child care children allowed in the home.
 3. Child care payments are not provided for a foster or pre-adoptive child in the group child care home or in any other child care facility.

VI. Appeal/Hearing

- A. Any applicant for licensure or licensee may appeal any action or decision of a Departmental staff person, supervisor or administrator that is adverse to the status as an applicant or license holder.
- B. All administrative hearings for appeals relating to licensing violations or terms are held in accordance with [DCYF Policy 100.0055, Complaints and Hearings](#).

VII. Renewal

- A. A Foster Care and Adoption License is renewed every two years.
- B. When requesting a license renewal, the caregiver must demonstrate compliance with all regulations.
- C. Caregiver obtains the DCYF Adoption and Foster Care Application from the Department and completes the application in full.
- D. Caregiver reads and signs the DCYF Foster Care Home Agreement.
- E. DCYF clearances and statewide criminal background checks are completed on the caregiver and household members over the age of eighteen. If fingerprint results for the caregiver and household members over the age of eighteen are not present in the caregiver's file, fingerprint results must be obtained.
- F. A licensing worker conducts an interview in the caregiver's home to update information gathered in the initial home-study. This visit includes a visual check of all bedrooms and common living areas.
- G. Caregiver must provide documentation that the residence complies with state building codes and the fire inspection and lead safety requirements of these regulations.

SECTION THREE: LICENSING STANDARDS

I. General Requirements

- A. Family Composition
 - 1. One or two adults as head of household may receive a Foster and Adoption License.
 - 2. The total number of children in the household must not exceed seven, including biological, adopted, foster and pre-adoptive children. The total number of foster and pre-adoptive children must not exceed five. Each home's capacity to accommodate a foster or pre-adoptive child is assessed individually.
 - 3. All children and adults residing in the household are considered to determine how they may be affected by, or have an effect upon, a foster or pre-adoptive child placed in the home.
 - 4. Caregiver will not care for more than two children less than two years of age or four children less than six years of age at any time, to include all children in the home.
 - 5. Caregiver must demonstrate the ability to meet the needs of all children in the home.
 - 6. Caregiver will not provide care for more than one child placing agency at one time except in such instances when a child placed by one agency is placed with that person for purposes of adoption and such placement has prior approval of the licensing administrator.
 - 7. Caregiver will not provide care for non-related adults and children.
 - 8. The number and ages of biological, adopted, foster and pre-adoptive children in the household will be considered on an individual basis.
- B. Age

1. Caregiver will be at least twenty-one years of age.
 2. A kinship caregiver eighteen through twenty years old may be considered.
- C. Health
1. Caregiver and any household member must not have a physical, behavioral or mental health condition that the Department determines may adversely affect the child in care or the child's care.
 2. The Department may obtain the health and behavioral and/or mental health status of the caregiver and any members of the household to ensure there are no illnesses or conditions that may present a health or safety risk to a child in care.
- D. Income and Fiscal Management
1. Caregiver demonstrates that the household has sufficient income and appropriate fiscal management to maintain its stability and security without a monthly foster maintenance payment.
 2. Written verification of income and expenses will be provided to the Department upon request.
 3. Caregiver uses the foster maintenance, birthday, clothing and holiday allowance/ payment solely to meet the individual needs of the child in care.

II. Safety and Well-Being

- A. General Safety Requirements
1. Caregiver's home and grounds are free of hazards to ensure the safety of a child and comply with all state and local codes and ordinances.
 2. Caregiver's home and all structures associated with it are maintained in a clean, safe and sanitary condition and kept in a reasonable state of repair.
 3. All outdoor recreation equipment is maintained in a reasonable state of repair.
 4. A child must be protected through the use of physical barriers or adult supervision from potentially hazardous outdoor areas, such as bodies of water, open pits or wells, cliffs or caves, high speed or heavily traveled roads and electrical equipment and machinery.
 5. Pools must be fenced according to local and state codes.
 6. The residence must be adequately heated, safely lit and well ventilated.
 7. Bleach, cleaning materials and any poisonous or corrosive household chemicals must be stored in a safe area, inaccessible to a young child.
 8. Prescription and over-the-counter drugs and alcohol must be stored out of reach of a child.
 9. A child in care must not be exposed to second hand smoke in the caregiver's home or vehicle by any member of the provider family or visitor of that family.
 10. All locking doors within the residence must be able to be unlocked from both sides.
 11. The residence must have a continuous supply of safe drinking water.
 12. Bathroom and toilet facilities used by a child in care must be located inside the residence and connected to an indoor plumbing system and be maintained in good working order.
 13. Garbage must be disposed of on a regular and reasonable basis and the outside storage of garbage must be in covered containers or closed bags.
- B. Fire Safety Inspections
1. Inspections required by these regulations will be conducted by DCYF or other authorities having jurisdiction.
 2. All foster homes must be equipped with smoke detectors and carbon monoxide detectors. Smoke detectors must be located in all common hallways.
 - a. Single and two family homes must be equipped with either battery operated or hard-wired smoke detectors and carbon monoxide detectors.
 - b. Three family apartment homes must be equipped with smoke and carbon monoxide detectors that either are hardwired or wireless units.
- C. Emergency and Disaster Procedures

1. Caregiver must have a written disaster and emergency response plan for the household in the event of an emergency. The plan will address:
 - a. Where the family will go in the event of an evacuation (two locations; one nearby and one out of the area).
 - b. Contact number and e-mail address, if applicable, of the caregiver and an emergency contact person who will be informed of the family's whereabouts.
 - c. A list of necessities the family will take with them, including the child's medications and medical equipment, if applicable.
 - d. Identification for the child in care and any citizenship documentation or court orders.
 - e. The medical information for a child in care, including physician(s) name and contact information.
 - f. Contact numbers for the DCYF Child Protective Services (CPS) Hotline, the child's DCYF primary worker, the caregiver's licensing worker and the Rhode Island Foster Parents Association (RIFPA).
 2. The emergency and disaster response plan must provide for a minimum of five days of basic supplies including food, water, medication, sanitary supplies, first aid kit, battery powered radio, pet supplies, flash light, cell phones and emergency documents and include sleeping accommodations for all household members.
 3. Caregiver contacts the Department as soon as possible after a disaster. If the emergency is after business hours or during the weekend, or if the caregiver is unable to reach staff during normal business hours, the caregiver contacts the CPS Hotline.
 4. The Department will assist in the development of a disaster plan if a caregiver requires assistance.
- D. Lead Paint Safety
1. Caregiver's residence must comply with statutory lead inspection and abatement requirements for private residences consistent with state law.
- E. Firearm and Weapon Safety
1. The Department must be informed if a resident of the household owns or possesses any firearm. Possession or ownership of firearms must conform to state and local laws.
 2. Any firearm, air rifle, hunting slingshot or other projectile weapon must be stored in an area inaccessible to a child. Any ammunition, arrows or projectiles for weapons must be stored separately from the weapon or firearm in a locked space.
- F. Telephones and Emergency Numbers
1. There must be a working telephone in the caregiver's home that is readily available for use in case of an emergency.
 2. Emergency phone numbers, including 911, local fire and police departments, emergency room or hospital, family physician and poison center must be posted in a conspicuous place in the home.
- G. Pet Safety
1. Dogs, cats and other pets or domestic animals maintained on the premises must be kept in a safe and sanitary manner, according to state and local requirements.
 2. Pets maintained on the premises must have up-to-date rabies vaccinations as appropriate.
 3. A child must, according to his or her age and developmental level, be protected from animals that are potentially dangerous to the child's health.
 4. The number and types of pets must be in accordance to state and local requirements.
- H. Comfort and Privacy

1. All bedrooms for children must have at least one window and one closing door and must be used only as bedrooms.
2. Living rooms, dining rooms and halls must not be used as bedrooms for a child in care or any other member of the household.
3. All rooms used as bedrooms must meet all state and local codes and regulations.
4. Each child must have his or her own bed of a type and size appropriate to the child's stage of development. Cots, bassinets and portable cribs must not be used as primary beds. Each infant must have his or her own full size crib that must conform to all safety regulations.
5. Except for a child under the age of one year, sufficient sleeping space must be available so that no child in the household shares the bedroom with any adult.
6. A child three years of age or older must not share a bedroom with any child of the opposite sex.
7. Except for a child under the age of one year, space must be provided within the bedroom for the child's personal possessions and for a reasonable degree of privacy.
8. No more than four children are permitted to sleep in one bedroom.
9. Where bunk beds are used, the vertical distance between the mattresses must allow each occupant to sit up comfortably in bed, and the top bunk must be fastened securely to the side frames. No child under the age of six is allowed to sleep on the top bunk.
10. No child under the age of three is allowed to sleep on a waterbed at any time.
11. Toddler beds may be used only for a child age two to four.

III. Provision of Services

- A. Caregiver Personal Characteristics and Abilities
 1. Caregiver demonstrates the competence, interpersonal qualities and life experiences that enable him or her to provide quality care.
 2. Caregiver must be able to read and write.
 3. Caregiver demonstrates all of the following personal characteristics:
 - a. Maturity
 - b. Stability
 - c. Flexibility
 - d. Ability to cope with stress
 - e. Capacity to give and receive love
 - f. Good character
 4. Caregiver meets the physical, emotional, social, developmental, treatment, educational, cultural and permanency needs of the child in care by:
 - a. Participating in the development of the assessment and service plan and collaborating with the Department as a partner in meeting the needs of the child and family, including the transition of the child from foster care, in compliance with [Policy 700.0075, Comprehensive Assessment and Service Planning](#).
 - b. Helping the child to cope with separation and loss.
 - c. Building self esteem.
 - d. Promoting cultural identity.
 - e. Using discipline appropriate to the child's age and stage of development and without harsh, humiliating or corporal punishment.
 - f. Supporting intellectual development and educational growth.
 - g. Encouraging and modeling positive, trusting social relationships and responsibilities.
 - h. Being sensitive to the special needs of a child who has been physically and/or sexually abused.
 - i. Being aware of the child's need for appropriate information about sexuality geared to the child's age and stage of development.
 - j. Protecting and nurturing the child in a safe, healthy environment with unconditional positive support.
 - k. Supporting relationships among the child and his or her parents, siblings and kin.

- l. Ensuring the child's physical, sexual and emotional safety.
 - m. Sharing with the Department all factual information regarding significant changes in the personality, behavior, physical development or health status of the child.
 - n. Respecting the child's right to privacy by holding in confidence matters that pertain to his or her family and previous history.
- B. Confidentiality
 - 1. The Department shares information about the child in care with the caregiver to ensure that the caregiver will be able to provide for his or her needs.
 - 2. Information about a child in care and his or her family must be held in confidence by the caregiver and any household member.
 - 3. Caregiver must not allow photographs, sketches, videos, identifying information or names of children in care to be shared with anyone other than immediate family members or used in any material that will be available to the public. This includes the internet, social networks, television and any publication such as a newspaper, newsletter or magazine.
 - 4. Caregiver must consult with the child's DCYF primary worker with questions regarding confidentiality.
- C. Supervision
 - 1. Each child must be supervised at all times in a manner appropriate to the child's needs and level of development.
 - 2. When the caregiver must be absent from the home for any reason, the child in care must be left in the care of a competent person.
 - a. Caregiver provides the child's DCYF primary worker with the names and dates of birth of all babysitters who care for the child on a regularly scheduled basis for extended periods.
 - b. Overnight sitters must be at least eighteen years old.
 - c. BCI and DCYF clearances are completed by the child's DCYF primary worker for all regularly scheduled babysitters.
 - d. If the absence of the caregiver is on a regular basis, the child care arrangements must be approved by the Department.
- D. Behavior Management
 - 1. Caregiver uses discipline to teach a child appropriate behavior in a manner consistent with the child's age and developmental level.
 - a. Disciplinary methods stress praise and encouragement for positive behavior.
 - b. All rules and expectations made by the caregiver are explained to the child in a manner appropriate to the child's age and understanding. This explanation is made during the child's initial orientation to the home and prior to any disciplinary action for violation of rules.
 - c. A child must not be disciplined for actions over which he or she has no control.
 - d. A child must not be disciplined during the course of toilet training or for bedwetting at any age.
 - 2. Caregiver must not subject a child in care to verbal abuse, derogatory remarks about the child's family, race or ethnic background or threats of physical violence or removal from the home.
 - 3. Caregiver must not use, or delegate any other person to use, any of the following punishments on a child in care:
 - a. Corporal (physical) punishment of any form, including hitting, slapping, pinching, spanking, paddling, shaking, kicking, biting, mechanical restraint or unapproved physical restraint.
 - b. Requiring or forcing the child to take a painful or uncomfortable position, including, but not limited to, squatting, kneeling or bending.
 - c. Requiring or forcing the child to repeat physical movements.

- d. Verbal abuse, ridicule or humiliation.
- e. Denial of elements of the service plan, including visitation with the child's family.
- f. Delegation of discipline to other children or to persons unknown to the child.
- g. Assignment of physically strenuous exercise or work.
- h. Withholding of any meal.
- i. Unreasonable or prolonged denial of involvement in extracurricular or community activities or contact with peers, including visitation or communication privileges.
- j. Denial of sufficient sleep.
- k. Requiring the child to remain silent for long periods of time.
- l. Denial of shelter, clothing or bedding.
- m. Isolation of a child in a small, confined space including, but not limited to, a closet, locked room or box.
- n. Withholding of emotional response or stimulation.
- o. Destruction or unreasonable withholding of a child's property.

E. Transportation

- 1. Caregiver must have access to reliable transportation to ensure that the child in care has access to school, community services and the Department.
- 2. Any vehicle used to transport a child must be maintained in a safe condition and in compliance with motor vehicle laws.
- 3. A child transported in a motor vehicle must be in an appropriate child safety restraint or seat belt, in accordance with federal and state law.
- 4. RIGL 32-22-22 <http://www.rilin.state.ri.us/Statutes/TITLE31/31-22/31-22-22.HTM> provides child age, height and weight specifications relating to transporting a child in a motor vehicle.
- 5. In an effort to ensure the safety of children in care, [DCYF Policy 100.0110, Transportation Safety](#) enhances the minimum legal mandate by requiring that a child in care twelve years of age or younger be transported in the back seat of a motor vehicle properly wearing a safety belt and/or shoulder harness, unless all seats in the rear are already occupied by other children.
- 6. A child must be transported in vehicles covered by liability insurance.
- 7. Anyone who transports a child must have a valid driver's license.

F. Medical Care

- 1. The Department, in partnership with the caregiver, arranges for the child in care to receive a medical examination by a licensed practitioner (refer to [DCYF Policy 1000.0045, Early and Periodic Screening, Diagnostic and Treatment \(EPSDT\) Program](#)).
- 2. Caregiver informs the Department of any medical care or treatment provided to the child in care.
- 3. Caregiver arranges for the child in care to receive timely and competent ongoing medical care to include routine and periodic examinations, vaccinations, prescribed treatment, vision and dental care with annual examinations and any follow-up treatment.
- 4. Except in emergencies, the caregiver makes no decisions regarding major medical or surgical intervention, including the use of psychotropic medication, without the prior approval of the Department.
- 5. In the event, a child in care requires any corrective device, such as a hearing aid or prosthetic, the caregiver must ensure that the child receives training on proper use and maintenance of the device. The device is the child's personal property.
- 6. Caregiver provides a copy or summary of the child's health record to the Department or the child placing agency responsible for the future planning and care of the child when the placement concludes.

G. Education

- 1. Caregiver ensures that the child in care of school age continues to attend his or her school or the caregiver enrolls the child in care of school age in an

- appropriate school within five school days of the child's placement into the home as indicated by the Department
2. Caregiver cooperates with the Department, the child in care and, if applicable, the educational advocate in the development and maintenance of the child's educational plans.
 3. Caregiver reviews grade reports and other information from school authorities and advises the Department on a regular basis of the child's educational performance.
 4. Caregiver provides a quiet, well- lit space for the child to study and establishes regular times for homework and study.
 5. No child in care is to be home-schooled.
 6. In accordance with each child's developmental stage and capabilities, as established by the DCYF service plan, the caregiver provides appropriate activities for language, social, emotional and intellectual growth and development.
- H. Children's Money
1. Money earned, received as a gift or received as an allowance for the child is the child's personal property.
 2. When age and circumstances permit, the caregiver allows and encourages a child in care to have his or her own money.
 3. Caregiver provides a child in care above the age of five years a reasonable allowance at least weekly. The amount and frequency of the allowance is agreed upon with the Department.
 4. Caregiver does not require a child in care to assume any part of the expenses relating to his or her care unless agreed upon by the DCYF primary worker and documented in the DCYF service plan.
 5. Caregiver may deduct reasonable sums from the allowance of a child in care to pay restitution for damages caused by the child if the restitution plan is agreed upon by the DCYF primary worker and documented in the DCYF service plan. Restitution must be based on the child's ability to pay.
 6. When a child in care has ongoing earned income from employment, the child should be encouraged to establish an interest-bearing savings account. The caregiver is encouraged to monitor the child's expenditures and any withdrawals and deposits to the accounts. The Department is notified of the existence of the child's savings account.
- I. Visitation and Contacts
1. In accordance with [DCYF Policy 700.0075, Comprehensive Assessment & Service Planning](#), the caregiver supports visitation between the child in care and his or her family as outlined in the child's service plan.
 2. In accordance with the child's service plan, reasonable opportunity is provided for the child to use the caregiver's home telephone to contact family and friends.
 3. Caregiver must not restrict or censor correspondence to or from the child in care, except in accordance with the child's service plan.
- J. Religion
1. Caregiver must not require any religious observance or practice of a child in care, except upon the written request of the parent or guardian.
 2. Caregiver must make reasonable efforts to provide the opportunity for the child in care to participate in religious observances or practices other than that of the caregiver in accordance with the wishes of the parent or guardian.
 3. Caregiver must notify and receive approval from the Department before any change is made in the religious affiliation of a child in care.
- K. Work
1. Caregiver must not require a child in care to work or deny the opportunity for him or her to work outside the caregiver's home except in accordance with the child's service plan.
 2. Caregiver notifies the Department whenever a child in care becomes employed.

3. Caregiver involves each child in care, as age and circumstances permit, in routine household maintenance.
 - a. Caregiver ensures that household chores are performed in a reasonable and safe manner.
 - b. A child in care must not be required to perform household chores in a manner dissimilar to any other child in the household of similar age or ability.
- L. Clothing
 1. Caregiver ensures that each child has adequate clean, well fitting and seasonal clothing that is age and gender appropriate.
 2. Clothing of a child in care must not be shared, and the child is permitted to take all of his or her clothing upon leaving caregiver's home.
 3. In the event of an unplanned discharge, the caregiver makes reasonable provisions to protect the child's property.
 4. All monies provided by the Department for clothing for a child in care must be expended exclusively on clothing for that child. If the child leaves the home prior to receiving the clothing allowance check, the caregiver must return the check to the Department.
- M. Personal Belongings
 1. A child in care is allowed to bring personal belongings to the caregiver's home and to acquire belongings of his or her own.
 2. Caregiver may, as necessary, limit or supervise the use of an item.
 3. Caregiver makes reasonable provisions for the protection of a child's property.
 4. Caregiver ensures that the child in care is provided with his or her personal belongings when the child departs the caregiver's home.
- N. Personal Hygiene
 1. Caregiver provides training to the child, appropriate to the child's age and developmental level, in order to establish habits of physical cleanliness, good grooming and personal hygiene. The caregiver ensures that each child has the necessary articles for his or her own use to maintain personal hygiene.
 2. Caregiver is expected to obtain information on how to properly care for the hair and skin of a child in care.
- O. Recreation
 1. Caregiver provides regular opportunity for recreational activities that are appropriate to the age and abilities of the child in care, unless there is compelling medical reason not to do so as documented in a written statement by a physician.
 2. Caregiver encourages the child to participate in school and community activities both individually and with the family.
 3. Caregiver encourages and arranges for the child to have contacts and friendships with other children.
 4. Caregiver makes available materials and equipment appropriate to the child's age and ability for both active and quiet play.
- P. Meals
 1. Caregiver provides the child with a minimum of three well-balanced and nutritious meals, each day at regular times, with no more than fourteen hours between the evening meal and breakfast.
 2. Caregiver must not exclude the child from family meals.
 3. Caregiver provides for any special dietary needs for the child as determined by a proper medical authority or dictated by the child's religion or culture.
- Q. Required Notification
 1. Caregiver notifies the DCYF primary worker prior to allowing any person to visit in the home for a period in excess of twenty-four hours.
 2. Caregiver notifies the Department prior to making plans for the care of the foster or pre-adoptive child by another person for a period in excess of forty-eight hours.

3. Caregiver notifies the Department immediately in any of the following instances:
 - a. Death of a child.
 - b. Serious injury or illness involving medical treatment of a child in care.
 - c. Serious emotional or behavioral crisis that may endanger the child in care or others.
 - d. When a child has been subjected to alleged abuse or neglect or has been the alleged victim of assault or other physical or sexual abuse.
 - e. Unauthorized absence of the child in care from the home.
 - f. Removal of the child in care from the home by any person or agency other than the placing agency, or any attempts at such removal.
 - g. Any fire or other emergency requiring overnight evacuation of the premises.
 - h. Any exclusion of a child in care from school or involvement with police.
 - i. Any changes in household composition.
 - j. Any pending criminal charges or arrests of the caregiver and/or any household member.
4. Caregiver informs the Department as soon as possible, but not more than five working days following any circumstance listed below:
 - a. Any serious illness or death in the household.
 - b. The permanent departure of any member of the household.
 - c. Any other circumstance or incident seriously affecting the child or child's care.
5. Caregiver must contact the Department prior to permitting any media interviewing or photographing of a child in care (refer to [DCYF Policy 300.0005, Media Interviewing or Photographing Clients](#)).
6. Removal requests
 - a. If the caregiver wishes to request the removal of a child in care, he or she submits a written notice to the Department outlining the reasons why the child's removal is being requested (refer to [DCYF Policy 900.0075, Request for Removal of Child from Foster Care Home](#)).
 - b. The Department has ten working days from the receipt of the written notice to either take action to resolve the issues initiating the request or remove the child in care.
 - c. A meeting with all relevant parties is scheduled within two working days of the receipt of the notice to review the request and discuss appropriate action.
 - d. The Department is responsible to provide written notification that is approved by a DCYF administrator to a foster family informing the family of the decision to move a child in care from the home within ten working days.
 - e. This notification is waived when the child in care is being moved due to safety issues in the placement, when removal has been ordered by a court of appropriate jurisdiction or the return of the child has been requested by a parent or guardian in accordance with the terms of a voluntary agreement.
7. Caregiver informs the Department at least four weeks prior to a planned move of residence.
8. Caregiver notifies the Department by the end of the next working day of any fire within his or her residence requiring the services of the fire department.
9. Caregiver notifies the Department within seven working days prior to taking the child in care out of state for more than twenty-four hours.



State of Rhode Island and Providence Plantations
Rhode Island Department of Children, Youth and Families

Emergency Revision: Foster Care and Adoption Regulation for Licensure

The Rhode Island Department of Children, Youth and Families (DCYF) is responsible for establishing regulations governing foster and adoptive homes. Rhode Island's *Foster Care and Adoption Regulation for Licensure* include standards for fire safety and lead safety that adoptive, foster, and kinship parents must comply with to become licensed. This emergency revision to these standards reduces imminent peril to the public health, safety, or welfare by reducing the number of children in unlicensed foster homes and those placed inappropriately in institutional settings.

A large body of research shows that children do best in families. Federal law requires that children in out-of-home care are placed in the least restrictive (most family-like) environment. Title IV-E of the *Social Security Act* requires that states "consider giving preference to an adult relative over a nonrelated caregiver when determining placement for a child, provided that the relative caregiver meets all relevant State child protection standards." The *Fostering Connections to Success and Increasing Adoptions Act* of 2008 requires state child welfare systems to notify relatives when a child is removed from his/her home.

Kinship and family foster parents play a critically important role in preventing children from being placed in institutional settings such as group homes or residential facilities. For children removed from homes because of abuse and neglect, kinship homes preserve community and family ties and increase and minimize the trauma of being separated from parents. When an appropriate relative or family friend cannot be located, DCYF looks to family foster homes to provide care in a family setting.

Frequently, kinship providers are called upon by DCYF to care for their relatives with little notice, often the result of crisis in the child's home. When considering placement in a kinship home, DCYF conducts an assessment to determine that the relative is "fit and willing." This includes conducting a criminal records check, child welfare records check, and a visual inspection of the home. After completion of this initial assessment and placement of the child, DCYF has six months to complete full licensing process.

Under Rhode Island's current regulations, achieving licensure requires that kinship, foster, and adoptive parents live in homes that comply with fire and lead standards that are far more stringent than what is required for residents without a foster child placement. Home settings, like kinship and family foster care, are not institutional settings and should not be held to those standards for fire safety.

101 Friendship Street, Providence, Rhode Island 02903

The emergency revisions to the *Foster Care and Adoption Regulation for Licensure* will allow DCYF to hold families with a foster child in the home to the same safety standard as other Rhode Island families. This will ensure that children in the care of DCYF are living with kin in fully licensed homes and there is an adequate supply of family foster and adoptive homes. Without this regulation, DCYF will have to consider placing children in a home that is too restrictive for the child's needs. Moving forward, these updated regulations will help DCYF license kinship homes in a timely manner and remove a significant barrier towards recruiting and licensing foster and adoptive parents.

Claire Richards 7/29/16
 Claire Richards, Esq Date
 Chief Legal Counsel
 Office of the Governor

Page 21