

**TITLE 78
LEGISLATIVE RULE
DEPARTMENT OF HUMAN SERVICES**

**SERIES 2
MINIMUM LICENSING REQUIREMENTS FOR CHILD
PLACING AGENCIES IN WEST VIRGINIA**

§78-2-1. General.

1.1. Scope. -- These regulations establish the rules and regulations of the West Virginia Department of Human Services governing the requirements for the operation of child placing agencies.

1.2. Authority. -- W. Va. Code §49-2.

1.3. Filing Date. -- April 30, 1982.

1.4. Effective Date. -- June 1, 1982.

§78-2-2. General Commentary.

2.1. Development of Standards of Child Care.

"The state department shall be responsible for the development of desirable standards for the care of children. To this end, it shall cooperate with, advise and assist all child welfare agencies, including state institutions, which care for neglected, delinquent, or mentally or physically handicapped children, and shall supervise all such agencies. The department, in cooperation with the state department of health and with child welfare agencies, shall formulate and make available standards of child care and services for children, to which all child welfare agencies must conform."

2.2. Definitions.

"Child Welfare Agency' means any agency or facility maintained by the state or any county or municipality thereof, or any agency or facility maintained by an individual, firm, corporation, association or organization, public or private, to

receive children for care and maintenance, or for placement in residential care facilities, including without limitation, private homes, or any facility that provides care for unmarried mothers and their children.

'Child Placing Agency' means a child welfare agency organized for the purpose of placing children in private family homes for foster care or for adoption. The function of a child placing agency may include the investigation and certification of foster family homes and foster family group homes as provided in this chapter. The function of a child placing agency may also include the supervision of children who are sixteen (16) or seventeen (17) years old and living in unlicensed residences.

'Foster Family Home' means a private residence which is used for the care on a residential basis of no more than five children who are unrelated by blood, marriage, or adoption to any adult member of the household.

'Foster Family Group Home' means a private residence which is used for the care on a residential basis of six (6), seven (7) or eight (8) children who are unrelated by blood, marriage or adoption to any adult member of the household."

2.3. Approval of Incorporation.

"Before issuing a charter for the incorporation of any organization having as its purpose the receipt of children for care or for placement in family homes, the Secretary of State shall provide a copy of the petition, together with any other information in his possession pertaining to the proposed corporation, to the state department

and no charter for any such corporation shall be issued unless the state department shall first certify to the Secretary of State that it has investigated the need for the services proposed and the merits of the proposed charitable corporation and recommends the issuance thereof; applications for amendments of any existing charter shall be granted only upon similar approval."

"A child welfare agency shall not be incorporated in this State unless the articles of incorporation have first been examined and approved by the state department. Proposed amendments to such articles of incorporation shall likewise be subject to the examination and approval of the state department."

2.4. License and Approval Requirements.

"Any person, corporation, or child welfare agency other than a state agency, which operates a residential child care facility, a child placing agency or a day care center shall have a license. Any residential child care facility, day care center or any child placing agency operated by the state shall obtain approval of its operations from the commissioner. Such facilities and placing agencies shall maintain the same standards of care applicable to licensed facilities, centers or placing agencies of the same category."

2.5. Conditions of Licensure and Approval.

(a) "A license or approval is effective for a period of two (2) years from the date of issuance, unless revoked or modified to provisional status based on evidence of a failure to comply with the provisions of this article or any rules and regulations promulgated pursuant to this article. The license or approval shall be reinstated upon application to the commissioner and a determination of compliance. The license or approval issued under this article is not transferable and applies only to the facility and its location stated in the application. This license or approval shall be publicly displayed, except foster family homes, foster family group homes and

group homes shall be required to display licenses upon request rather than by posting.

(b) A provisional license or approval may be issued as (i) An initial license or approval to a new facility which has been unable to demonstrate full compliance because the facility is not fully operational, or (ii) A temporary license or approval to an established licensed facility which is temporarily unable to conform to the provisions of this article or the rules and regulations promulgated hereunder. A provisional license or approval shall expire six (6) months from the date of issuance and may be reinstated no more than two (2) times. The issuance of a provisional license or approval shall be contingent upon the submission to the commissioner of an acceptable plan to overcome identified deficiencies within the period of the provisional license or approval.

(c) The commissioner, as a condition of issuing a license or approval, may (i) Limit the age, sex or type of problems of children allowed admission to a particular facility, (ii) Prohibit intake of any children, or (iii) Reduce the number of children which the agency or facility operated by the agency is licensed or approval to receive."

2.6. Waivers and Variances to Rules and Regulations.

"Waivers or variances of rules or regulations may be granted by the commissioner if the health, safety or well-being of a child would not be endangered thereby."

"'Variance' means a declaration that a rule may be accomplished in a manner different from the manner set forth in the rule."

"'Waiver' means a declaration that a certain rule is inapplicable in a particular circumstance."

2.7. Supervision and Consultation Required.

"The commissioner shall provide supervision to ascertain compliance with the rules and regulations promulgated pursuant to this article through regular monitoring, visits to facilities, documentation, evaluation and reporting. The commissioner shall consult with applicants, the personnel of child welfare agencies, and children under care to assure the highest quality child care possible. The director of the department of health and the state fire marshal shall cooperate with the commissioner in the administration of the provisions of this article by providing such reports and assistance as may be requested by the commissioner."

2.8. Administrative and Judicial Review.

"Any person, corporation, governmental official or child welfare agency, aggrieved by a decision of the commissioner made pursuant to the provisions of this article may contest the decision upon making a request for a hearing by the commissioner within thirty (30) days of receipt of notice of the decision. Administrative and judicial review shall be made in accordance with the provisions of article five, chapter twenty-nine-a of this code."

2.9. Administrative Hearing Procedure for Licensed or Approved Child Welfare Agencies.

1. This administrative hearing procedure applies to "any person, corporation, governmental official or child welfare agency aggrieved by a decision of the commissioner..."

2. Reasons for Appeal: (a) Denial of license for child welfare agencies or approval of other specified facilities caring for children (b) Revocation of a license/approval or placement on provisional status for currently licensed or approved facilities (c) Any adverse decision of the commissioner pursuant to provisions of chapter 49, article 2, of the West Virginia code.

3. Request for a hearing: All requests for a hearing must be made in writing within thirty (30) days of receipt of notice of the

decision to deny application for a license, revocation of a license, or denial of a certificate of approval or revocation of a certificate of approval.

Upon receipt of the request, the state hearing officer will schedule the hearing and give all parties at least ten (10) days notice of the date, time and place of the hearing, and a brief statement of the matters asserted or the issue(s) involved.

4. State Hearing Officer: The hearing will be conducted by an impartial state hearing officer who has not previously been involved in the case under appeal.

The state hearing officer will have the authority to (a) Administer oaths and affirmations (b) Regulate the course of the hearing (c) Hold conference for the settlement of simplification of the issues by consent of the parties (d) Dispose of procedural requests or similar matters (e) Rule upon offers of proof and receive relevant evidence (f) Arrive at a decision based on proper evidence presented at the hearing and the rules and regulations regarding the specific program in question.

The state hearing officer does not have the authority to issue subpoenas for witnesses or documents, books or records, although he or she may request voluntary attendance by witnesses or production of records or other evidence which are relevant to the issues in dispute.

5. Procedures in the Hearing and Decision: (a) An opening statement by the hearing officer to introduce the purpose of the hearing and briefly set forth rules and procedures to be utilized in the hearing. (b) The hearing will be recorded by a mechanical device or by stenographic notes and characters. (c) The state hearing officer will administer oaths and affirmations to those individuals testifying. (d) The issue or issues to be decided upon in the hearing will be set forth at the beginning. Additional issues may be added during the hearing if agreed by both parties. (e) Each party will be given opportunity to present its case

without undue restrictions providing the evidence and information is related to the issue or issues involved in the hearing. All material evidence entered will be noted in the record and numbered. The rules of evidence as applied in civil cases in the circuit court of the state shall be followed. (f) Each party has the right to cross examine witnesses who testify and the right to redirect and submit rebuttal evidence. (g) Each party may object to improper or irrelevant evidence presented and have their objection ruled upon or noted in the record. (h) Each party will be given the opportunity to sum up their position. (i) Prior to making a final decision, each party will have an opportunity to present its view of the facts and applicable law in a written statement to the state hearing officer. If submitted either or both parties will be allowed to review the written statements of the adverse party and submit a final written argument on the matter prior to the final decision of the hearing officer. (j) Based on proper evidence presented at the hearing and any findings of fact and conclusions of law presented, the state hearing officer will make a final decision. (k) A copy of the final order or decision will be served upon each party and attorney in person or by registered or certified mail. (l) Any party requesting a hearing or an appeal from an adverse decision of the Department of Human Services shall bear the necessary and attendant costs of such an appeal or hearing, including costs of transportation, court reporting, production, and copying of documents and all similar costs. Costs for a fact finder or hearing officer shall be borne by the Department of Human Services.

6. Judicial Review: Any party adversely affected by the final decision may institute a judicial review by filing a petition in either the Circuit Court of Kanawha County or in the circuit court of the county in which the petitioner lives or does business.

§78-2-3. Organization and Administration.

3.1. Purpose of Agency. The agency shall develop a written statement of philosophy, purpose, program orientation and policy for operation.

3.2. Need of Service. The agency shall furnish the Department of Human Services with the following:

(a) Evidence of a need for services to a particular group of children;

(b) A description of the manner by which the agency intends to meet the identified needs;

(c) A description of the geographical area it serves or intends to serve.

3.3. Governing Body. All facilities shall have a governing body that is responsible for and has authority over the policies and activities of the child placing agency. If a child placing agency is owned by a partnership or association, the partners or association shall be regarded as the governing body for the purpose of this subsection. If a child placing agency is owned by a sole proprietor, the responsibility imposed on a governing body by this subsection shall be borne by that proprietor. If a child placing agency is operated as a public supported child placing agency, the responsibilities imposed on a governing body shall be borne by persons legally delegated by the authority of the Legislature.

a. Child placing agencies that are owned corporately shall provide the Department of Human Services with a list of names, addresses, and titles of the offices and/or executive committee of the governing body. Child placing agencies that are owned jointly or individually shall provide the department with a list of names and addresses of the partner or owner. The department shall be notified of any changes.

b. The governing body shall be responsible for policies and programs, for ensuring adequate financing, and for ensuring compliance with minimum standards.

c. The agency shall operate in accordance with its written policies. Copies of policies required by minimum standards shall be

made available to agency staff.

d. The governing body shall meet as often as necessary to review the operation of the agency and to ensure that the agency is fulfilling its stated purpose. A permanent record shall be kept of minutes of board meetings and of policies and administrative decisions made by the governing body. The minutes of board meetings shall be available for review by the licensing authority of the Department of Human Services.

§78-2-4. Financial.

4.1. The agency shall have a plan of financing which gives assurance of sufficient funds to enable it to carry out its defined purposes and provide adequate care for children. The initial application shall give evidence that there are sufficient funds to assure the first year of operation.

4.2. The agency shall biannually, together with the application for license renewal, submit evidence of financial responsibility which shall include an annual financial statement. Such statement shall reflect the current fiscal condition of the agency and shall include its working budget.

4.3. Financial records shall be audited annually by a certified public accountant who is not an employee of the agency nor a member of the governing board. A copy of the auditor's report shall be made available to the department's licensing representative upon request.

4.4. If the child placing agency has a fee schedule, a written statement of the agency's policy shall be available for review by the licensing authority of the Department of Human Services.

§78-2-5. Personnel.

5.1. Child placing agencies shall have written personnel policies and procedures and shall make them available to all staff members, persons seeking employment, and the department's licensing authority. Personnel policies and practices shall be

reviewed and revised when necessary.

a. The child placing agency shall make the policies and procedures available to staff in a personnel policy manual which shall include the following:

1. A current organizational table showing the administrative structure of the agency, including the lines of authority, responsibility, communication, and staff assignments.

2. Written job descriptions for each position defining the qualifications, duties and title of all staff.

3. A description of the conditions of employment, including employee benefits, provision for paid annual vacation, sick leave and holidays.

4. Provision for professional growth through supervision, orientation, in-service training, staff development programs and educational leave.

5. Provision for annual evaluation of the work and performance of each staff member. Evaluations shall be shared with the employee and shall be made part of the personnel record.

6. A description of termination procedures established for termination of employment due to resignation, retirement, or discharge.

7. A grievance procedure for employees.

8. A statement of compliance with Title VI of the Civil Rights Act and Section 504 of the Rehabilitation Act regarding employment practices and non-discrimination.

b. The agency shall maintain an accurate personnel record on each employee's

qualifications, past employment and personal evaluations.

§78-2-6. Professional Qualifications of Staff.

6.1. The child placing agency staff shall include a person with a minimum of a master's degree in social work from a school accredited by the Council on Social Work Education and two (2) years of post-masters experience in child welfare services.

a. Any additional staff engaged in child placement decision making shall meet one of the following qualifications:

1. A graduate degree in social work, behavioral or social science from an accredited college or university;

2. A bachelor's degree from an accredited college or university and three (3) years of supervised experience in child welfare services;

3. A bachelor's degree from an accredited college or university and current direct supervision from a person meeting one of the above qualifications.

§78-2-7. Social Services Related to Child Placing.

7.1. Intake Requirements.

a. A child placing agency shall have a written description of services offered and the criteria for service eligibility which shall include; (a) who is eligible for services (b) what fees, if any, are charged.

b. A child placing agency shall document that social services to preserve the family unit have been provided to the family and child and that alternatives to placement have been explored with them, where appropriate.

c. The agency shall keep a record

of all requests for services and the reasons for denial of services.

d. The agency shall provide referral assistance to persons seeking services not provided by the agency.

7.2. Intake Procedures and Practices.

Upon referral or application, the agency shall assess the child's social and family history, physical and dental health history, legal status, the strengths, resources and the needs of the child and his/her family, the role of the child's parent(s), significant other(s) during placement, and the identification of the specific needs of the child and the family that warrant placements.

7.3. Case Plan.

a. Upon completion of the intake assessment the licensed agency shall develop a written service plan consistent with the Child Welfare and Adoption Assistance Act of 1980 (P.L. 96-272). The plan shall include, but not be limited to:

1. Selection and description of the type of placement appropriate to meet the child's needs.

2. Projected duration of placement.

3. Preplacement activities with child and family.

4. Specific treatment goals for child and family.

5. Specific steps to accomplish each goal.

6. Specific time frames for goals.

7. Designation of responsibility for carrying out steps with the child,

parents, foster parents, adoptive parents, and court (where involved) including frequency of contact by all parties involved.

8. Date of first review of progress on steps and goals.

9. Description of the conditions under which the child shall be returned home, attain independent living, or when termination of parental rights should be initiated.

b. The parents or other significant persons to the child as well as the child, appropriate to his/her understanding, shall participate in developing the placement plan and participate in service contacts or agreements.

c. Prior to accepting a child for placement from a parent or custodian, the agency shall secure written authority for medical care.

d. The agency shall help parents to understand the legal rights and obligations that they retain and those delegated to the agency by the court.

7.4. Supervision and Review of the Case Plan.

a. Throughout the duration of placement, the agency shall review each foster child's status no less frequently than once every six (6) months either by a court or by an administrative review to:

1. Determine the continuing need for an appropriateness of the placement.

2. Determine the extent of compliance with the case plan.

3. Determine the extent of progress being made toward alleviating or mitigating the cause necessitating placement in foster care.

4. Project a likely date by which the child may be returned home or placed for adoption or legal guardianship.

7.5. Placement Services to Families and Children.

a. Services to Parents. The extent to which the child placing agency is directly involved with parents of children in care is dependent on the individual plan for each child served.

1. The child placing agency services shall be accessible and available to the parents of children in care and to expectant parent(s) requesting services.

2. The choice to use an agency's services must be the parent's or guardian's decision except when the choice has been taken from the parents by court order.

3. The agency shall help the family to have access to the services necessary to accomplish the case plan goals. While the child is in care, the agency shall assist the parents with the problems and needs that brought about the circumstances of placement.

4. Expectant parents considering placement shall receive assistance in the decision making process before the child is born and thereafter. The case record shall indicate that alternatives to placement have been discussed with the parents.

7.6. Preplacement Planning and Preparation.

a. The agency shall select the most appropriate form of placement for the child consistent with the child's and family's needs -- foster family care, residential group care, independent living or adoption. In choosing such placement, the agency shall provide for any specialized services the child may need in the least restrictive setting and in the closest available

program to the child's home consistent with the child's needs and best interests.

b. The agency shall take into consideration and preserve the child's racial, cultural, ethnic and religious heritage to the extent possible without jeopardizing the child's right to care when selecting the placement for him.

c. The agency shall be aware of the need to provide the child with a continuity of social worker relationship for the anticipated duration of care when selecting the placement.

d. The child's worker shall help the child understand the reasons for the placement and preparing him/her for a new environment. The worker shall plan and participate in preplacement contacts as appropriate.

e. The agency shall arrange a general medical examination by a physician for each child as soon as possible and no later than one (1) month of admission into care unless the child has received such an examination within thirty (30) days before admission and the results of this examination are available to the agency. Annual dental exams shall be arranged thereafter throughout the duration of placement.

7.7. Services During Care.

a. The child placing agency shall coordinate the planning and services to the child and family as outlined in the case plan.

b. The agency shall arrange visits and promote constructive contacts with the parents and children throughout placement.

c. Parents and children shall be provided the opportunity to meet on a regular basis with the social worker regarding their progress on resolving problems that may have precipitated placement, their progress in coping with problems through the use of substitute care, the parent and child's relationship difficulties arising from separation, and progress toward achievement of

case goals.

7.8. Aftercare Services. When a child is discharged from care, the agency shall develop and aftercare plan with the parents, or guardian, and child to assess the need for ongoing services and identify the appropriate resources to meet these needs.

7.9. Case Record Contents. The child placing agency's case record contents shall include documentation of the above intake and assessment requirements, service plan and case review(s) and aftercare services. Recording of casework activities and services shall be summarized in the case record on at least a quarterly basis.

§78-2-8. Foster Family Care.

8.1. Recruitment.

a. The agency shall have a recruitment process with designated staff and funding to reach out and inform the community about children needing foster homes.

b. The agency shall provide information to prospective foster parents about foster care, the agency, the requirements for foster parents, the children needing foster care, the approval process and the reimbursement rates.

c. The agency shall recruit foster parents who can respond to the agency's need to place specific children and be able to adjust their recruitment techniques as the kinds of children needing placement change.

8.2. Family Home Study.

a. The agency shall obtain information from prospective foster parents declaring their intent to become foster parents and basic data about their family, their home, their financial status and references.

b. In conducting the study, the agency shall include at least one (1) face-to-face

interview with each member of the household.

c. The foster parents record shall include but not be limited to the following areas:

1. Motivation for care.
2. Family's attitude toward foster children.
3. Family's attitude toward child's biological parents.
4. Adjustment of own children in home, school and community.
5. Verification of marital status.
6. Discipline techniques.
7. Parenting skills.
8. Family's plan to provide care and supervision, consistent with the needs of foster child.
9. Inter-family relationships.
10. Type, age, number and sex of children desired.
11. Family's attitude toward religion.
12. Ability of family to cooperate with and participate in agency planning efforts.
13. References.

d. During the initial study, information shall be obtained regarding health history of the foster parent(s), including a written statement or form from a physician with sufficient information to enable the agency to assess the applicant's ability to assume the responsibility of

foster parenting. Information shall include a description of their general health, specific illnesses and disabilities, and written reports of chest x-rays or such other tests as are recommended by the physician. It should also be determined that other adults or children in the household do not present hazards to a foster child through communicable disease or other illnesses. An annual physical examination is desirable for foster parents and other household members and shall be required when there is a basis for concern.

e. It must be determined at the time of initial approval that the family has a stable income sufficient for maintenance of the family without the supplementation of the board payment. In situations where financial problems develop in the course of the family's care of the foster child and it is clear that the child's welfare will be served best by his remaining in the home, the agency should help the family secure supplementation of their income if necessary to maintain the home, either through direct assistance or by referral to appropriate resources.

f. Physical facilities of the home should present no hazards to the safety of a foster child. Physical standards should be of a degree of comfort and cleanliness sufficient to insure the well-being of the family and its self-respect in the community in which he resides.

1. The foster home should be readily available to telephone service.

2. Both indoor and outdoor play space and suitable toys, books, etc., must be available as appropriate to the age and needs of the children.

3. Each child shall be provided with his own individual bed. There must be sufficient sleeping space so neither the family's own children nor the foster children shall share the bedroom nor bed of any adult or child of the opposite sex. (Exceptions may be made on a temporary basis for children under two (2) years of age).

g. The final component of the family home study shall include:

1. A recommendation for the number, age, sex, characteristics and special needs of children best served by the family.

2. A statement of potential problem areas or concerns and the agency's plan for support services.

3. A description of the type of children for whom placement with the family would not be appropriate.

8.3. Notification to Applicants.

a. When the family homestudy indicates the foster family applicants meet the approval requirements, the agency shall notify the family in writing specifying the number, age, and sex of children for whom they are approved.

b. If the family homestudy indicates the foster family applicants do not meet the approval requirements, the agency shall so notify the family.

8.4. Services to Foster Parent(s).

a. The agency shall provide orientation to foster parents to acquaint them with the agency's policies and practices.

b. The agency shall provide training opportunities for the foster families to increase their skills and parenting abilities appropriate to the individual children being served.

c. The agency shall provide on-going support services are needed by the child and/or foster family.

d. The agency shall have a written agreement form with each foster family which includes the expectations, rights, and responsibilities of both the agency and the foster family.

e. The agency shall schedule an annual evaluation of the foster family home at which time agency requirements will be reviewed for compliance and an assessment made of the care and progress of each foster child in their home.

1. The results of the evaluation shall be made available in written form in the foster home record.

8.5. Foster Family Group Care.

a. All of the foster family home approval requirements shall be met prior to approval of a family group home.

b. At the time of application for family group care, the foster parents shall submit a written plan to the agency which will include but not be limited to:

1. A statement of motivation and intent to provide family group care including supportive documentation of ability to provide specialized services to individual children placed in their homes.

2. A statement identifying special support services which the family anticipates will be needed and should be provided by the agency and/or other community resources.

3. A description of the population of children the applicants feel qualified to serve.

c. The homestudy process shall reflect an awareness of the distinction between foster family and foster family group care including statements as to how the special needs, services, care and supervision of the children will be provided.

d. If the agency approves the application for foster family group care, a written agreement between the child placing agency and family group home shall be developed. The agreement shall include a description of the

supportive services which shall be provided in order to meet the needs of the population to be served.

e. Evaluations of the foster family group home shall be conducted every six (6) months to review the appropriateness of individual care children are receiving.

§78-2-9. Adoptive Home Finding.

9.1. Recruitment.

a. Recruitment shall be a continual process in the agency to meet the particular needs of the children available for adoption.

b. The agency shall provide orientation to prospective adoptive parents to acquaint them with the agency's policies and practices and the approximate time the assessment will take, eligibility standards, types of children available and the availability of subsidy.

9.2. Adoptive Family Standards.

a. The agency shall obtain information from the prospective adoptive parents declaring their intent to become adoptive parents and basic data about their family, their home, their financial status, and references to initiate a home study.

b. In conducting the study, the agency shall include at least one (1) face-to-face interview with each member of the household.

c. The adoptive parent(s) record should include but not be limited to the following areas:

- 1. Motivation for adoption.
- 2. Family's attitude toward adoptive children.

3. Family's attitude toward child's biological parents.

4. Emotional stability, physical health, and compatibility of adoptive parents.

5. Ability to cope with problems, stress, frustrations, crisis and loss.

6. Verification of marital status.

7. Discipline techniques.

8. Parenting skills.

9. Family's attitude toward religion.

10. Ability to provide for child's physical and emotional needs.

11. Adjustment of own children in home, school and community.

12. Type, age, number and sex of children desired.

13. References.

d. Information shall be obtained regarding health history of the adoptive applicant(s), including a written statement or form from a physician with sufficient information to enable the agency to assess the applicant's ability to assume the responsibility of adoption. Information shall include a description of their general health, specific illnesses and disabilities, and written reports of chest x-rays or such other tests as are recommended by the physician. It shall also be determined that other adults of children in household do not present hazards to an adopted child through communicable disease or other illness.

e. While there is no fixed amount of income established, the agency must be assured

that the applicant(s) can provide financial stability and security and can meet expenses incurred in daily care of a child. The cost of living in a particular area should be considered in evaluating the applicant's income. The management of income is often as important as the amount.

f. Physical facilities of the home should present no hazards to the safety of a child. Physical standards should be of a degree of comfort and cleanliness sufficient to insure the well-being of the family and its self-respect in the community in which he resides.

1. Both indoor and outdoor play space and suitable toys, books, etc. must be available as appropriate to the age and needs of the children.

2. Each child shall be provided with his own individual bed. There must be sufficient sleeping space so neither the family's own children nor the adopted children shall share the bedroom nor bed of any adult or child of the opposite sex. (Exceptions may be made on a temporary basis for children under two (2) years of age).

g. The final component of the family study shall include:

1. A recommendation for the number, age, sex, characteristics, and special needs children best served by the family.

2. A statement of potential problem areas or concerns and the agency's plan for support services.

3. A description of the type of children who placement with the family would not be appropriate.

h. A follow-up contact with the approved inactive homes is required annually until a child is placed or the family withdraws.

9.3. Notification to Applicants.

a. When the family study indicates the adoptive applicants meet the approval requirements, the agency shall notify the family in writing specifying the number, age and sex of children for whom they are approved.

b. If the family study indicates the adoptive applicants do not meet the approval requirements, the agency shall so notify the family.

9.4. Services to Adoptive Parents.

a. The agency shall discuss potential children with the adoptive family and shall prepare the adoptive family for the placement of a particular child by anticipating the adjustments and problems that may arise during and after placement.

b. The social worker shall visit the adoptive family at least bimonthly until consummation of the adoption. More frequent contact may be necessary based on the special needs of the child in placement.

c. The agency shall be available to the adoptive family for post-adoptive counseling.

d. The agency shall help the family explore the need for subsidy or other community resources dependent on the specialized needs of the child and family.

9.5. Independent Living.

a. An off-campus independent living program shall have a child placing license.

b. A residential facility which operates an independent living program shall designate a person to assume overall responsibility for that program.

c. An independent living program shall have its own written annually updated budget which clearly identifies all costs related to the provision of independent living services.

d. Accurate, complete and up-to-date administrative records shall be kept on each child in an off-campus independent living program.

9.6. Physical Environment and Safety.

a. When placing children in off-campus independent living settings geographic location, rent, conformity to building codes, availability of public transportation and of telephone shall be considered by program staff prior to approval.

b. The number of children placed off-campus through an independent living program who may be placed together shall be limited to the number a house or an apartment may accommodate following the guidelines of a minimum of sixty (60) square foot per occupant in bedrooms or eighty (80) square foot for single bedrooms, and in no case shall exceed four children.

c. Roommates of children placed off-campus shall be approved by the placing agency.

d. Children shall not be placed in transient and/or overnight type facilities such as rescue missions, motels, non-residential hotels, adult emergency shelters, tourist homes, etc.

9.7. Human Resources.

a. A residential facility which operates an off-campus independent living program shall provide social casework staff to that program in proportion and relation to on-campus casework staff ratios.

b. Each child placed in an off-campus independent living situation shall have a social caseworker assigned to him/her. The child shall know who that caseworker is and shall be advised how to contact that worker during and after agency working hours.

9.8. Quality of Life.

a. Each child placed off-campus shall be assured of sufficient financial support to live independently. This may be provided directly by the agency, by parents, guardians, or custodians, by the child through earnings from employment, or indirectly by the child in the form of financial aid for continuing education (scholarship, work-study, etc.).

b. Each child placed off-campus in an independent living arrangement shall be provided with a general medical examination by the placing agency.

c. Each child placed off-campus shall be encouraged to seek and use periodic preventive medical and dental care.

d. A plan for emergency medical services shall be provided for each child placed off-campus.

e. Each child living off-campus shall have direct and immediate access to his or her medical card whenever needed.

f. The placing agency shall provide explanations of any medications that are prescribed.

g. The placing agency shall have an emergency placement plan for any child placed off-campus who loses his/her place to live to fire or other disaster.

9.9. Direct Service Management.

a. A child shall be sixteen (16) years of age or older to be placed in an off-campus independent living situation.

b. A child shall show adequate emotional functioning and sufficient social maturity to live independently before being placed off-campus.

c. An agency shall have a written description of its independent living program which

shall be provided to the child, his/her parents or guardian, and responsible agency prior to the child's entry into the independent living program.

to be completed by the child in the independent living situation before the child may be discharged from the program.

d. A residential facility which operates an independent living program shall ensure that each child entering independent living meets basic skills training criteria which include:

1. Vocational and citizenship preparation.
2. Dating/marriage.
3. Household management.
4. Budgeting.
5. Nutrition and menu planning.
6. Health, hygiene, safety, and mental health.
7. Recreation and leisure/personal time management.

e. A non-residential agency which operates an independent living program shall make reasonable efforts to ensure that each child placed by them in off-campus independent living situations has access to training in these same basic skills areas.

f. An agency which places a child in an off-campus independent living situation shall make provisions for on-campus, foster home or other approved placement for the child who is not successful in living independently off-campus.

g. An agency shall maintain complete, accurate and up-to-date case records on each child placed off-campus in an independent living situation.

h. An agency shall establish a minimum length of time of successful functioning

These regulations are numbered beginning with the letter "R" which denotes "Rule or Regulation." The numbering system is the same as used in the final printing of the regulations. The system is necessary when referencing or citing a particular rule for information purposes as well as regulatory action.

WEST VIRGINIA LEGISLATIVE REGULATIONS

DEPARTMENT OF WELFARE

CHAPTER 9 - 3

SERIES II

1981 AMENDED

RETYPE AND REFILED JANUARY 1, 1983



WEST VIRGINIA DEPARTMENT OF WELFARE

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*Trille 78
Legislative Rules
Department of Human Services
Series 2*

Minimum Licensing Requirements for Child Placing Agencies in West Virginia

Section 1 General

- 1.1 ~~R1.01~~ Scope - These regulations establish the rules and regulations of the West Virginia Department of Welfare governing the requirements for the operation of child placing agencies.
- 1.2 ~~R1.02~~ Authority - These regulations are issued under authority of West Virginia Code, Chapter 49, Article 2, *W.V. Code of 49-2* Public Welfare Law.
- 1.3 ~~R1.03~~ Filing Date - The regulations are promulgated on the 30th day of April, 1982, and filed on the 30th day of April, 1982, in the Secretary of State's Office.
- 1.4 ~~R1.04~~ Effective Date - These regulations become effective on the First day of June, 1982.

~~MINIMUM LICENSURE REQUIREMENTS FOR CHILD PLACING AGENCIES IN WEST VIRGINIA~~

Section 2 GENERAL COMMENTARY

2.1 Development of Standards of Child Care

"The state department shall be responsible for the development of desirable standards for the care of children. To this end, it shall cooperate with, advise and assist all child welfare agencies, including state institutions, which care for neglected, delinquent, or mentally or physically handicapped children, and shall supervise all such agencies. The department, in cooperation with the state department of health and with child welfare agencies, shall formulate and make available standards of child care and services for children, to which all child welfare agencies must conform."^{1e}

2.2 Definitions

"'Child welfare agency' means any agency or facility maintained by the state or any county or municipality thereof, or any agency or facility maintained by an individual, firm, corporation, association or organization, public or private, to receive children for care and maintenance, or for placement in residential care facilities, including without limitation, private homes, or any facility that provides care for unmarried mothers and their children."^{2e}

"'Child placing agency' means a child welfare agency organized for the purpose of placing children in private family homes for foster care or for adoption. The function of a child placing agency may include the investigation and certification of foster family homes and foster family group homes as provided

¹Public Welfare Law of West Virginia, Chapter 49, Article 2, Section 3

²Public Welfare Law of West Virginia, Chapter 49, Article 1, Section 5

in this chapter. The function of a child placing agency may also include the supervision of children who are sixteen or seventeen years old and living in unlicensed residences.

'Foster family home' means a private residence which is used for the care on a residential basis of no more than five children who are unrelated by blood, marriage, or adoption to any adult member of the household.

'Foster family group home' means a private residence which is used for the care on a residential basis of six, seven or eight children who are unrelated by blood, marriage or adoption to any adult member of the household."³

2.3 Approval of Incorporation

"Before issuing a charter for the incorporation of any organization having as its purpose the receipt of children for care or for placement in family homes, the secretary of state shall provide a copy of the petition, together with any other information in his possession pertaining to the proposed corporation, to the state department and no charter for any such corporation shall be issued unless the state department shall first certify to the secretary of state that it has investigated the need for the services proposed and the merits of the proposed charitable corporation and recommends the issuance thereof; applications for amendments of any existing charter shall be granted only upon similar approval."⁴

"A child welfare agency shall not be incorporated in this State unless the articles of incorporation have first been examined and approved by the state

³Public Welfare Law of West Virginia, Chapter 49, Article 2B, Section 2

⁴Public Welfare Law of West Virginia, Chapter 49, Article 3, Section 2

department. Proposed amendments to such articles of incorporation shall likewise be subject to the examination and approval of the state department."^{5e}

2.4 License and Approval Requirements

"Any person, corporation, or child welfare agency other than a state agency, which operates a residential child care facility, a child placing agency or a day care center shall have a license. Any residential child care facility, day care center or any child placing agency operated by the state shall obtain approval of its operations from the commissioner. Such facilities and placing agencies shall maintain the same standards of care applicable to licensed facilities, centers or placing agencies of the same category."^{6e}

2.5 Conditions of Licensure and Approval

(a) "A license or approval is effective for a period of two years from the date of issuance, unless revoked or modified to provisional status based on evidence of a failure to comply with the provisions of this article or any rules and regulations promulgated pursuant to this article. The license or approval shall be reinstated upon application to the commissioner and a determination of compliance. The license or approval issued under this article is not transferable and applies only to the facility and its location stated in the application. This license or approval shall be publicly displayed, except foster family homes, foster family group homes and group homes shall be required to display licenses upon request rather than by posting.

⁵Public Welfare Law of West Virginia, Chapter 49, Article 2, Section 6

⁶Public Welfare Law of West Virginia, Chapter 49, Article 2B, Section 3

(b) A provisional license or approval may be issued as (i) An initial license or approval to a new facility which has been unable to demonstrate full compliance because the facility is not fully operational, or (ii) A temporary license or approval to an established licensed facility which is temporarily unable to conform to the provisions of this article or the rules and regulations promulgated hereunder. A provisional license or approval shall expire six months from the date of issuance and may be reinstated no more than two times. The issuance of a provisional license or approval shall be contingent upon the submission to the commissioner of an acceptable plan to overcome identified deficiencies within the period of the provisional license or approval.

(c) The commissioner, as a condition of issuing a license or approval, may (i) Limit the age, sex or type of problems of children allowed admission to a particular facility, (ii) Prohibit intake of any children, or (iii) Reduce the number of children which the agency or facility operated by the agency is licensed or approval to receive."^{7e}

2.6 Waivers and Variances to Rules and Regulations

"Waivers or variances of rules or regulations may be granted by the commissioner if the health, safety or well-being of a child would not be endangered thereby."^{8e}

"'Variance' means a declaration that a rule may be accomplished in a manner different from the manner set forth in the rule."

⁷Public Welfare Law of West Virginia, Chapter 49, Article 2B, Section 6
⁸Public Welfare Law of West Virginia, Chapter 49, Article 2B, Section 7

"'Waiver' means a declaration that a certain rule is inapplicable in a particular circumstance."⁹

2.1 Supervision and Consultation Required

"The commissioner shall provide supervision to ascertain compliance with the rules and regulations promulgated pursuant to this article through regular monitoring, visits to facilities, documentation, evaluation and reporting. The commissioner shall consult with applicants, the personnel of child welfare agencies, and children under care to assure the highest quality child care possible. The director of the department of health and the state fire marshal shall cooperate with the commissioner in the administration of the provisions of this article by providing such reports and assistance as may be requested by the commissioner."¹⁰

2.8 Administrative and Judicial Review

"Any person, corporation, governmental official or child welfare agency, aggrieved by a decision of the commissioner made pursuant to the provisions of this article may contest the decision upon making a request for a hearing by the commissioner within thirty days of receipt of notice of the decision. Administrative and judicial review shall be made in accordance with the provisions of article five, chapter twenty-nine - a of this code."¹¹

2.9 Administrative Hearing Procedure for Licensed or Approved Child Welfare Agencies

1. This administrative hearing procedure applies to "any person, corporation, governmental official or child welfare agency aggrieved by a decision of the commissioner . . ."¹²

⁹Public Welfare Law of West Virginia, Chapter 49, Article 2B, Section 2

¹⁰Public Welfare Law of West Virginia, Chapter 49, Article 2B, Section 9

¹¹Public Welfare Law of West Virginia, Chapter 49, Article 2B, Section 13

2. Reasons for Appeal: (a) Denial of license for child welfare agencies or approval of other specified facilities caring for children (b) Revocation of a license/approval or placement on provisional status for currently licensed or approved facilities (c) Any adverse decision of the commissioner pursuant to provisions of chapter 49, article 2, of the West Virginia code.

3. Request for a hearing: All requests for a hearing must be made in writing within 30 days of receipt of notice of the decision to deny application for a license, revocation of a license, or denial of a certificate of approval or revocation of a certificate of approval.

Upon receipt of the request, the state hearing officer will schedule the hearing and give all parties at least ten days notice of the date, time and place of the hearing, and a brief statement of the matters asserted or the issue(s) involved.

4. State Hearing Officer: The hearing will be conducted by an impartial state hearing officer who has not previously been involved in the case under appeal.

The state hearing officer will have the authority to (a) Administer oaths and affirmations (b) Regulate the course of the hearing (c) Hold conference for the settlement or simplification of the issues by consent of the parties (d) Dispose of procedural requests or similar matters (e) Rule upon offers of proof and receive relevant evidence (f) Arrive at a decision based on proper evidence presented at the hearing and the rules and regulations regarding the specific program in question.

The state hearing officer does not have the authority to issue subpoenas for witnesses or documents, books or records, although he or she may request voluntary attendance by witnesses or production of records or other evidence which are relevant to the issues in dispute.

5. Procedures in the Hearing and Decision: (a) An opening statement by the hearing officer to introduce the purpose of the hearing and briefly set forth rules and procedures to be utilized in the hearing. (b) The hearing will be recorded by a mechanical device or by stenographic notes and characters. (c) The state hearing officer will administer oaths and affirmations to those individuals testifying. (d) The issue or issues to be decided upon in the hearing will be set forth at the beginning. Additional issues may be added during the hearing if agreed by both parties. (e) Each party will be given opportunity to present its case without undue restrictions providing the evidence and information is related to the issue or issues involved in the hearing. All material evidence entered will be noted in the record and numbered. The rules of evidence as applied in civil cases in the circuit court of the state shall be followed. (f) Each party has the right to cross examine witnesses who testify and the right to redirect and submit rebuttal evidence. (g) Each party may object to improper or irrelevant evidence presented and have their objection ruled upon or noted in the record. (h) Each party will be given the opportunity to sum up their position. (i) Prior to making a final decision, each party will have an opportunity to present its view of the facts and applicable law in a written statement to the state hearing officer. If submitted either or both parties will be allowed to

review the written statements of the adverse party and submit a final written argument on the matter prior to the final decision of the hearing officer.

(j) Based on proper evidence presented at the hearing and any findings of fact and conclusions of law presented, the state hearing officer will make a final decision. (k) A copy of the final order or decision will be served upon each party and attorney in person or by registered or certified mail. (l) Any party requesting a hearing or an appeal from an adverse decision of the Department of Welfare shall bear the necessary and attendant costs of such an appeal or hearing, including costs of transportation, court reporting, production, and copying of documents and all similar costs. Costs for a fact finder or hearing officer shall be borne by the Department of Welfare.

6. Judicial Review: Any party adversely affected by the final decision may institute a judicial review by filing a petition in either the Circuit Court of Kanawha County or in the circuit court of the county in which the petitioner lives or does business.

Section 3 ORGANIZATION AND ADMINISTRATION

3.1 R1.1 Purpose of Agency - The agency shall develop a written statement of philosophy, purpose, program orientation and policy for operation.

3.2 R1.2 Need of Service - The agency shall furnish the Department of Welfare with the following:

A R1.2.1 Evidence of a need for services to a particular group of children.

B R1.2.2 A description of the manner by which the agency intends to meet the identified needs.

C R1.2.2 A description of the geographical area it serves or intends to serve.

3.3 R1.3 Governing Body - All facilities shall have a governing body that is responsible for and has authority over the policies and activities of the child placing agency. If a child placing agency is owned by a partnership or association, the partners or association shall be regarded as the governing body for the purpose of this subsection. If a child placing agency is owned by a sole proprietor, the responsibility imposed on a governing body by this subsection shall be borne by that proprietor. If a child placing agency is operated as a public supported child placing agency, the responsibilities imposed on a governing body shall be borne by persons legally delegated by the authority of the legislature.

A R1.3.1 Child placing agencies that are owned corporately shall provide the Department of Welfare with a list of names, addresses, and titles of the offices and/or executive committee of the governing body. Child placing agencies that are owned jointly or individually shall provide the department with a list of names and addresses of the partner or owner. The department shall be notified of any changes.

B R1.3.2 The governing body shall be responsible for policies and programs, for ensuring adequate financing, and for ensuring compliance with minimum standards.

C R1.3.3 The agency shall operate in accordance with its written policies. Copies of policies required by minimum standards shall be made available to agency staff.

~~D R1.3.4~~ The governing body shall meet as often as necessary to review the operation of the agency and to ensure that the agency is fulfilling its stated purpose. A permanent record shall be kept of minutes of board meetings and of policies and administrative decisions made by the governing body. The minutes of board meetings shall be available for review by the licensing authority of the Department of Welfare.

Section 4
FINANCIAL

4.1 ~~R1.4~~ The agency shall have a plan of financing which gives assurance of sufficient funds to enable it to carry out its defined purposes and provide adequate care for children. The initial application shall give evidence that there are sufficient funds to assure the first year of operation.

4.2 ~~R1.5~~ The agency shall biannually, together with the application for license renewal, submit evidence of financial responsibility which shall include an annual financial statement. Such statement shall reflect the current fiscal condition of the agency and shall include its working budget.

4.3 ~~R1.6~~ Financial records shall be audited annually by a certified public accountant who is not an employee of the agency nor a member of the governing board. A copy of the auditor's report shall be made available to the department's licensing representative upon request.

4.4 ~~R1.7~~ If the child placing agency has a fee schedule, a written statement of the agency's policy shall be available for review by the licensing authority of the Department of Welfare.

Section 5
5.1 PERSONNEL

~~R1.8~~ Child placing agencies shall have written personnel policies and procedures and shall make them available to all staff members, persons seeking employment, and the department's licensing authority. Personnel policies and practices shall be reviewed and revised when necessary.

A ~~R1.8.1~~ The child placing agency shall make the policies and procedures available to staff in a personnel policy manual which shall include the following:

1. ~~R1.8.1.1~~ A current organizational table showing the administrative structure of the agency, including the lines of authority, responsibility, communication, and staff assignments.

2. ~~R1.8.1.2~~ Written job descriptions for each position defining the qualifications, duties and title of all staff.

3. ~~R1.8.1.3~~ A description of the conditions of employment, including employee benefits, provision for paid annual vacation, sick leave and holidays.

4. ~~R1.8.1.4~~ Provision for professional growth through supervision, orientation, in-service training, staff development programs and educational leave.

5. ~~R1.8.1.5~~ Provision for annual evaluation of the work and performance of each staff member. Evaluations shall be shared with the employee and shall be made part of the personnel record.

6. ~~R1.8.1.6~~ A description of termination procedures established for termination of employment due to resignation, retirement, or discharge.

7 ~~R1.8.1.7~~ A grievance procedure for employees.

8 ~~R1.8.1.8~~ A statement of compliance with Title VI of the Civil Rights Act and Section 504 of the Rehabilitation Act regarding employment practices and non-discrimination.

B ~~R1.8.2~~ The agency shall maintain an accurate personnel record on each employee's qualifications, past employment and personal evaluations.

Section 6
PROFESSIONAL QUALIFICATIONS OF STAFF

6.1 ~~R1.9~~ The child placing agency staff shall include a person with a minimum of a master's degree in social work from a school accredited by the Council on Social Work Education and two years of post-masters experience in child welfare services.

A ~~R1.9.1~~ Any additional staff engaged in child placement decision making shall meet one of the following qualifications:

1 ~~R1.9.1.1~~ A graduate degree in social work, behavioral or social science from an accredited college or university;

2 ~~R1.9.1.2~~ A bachelor's degree from an accredited college or university and three years of supervised experience in child welfare services;

3 ~~R1.9.1.3~~ A bachelor's degree from an accredited college or university and current direct supervision from a person meeting one of the above qualifications.

Section 7
SOCIAL SERVICES RELATED TO CHILD PLACING

7.1 Intake Requirements

A ~~R1.10~~⁹ A child placing agency shall have a written description of services offered and the criteria for service eligibility which shall include; (a) who is eligible for services (b) what fees, if any, are charged.

B ~~R1.11~~⁰ A child placing agency shall document that social services to preserve the family unit have been provided to the family and child and that alternatives to placement have been explored with them, where appropriate.

C ~~R1.12~~⁰ The agency shall keep a record of all requests for services and the reasons for denial of services.

D ~~R1.13~~⁰ The agency shall provide referral assistance to persons seeking services not provided by the agency.

7.2 Intake Procedures and Practices

~~R1.14~~⁰ Upon referral or application, the agency shall assess the child's social and family history, physical and dental health history, legal status, the strengths, resources and the needs of the child and his/her family, the role of the child's parent(s), significant other(s) during placement, and the identification of the specific needs of the child and the family that warrant placement.

7.3 Case Plan

A ~~R1.15~~⁰ Upon completion of the intake assessment the licensed agency shall develop a written service plan consistent with the Child Welfare and Adoption Assistance Act of 1980 (P.L. 96-272). The plan shall include, but not be limited to:

1 ~~R1.15.1~~ Selection and description of the type of placement appropriate to meet the child's needs.

2 ~~R1.15.2~~ Projected duration of placement.

3 ~~R1.15.3~~ Preplacement activities with child and family.

4 ~~R1.15.4~~ Specific treatment goals for child and family.

5 ~~R1.15.5~~ Specific steps to accomplish each goal.

6 ~~R1.15.6~~ Specific time frames for goals.

7 ~~R1.15.7~~ Designation of responsibility for carrying out steps with the child, parents, foster parents, adoptive parents, and court (where involved) including frequency of contact by all parties involved.

8 ~~R1.15.8~~ Date of first review of progress on steps and goals.

9 ~~R1.15.9~~ Description of the conditions under which the child shall be returned home, attain independent living, or when termination of parental rights should be initiated.

B ~~R1.16~~ The parents or other significant persons to the child as well as the child, appropriate to his/her understanding, shall participate in developing the placement plan and participate in service contacts or agreements.

C ~~R1.17~~ Prior to accepting a child for placement from a parent or custodian, the agency shall secure written authority for medical care.

D ~~R1.18~~ The agency shall help parents to understand the legal rights and obligations that they retain and those delegated to the agency by the court.

7.4 Supervision and Review of the Case Plan

A ~~R1.19~~ Throughout the duration of placement, the agency shall review each foster child's status no less frequently than once every six months either by a court or by an administrative review to:

1 ~~R1.19.1~~ Determine the continuing need for an appropriateness of the placement.

2 ~~RI.19.2~~ Determine the extent of compliance with the case plan.

3 ~~R1.19.3~~ Determine the extent of progress being made toward alleviating or mitigating the cause necessitating placement in foster care.

4 ~~R1.19.4~~ Project a likely date by which the child may be returned home or placed for adoption or legal guardianship.

1.5 Placement Services to Families and Children

A ~~R1.20~~ Services to Parents - The extent to which the child placing agency is directly involved with parents of children in care is dependent on the individual plan for each child served.

1 ~~R1.20.1~~ The child placing agency services shall be accessible and available to the parents of children in care and to expectant parent(s) requesting services.

2 ~~R1.20.2~~ The choice to use an agency's services must be the parent's or guardian's decision except when the choice has been taken from the parents by court order.

3 ~~R1.20.3~~ The agency shall help the family to have access to the services necessary to accomplish the case plan goals. While the child is in care, the agency shall assist the parents with the problems and needs that brought about the circumstances of placement.

4 ~~R1.20.4~~ Expectant parents considering placement shall receive assistance in the decision making process before the child is born and thereafter. The case record shall indicate that alternatives to placement have been discussed with the parents.

7.6 ~~R1.21~~ Preplacement Planning and Preparation

A ~~R1.21.1~~ The agency shall select the most appropriate form of placement for the child consistent with the child's and family's needs - - foster family care, residential group care, independent living or adoption. In choosing such placement, the agency shall provide for any specialized services the child may need in the least restrictive setting and in the closest available program to the child's home consistent with the child's needs and best interests.

B ~~R1.21.2~~ The agency shall take into consideration and preserve the child's racial, cultural, ethnic and religious heritage to the extent possible without jeopardizing the child's right to care when selecting the placement for him.

C ~~R1.21.3~~ The agency shall be aware of the need to provide the child with a continuity of social worker relationship for the anticipated duration of care when selecting the placement.

D ~~R1.21.4~~ The child's worker shall help the child understand the reasons for the placement and preparing him/her for a new environment. The worker shall plan and participate in preplacement contacts as appropriate.

E ~~R1.21.5~~ The agency shall arrange a general medical examination by a physician for each child as soon as possible and no later than one month of admission into care unless the child has received such an examination within 30 days before admission and the results of this examination are available to the agency. Annual dental exams shall be arranged thereafter throughout the duration of placement.

1.7 ~~R1.22~~ Services During Care

A ~~R1.22~~ The child placing agency shall coordinate the planning and services to the child and family as outlined in the case plan.

B ~~R1.22.20~~ The agency shall arrange visits and promote constructive contacts with the parents and children throughout placement.

C ~~R1.22.3~~ Parents and children shall be provided the opportunity to meet on a regular basis with the social worker regarding their progress on resolving problems that may have precipitated placement, their progress in coping with problems through the use of substitute care, the parent and child's relationship difficulties arising from separation, and progress toward achievement of case goals.

1.8 ~~R1.23~~ Aftercare Services - When a child is discharged from care, the agency shall develop and aftercare plan with the parents, or guardian, and child to assess the need for ongoing services and identify the appropriate resources to meet these needs.

1.9 ~~R1.24~~ Case Record Contents - The child placing agency's case record contents shall include documentation of the above intake and assessment requirements, service plan and case review(s) and aftercare services. Recording of casework activities and services shall be summarized in the case record on at least a quarterly basis.

Section 8 FOSTER FAMILY CARE

8.1 Recruitment

A ~~R2.1~~ The agency shall have a recruitment process with designated staff and funding to reach out and inform the community about children needing foster homes.

- B ~~R2.2~~ The agency shall provide information to prospective foster parents about foster care, the agency, the requirements for foster parents, the children needing foster care, the approval process and the reimbursement rates.
- C ~~R2.3~~ The agency shall recruit foster parents who can respond to the agency's need to place specific children and be able to adjust their recruitment techniques as the kinds of children needing placement change.

8.2 Family Home Study

- A ~~R2.4~~ The agency shall obtain information from prospective foster parents declaring their intent to become foster parents and basic data about their family, their home, their financial status and references.
- B ~~R2.5~~ In conducting the study, the agency shall include at least one face-to-face interview with each member of the household.
- C ~~R2.6~~ The foster parents record shall include but not be limited to the following areas:
 - 1 ~~R2.6.1~~ Motivation for care
 - 2 ~~R2.6.2~~ Family's attitude toward foster children
 - 3 ~~R2.6.3~~ Family's attitude toward child's biological parents
 - 4 ~~R2.6.4~~ Adjustment of own children in home, school and community
 - 5 ~~R2.6.5~~ Verification of marital status
 - 6 ~~R2.6.6~~ Discipline techniques
 - 7 ~~R2.6.7~~ Parenting skills
 - 8 ~~R2.6.8~~ Family's plan to provide care and supervision, consistent with the needs of foster child
 - 9 ~~R2.6.9~~ Inter-family relationships

10 ~~R2.6.10~~ Type, age, number and sex of children desired

11 ~~R2.6.11~~ Family's attitude toward religion

12 ~~R2.6.12~~ Ability of family to cooperate with and participate in agency planning efforts

13 ~~R2.6.13~~ References

D ~~R2.7~~ During the initial study, information shall be obtained regarding health history of the foster parent(s), including a written statement or form from a physician with sufficient information to enable the agency to assess the applicant's ability to assume the responsibility of foster parenting.

Information shall include a description of their general health, specific illnesses and disabilities, and written reports of chest x-rays or such other tests as are recommended by the physician. It should also be determined that other adults or children in the household do not present hazards to a foster child through communicable disease or other illnesses. An annual physical examination is desirable for foster parents and other household members and shall be required when there is a basis for concern.

E ~~R2.8~~ It must be determined at the time of initial approval that the family has a stable income sufficient for maintenance of the family without the supplementation of the board payment. In situations where financial problems develop in the course of the family's care of the foster child and it is clear that the child's welfare will be served best by his remaining in the home, the agency should help the family secure supplementation of their income if necessary to maintain the home, either through direct assistance or by referral to appropriate resources.

F ~~R2.9~~ Physical facilities of the home should present no hazards to the safety of a foster child. Physical standards should be of a degree of comfort and cleanliness sufficient to insure the well-being of the family and its self-respect in the community in which he resides.

1 ~~R2.9.1~~ The foster home should be readily available to telephone service.

2 ~~R2.9.2~~ Both indoor and outdoor play space and suitable toys, books, etc., must be available as appropriate to the age and needs of the children.

3 ~~R2.9.3~~ Each child shall be provided with his own individual bed. There must be sufficient sleeping space so neither the family's own children nor the foster children shall share the bedroom nor bed of any adult or child of the opposite sex. (Exceptions may be made on a temporary basis for children under two years of age).

G ~~R2.10~~ The final component of the family home study shall include:

1 ~~R2.10.1~~ A recommendation for the number, age, sex, characteristics and special needs of children best served by the family.

2 ~~R2.10.2~~ A statement of potential problem areas or concerns and the agency's plan for support services.

3 ~~R2.10.3~~ A description of the type of children for whom placement with the family would not be appropriate.

8.3 Notification to Applicants

A ~~R2.11~~ When the family homestudy indicates the foster family applicants meet the approval requirements, the agency shall notify the family in writing specifying the number, age, and sex of children for whom they are approved.

B ~~R2.12~~ If the family homestudy indicates the foster family applicants do not meet the approval requirements, the agency shall so notify the family.

8.4 Services to Foster Parent(s)

A ~~R2.12~~ The agency shall provide orientation to foster parents to acquaint them with the agency's policies and practices.

B ~~R2.14~~ The agency shall provide training opportunities for the foster families to increase their skills and parenting abilities appropriate to the individual children being served.

C ~~R2.15~~ The agency shall provide on-going support services are needed by the child and/or foster family.

D ~~R2.18~~ The agency shall have a written agreement form with each foster family which includes the expectations, rights, and responsibilities of both the agency and the foster family.

E ~~R2.17~~ The agency shall schedule an annual evaluation of the foster family home at which time agency requirements will be reviewed for compliance and an assessment made of the care and progress of each foster child in their home.

I ~~R2.17.1~~ The results of the evaluation shall be made available in written form in the foster home record.

8.5 FOSTER FAMILY GROUP CARE

A ~~R3.1~~ All of the foster family home approval requirements shall be met prior to approval of a family group home.

B ~~R3.2~~ At the time of application for family group care, the foster parents shall submit a written plan to the agency which will include but not be limited to:

1 ~~R3.2.1~~ A statement of motivation and intent to provide family group care including supportive documentation of ability to provide specialized services to individual children placed in their homes.

2 ~~R3.2.2~~ A statement identifying special support services which the family anticipates will be needed and should be provided by the agency and/or other community resources.

3 ~~R3.2.3~~ A description of the population of children the applicants feel qualified to serve.

C ~~R3.4~~ The homestudy process shall reflect an awareness of the distinction between foster family and foster family group care including statements as to how the special needs, services, care and supervision of the children will be provided.

D ~~R3.4~~ If the agency approves the application for foster family group care, a written agreement between the child placing agency and family group home shall be developed. The agreement shall include a description of the supportive services which shall be provided in order to meet the needs of the population to be served.

E ~~R3.5~~ Evaluations of the foster family group home shall be conducted every six months to review the appropriateness of individual care children are receiving.

Section 4.9 Adoptive Home Finding

4.1 Recruitment

A ~~R4.2~~ Recruitment shall be a continual process in the agency to meet the particular needs of the children available for adoption.

β ~~R4.2~~ The agency shall provide orientation to prospective adoptive parents to acquaint them with the agency's policies and practices and the approximate time the assessment will take, eligibility standards, types of children available and the availability of subsidy.

9.2 Adoptive Family Standards

4 ~~R4.3~~ The agency shall obtain information from the prospective adoptive parents declaring their intent to become adoptive parents and basic data about their family, their home, their financial status, and references to initiate a home study.

β ~~R4.4~~ In conducting the study, the agency shall include at least one face-to-face interview with each member of the household.

⊂ ~~R4.5~~ The adoptive parent(s) record should include but not be limited to the following areas:

1 ~~R4.5.1~~ Motivation for adoption

2 ~~R4.5.2~~ Family's attitude toward adoptive children

3 ~~R4.5.3~~ Family's attitude toward child's biological parents

4 ~~R4.5.4~~ Emotional stability, physical health, and compatibility of adoptive parents

5 ~~R4.5.5~~ Ability to cope with problems, stress, frustrations, crisis and loss

6 ~~R4.5.6~~ Verification of marital status

7 ~~R4.5.7~~ Discipline techniques

8 ~~R4.5.8~~ Parenting skills

9 ~~R4.5.9~~ Family's attitude toward religion

- 10 ~~R4.5.10~~ Ability to provide for child's physical and emotional needs
 - 11 ~~R4.5.11~~ Adjustment of own children in home, school and community
 - 12 ~~R4.5.12~~ Type, age, number and sex of children desired
 - 13 ~~R4.5.13~~ References
- D ~~R4.8~~ Information shall be obtained regarding health history of the adoptive applicant(s), including a written statement or form from a physician with sufficient information to enable the agency to assess the applicant's ability to assume the responsibility of adoption. Information shall include a description of their general health, specific illnesses and disabilities, and written reports of chest x-rays or such other tests as are recommended by the physician. It shall also be determined that other adults of children in household do not present hazards to an adopted child through communicable disease or other illness.
- E ~~R4.8~~ While there is no fixed amount of income established, the agency must be assured that the applicant(s) can provide financial stability and security and can meet expenses incurred in daily care of a child. The cost of living in a particular area should be considered in evaluating the applicant's income. The management of income is often as important as the amount.
- F ~~R4.8~~ Physical facilities of the home should present no hazards to the safety of a child. Physical standards should be of a degree of comfort and cleanliness sufficient to insure the well-being of the family and its self-respect in the community in which he resides.
- 1 ~~R4.8.1~~ Both indoor and outdoor play space and suitable toys, books, etc. must be available as appropriate to the age and needs of the children.

2 ~~R4.8.2~~ Each child shall be provided with his own individual bed. There must be sufficient sleeping space so neither the family's own children nor the adopted children shall share the bedroom nor bed of any adult or child of the opposite sex. (Exceptions may be made on a temporary basis for children under two years of age).

G ~~R4.9~~ The final component of the family study shall include:

1 ~~R4.9.1~~ A recommendation for the number, age, sex, characteristics, and special needs children best served by the family.

2 ~~R4.9.2~~ A statement of potential problem areas or concerns and the agency's plan for support services.

3 ~~R4.9.3~~ A description of the type of children whose placement with the family would not be appropriate.

H ~~R4.10~~ A follow-up contact with the approved inactive homes is required annually until a child is placed or the family withdraws.

9.3 Notification to Applicants

A ~~R4.10~~ When the family study indicates the adoptive applicants meet the approval requirements, the agency shall notify the family in writing specifying the number, age and sex of children for whom they are approved.

B ~~R4.10~~ If the family study indicates the adoptive applicants do not meet the approval requirements, the agency shall so notify the family.

9.4 Services to Adoptive Parents

A ~~R4.10~~ The agency shall discuss potential children with the adoptive family and shall prepare the adoptive family for the placement of a particular child by anticipating the adjustments and problems that may arise during and after placement.

- B ~~R4.14~~ The social worker shall visit the adoptive family at least bimonthly until consummation of the adoption. More frequent contact may be necessary based on the special needs of the child in placement.
- C ~~R4.15~~ The agency shall be available to the adoptive family for post-adoptive counseling.
- D ~~R4.16~~ The agency shall help the family explore the need for subsidy or other community resources dependent on the specialized needs of the child and family.

9.5 INDEPENDENT LIVING

- A ~~R5.1~~ An off-campus independent living program shall have a child placing license.
- B ~~R5.2~~ A residential facility which operates an independent living program shall designate a person to assume overall responsibility for that program.
- C ~~R5.3~~ An independent living program shall have its own written annually updated budget which clearly identifies all costs related to the provision of independent living services.
- D ~~R5.4~~ Accurate, complete and up-to-date administrative records shall be kept on each child in an off-campus independent living program.

9.6 Physical Environment and Safety

- A ~~R5.5~~ When placing children in off-campus independent living settings geographic location, rent, conformity to building codes, availability of public transportation and of telephone shall be considered by program staff prior to approval.

- ~~B~~ ~~R5.8~~ The number of children placed off-campus through an independent living program who may be placed together shall be limited to the number a house or an apartment may accommodate following the guidelines of a minimum of 60 sq. ft. per occupant in bedrooms or 80 sq. ft. for single bedrooms, and in no case shall exceed four children.
- ~~C~~ ~~R5.7~~ Roommates of children placed off-campus shall be approved by the placing agency.
- ~~D~~ ~~R5.8~~ Children shall not be placed in transient and/or overnight type facilities such as rescue missions, motels, non-residential hotels, adult emergency shelters, tourist homes, etc.

9.7 Human Resources

- ~~A~~ ~~R5.9~~ A residential facility which operates an off-campus independent living program shall provide social casework staff to that program in proportion and relation to on-campus casework staff ratios.
- ~~B~~ ~~R5.10~~ Each child placed in an off-campus independent living situation shall have a social caseworker assigned to him/her. The child shall know who that caseworker is and shall be advised how to contact that worker during and after agency working hours.

9.8 Quality of Life

- ~~A~~ ~~R5.11~~ Each child placed off-campus shall be assured of sufficient financial support to live independently. This may be provided directly by the agency, by parents, guardians, or custodians, by the child through earnings from employment, or indirectly by the child in the form of financial aid for continuing education (scholarship, work-study, etc.).

- B ~~R5.12~~ Each child placed off-campus in an independent living arrangement shall be provided with a general medical examination by the placing agency.
- C ~~R5.13~~ Each child placed off-campus shall be encouraged to seek and use periodic preventive medical and dental care.
- D ~~R5.14~~ A plan for emergency medical services shall be provided for each child placed off-campus.
- E ~~R5.15~~ Each child living off-campus shall have direct and immediate access to his or her medical card whenever needed.
- F ~~R5.16~~ The placing agency shall provide explanations of any medications that are prescribed.
- G ~~R5.17~~ The placing agency shall have an emergency placement plan for any child placed off-campus who loses his/her place to live to fire or other disaster.

9.4 Direct Service Management

- A ~~R5.18~~ A child shall be 16 years of age or older to be placed in an off-campus independent living situation.
- B ~~R5.19~~ A child shall show adequate emotional functioning and sufficient social maturity to live independently before being placed off-campus.
- C ~~R5.20~~ An agency shall have a written description of its independent living program which shall be provided to the child, his/her parents or guardian, and responsible agency prior to the child's entry into the independent living program.
- D ~~R5.21~~ A residential facility which operates an independent living program shall ensure that each child entering independent living meets basic skills training criteria which include:

- 1 ~~R5.21~~. Vocational and citizenship preparation
- 2 ~~R5.21.2~~ Dating/marriage
- 3 ~~R5.21.3~~ Household management
- 4 ~~R5.21.4~~ Budgeting
- 5 ~~R5.21.5~~ Nutrition and menu planning
- 6 ~~R5.21.6~~ Health, hygiene, safety, and mental health
- 7 ~~R5.21.7~~ Recreation and leisure/personal time management

E ~~R5.22~~ A non-residential agency which operates an independent living program shall make reasonable efforts to ensure that each child placed by them in off-campus independent living situations has access to training in these same basic skills areas.

F ~~R5.23~~ An agency which places a child in an off-campus independent living situation shall make provisions for on-campus, foster home or other approved placement for the child who is not successful in living independently off-campus.

G ~~R5.24~~ An agency shall maintain complete, accurate and up-to-date case records on each child placed off-campus in an independent living situation.

H ~~R5.24~~ An agency shall establish a minimum length of time of successful functioning to be completed by the child in the independent living situation before the child may be discharged from the program.