

Title 78 Series 2
Department of Health and Human Resources
Bureau for Families and Children
Children and Adult Services
Child Placing Agency Licensure

Summary of Public Comments:

Section 3 — Definitions

Comment

3.69 "confidentially" needs to be "confidentiality"

Response

The Department has reviewed this comment, and finds correction is needed, therefore, a change was made.

Comment

3.73: Strike "Statement of Criminal Record" Retitle it the Self-Disclosure Application and Consent Form

Response

The Department has reviewed this comment, and finds correction is needed, therefore, the change was made.

Section 4 — Licensing Information and Provisions.

Comment

4.1.c. "A license is transferable by the agency." We would like some clarification on that this is really meant to pertain to.

Response

The Department has reviewed this comment, and no changes were made. As the rule indicates, the child placing license is transferrable.

Comment

4.1.d. — it goes on to refer to a transfer due to name change, was this the intention in c? Perhaps this sentence could better reflect the intention.

Response

The Department has reviewed this comment, and no changes were made. If a license is transferred and the name changes, the agency has 30 days to make this change

Comment

4.2.b.3. Could a definition for "fitness determination" be provided so that individuals/agencies will know some of the parameters of what will be accepted and denied?

Response

The Department has reviewed this comment and the WV CARES act will control fitness determinations. Therefore no changes were made as a result of this comment.

Comment

4.4 Our current licenses no longer show a list of the specific services an agency is approved to provide, so when there is an amendment to a license- where will the change be reflected?

Response

The Department has reviewed this comment which asks a programmatic question, as opposed to suggesting a change. Therefore, no changes were made.

Section 5 — Inspections, Complaints, Plans of Correction and Waivers.

Comment

5.2 Could some language be added to this section pertaining to the investigations being completed in a timely manner.

Response

The Department has reviewed this comment, and no changes were made.

Comment

5.2.b. Strike out "a Resident".

Response

The Department has reviewed this comment and no changes were made. A Resident of a foster home also has the right to expect not be discriminated against if a complaint is filed.

Comment

5.4.b.3. Can there be an explanation included in this section pertaining to the duration of the waiver or variances? Waivers are typically for a particular circumstance and would end upon that particular reason being rectified or child leaving the home versus a variance in which we get granted to have something changed on an on-going basis.

Response

The Department has reviewed this comment and no changes were made

Section 7 — Staffing Process.

Comment

7.4 Would like this to read "An agency shall submit an application to the WV CARES unit of the Department and receive a fitness determination of eligibility or variance on each potential employee prior to the employee working ALONE with children.

Response

The Department has reviewed this comment and the WV Cares Act will control fitness determinations. Therefore, no changes were made as a result of this comment.

Section 8 — Employee Requirements.

Comment

8.1.d. Can any consideration be given to the supervision of homefinders to include supervisors who have a related Master's Degree in a human service field with 5 or more years experience in the field? Many agencies have supervisors who hold related Master's degrees and have worked for years in the child welfare and have proven their ability to make sound clinical judgements regarding foster parent applicants and home openings/denials.

Response

The Department has reviewed this comment and no changes were made to this rule.

Comment

8.2.a. Can this read "An agency shall require that all DIRECT CARE employee...." Otherwise, employees such as secretaries, are required to learn about direct case management duties that they do not have a need to know.

Response

The Department has reviewed this comment which suggests changes to the rule separate and apart from the changes submitted for comment. As such, this comment generated no changes.

Comment

8.4.b. Would like to leave in the requirement to collect a Child Abuse and Neglect History Form

Response

The Department has reviewed this comment and this change will be made.

Comment

8.4.c. Would like this to read "An agency shall require that volunteers have a medical screening by a qualified medical practitioner and a tuberculosis test with negative results, or a screening assessment stating no risk prior to providing services to children

Response

The Department has reviewed this comment and the rule indicates compliance with this comment, thus no changes were made.

Section 9 — The Child's and The Child's Family's Basic Rights.

Comment

9.3.c.I. Would like this to state that if a physical exam has been done within 30 days of placement, if documentation can be provided this would be accepted. We at times run into circumstances where they come from family and they have already had an exam and then the medical card will not pay for another exam.

Response

The Department has reviewed this comment and no changes were made.

Comment

9.3.c.2. & 9.3.c.3. Could these read that an examination must be scheduled within the first 30 days instead of occurring within the first 30 days. We have run into situations where our local optometrists and dentists are so booked, they cannot get new clients in within 30 days of us calling to schedule. This is particularly hard in more rural areas where we are limited in our providers.

Response

The Department has reviewed this comment and no changes were made.

Comment

9.4.f.5. We would like this whole entry to be removed. If something must be left in, we would like to recommend it be changed to "If parents or guardians wish to revoke consent for a medication, an MDT will be held to have an informed discussion regarding the medication." We feel it is a huge liability for parents to have the ability to revoke medication that a doctor prescribed. We have to assume the physician would not have prescribed it unless it was for the well-being of the child. Some medications cannot be simply stopped, they need to be tapered, etc, for the health and safety of the child

Response

The Department has reviewed this comment which suggests changes to the rule separate and apart from the changes submitted for comment. As such, this comment generated no changes.

Comment

9.5.b. We would like this removed. We feel it is a liability issue for all parties. We believe the intent behind this statement is to ensure that foster parents (and thus agencies) are ensuring opportunity for the child to attend a religious service of his or her choice (as noted in 9.5.c.). We believe it is a liability and could open up opportunities for foster parents to be discriminated against based upon their religious with the way this is written. During emergency calls for placement, particularly on-call, workers are not going to know the religious background of each parent to disclose this. Also, there is concern that by disclosing the foster parent's religion this could open up the biological parents being able to find the church the family attends and in some circumstances this could present a problem

Response

The Department has reviewed this comment, which suggests changes to the rule separate and apart from the changes submitted for comment. As such, this comment generated no changes.

Comment

9.7.a.6.b. We would like for this to read that Foster/Adoptive parents are required to report to use of crisis intervention skills and techniques and that Direct care Staff are required to write and submit the incident report.

Response

The Department has reviewed this comment, which suggests changes to the rule separate and apart from the changes submitted for comment. As such, this comment generated no changes. and no changes were made during the revision process and no changes will be made now.

Section 12 — The Agency's Responsibilities to Foster and Adoptive Foster/Adoptive Parents.**Comment**

12.1 We would like to remove "laws and forms" as handbooks are meant to be guidelines and quick tools to reference, these are not full resource manuals. We would like to be able to provide information and copies of laws and forms as any manner we see fit and at appropriate junctures as needed.

Response

The Department has reviewed this comment, which suggests changes to the rule separate and apart from the changes submitted for comment. As such, this comment generated no changes.

Comment

12.5.d. misspelling- "additional information that is not available at the time of placement, will be provided as obtained by the agency;"

Response

The Department has reviewed these comments and finds correction is needed, therefore, the change was made.

Section 13 —Foster-and-Adoptive Foster/Adoptive Parents' Characteristics and Criteria.**Comment**

13.6.a. Should read Prior to approval, all household member age 18 and over be subject to the provisions of the WV Cares Act....

Response

The Department has reviewed this comment and no changes were made as the rule already reflects this.

Comment

13.6.b. Could this be re-worded to state that Foster/Adoptive parents must report any juvenile offenses committed by their minors in the home on a continual basis....

Response

The Department has reviewed this comment and all juvenile offense should be reported by any household member. No changes were made.

Section 15 — Safety Requirements for Foster and Adoptive Homes..**Comment**

15.17.b. This section appears to be covered in 15.17.a by statement that the foster parents will use reasonable and prudent parenting standards in relation to exposing the children to animals in the home. If this statement must remain in here, we would like clarification on what documentation must be present to provide evidence that children have been instructed?

Response

The Department has reviewed this comment and this rule was added to be consistent with Homefinding Policy, specifically, Home Safety Environment number 28. Thus, no changes were made.

Comment

15.20.a. We would like this be removed. We believe in relation to all of the discussion on swimming pools, hot tubs, and spas that safety can be achieved in a variety of ways and do not require a 4 foot fence or barrier. Use of the other listed measures such as safety devices, locks, bolts, alarms, etc. would be sufficient

Response

The Department has reviewed this comment and no changes were made.

Section 16— Comprehensive Home Study.

Comment

16.3.p. Would like this to read "An account of the agency's discussion with the adoptive parents about open adoption and being open with the child pertaining to their adoption."

Response

The Department has reviewed this comment which suggests changes to the rule separate and apart from the changes submitted for comment. As such, this comment generated no changes.

Section 18— . Approval or Denial of an Adoptive Home Placement.

Comment

78-2-18- Strike this section, it is repetitive and covered in 78-2-17

Response

The Department has reviewed this comment and no changes will be made to this rule as some agencies are only licensed for adoption.

Section 19— Re-Evaluations for Approved Foster-and-Adoptive Foster/Adoptive Parents

Comment

19.1.c. Would like to add in the topic "adoption" to the list

Response

The Department has reviewed this comment which suggests changes to the rule separate and apart from the changes submitted for comment. As such, this comment generated no changes.

Section 20— Training for Foster and Adoptive Parents.

Comment

20.1.a. Retitle to be Orientation & Pre-Service Training

Response

The Department has reviewed this comment and changes were made.

20.1.b. Remove "Pre-Service Training." This section is in relation to Annual In-Service Training. Further, we would like to remove the statement that all pre-service training must be face to face. It appears PRIDE may be moving to partial on-line components and technology is increasingly becoming an important tool and can be valuable with training. Most agencies agree most training is completed face to face but do not want to knock out opportunities to use on-line tools if they are valuable. if the DIIHR would like to limit the use, can be % face to face and a % on-line.

Response

The Department has reviewed this comment and changes were made.

Section 21 — Foster/Adoptive Child Placement and Home Closure Information.

Comment

21.1.a. Can we change the language to state that "Prior to proceeding with the placement, the agency shall give all known and available information on the child to the prospective foster parents." The use of the word "complete" is not possible to achieve by DHHR or agencies.

Response

The Department has reviewed this comment, which suggests changes to the rule separate and apart from the changes submitted for comment. As such, this comment generated no changes.