ALABAMA DEPARTMENT OF HUMAN RESOURCES SOCIAL SERVICES DIVISION ADMINISTRATIVE CODE

CHAPTER 660-5-29
MINIMUM STANDARDS FOR FOSTER FAMILY HOMES

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660-5-29-.01 Legal Authority.

(1) The Minimum Standards for Foster Family Homes have been revised in accordance with the following: Child Care Act of 1971 (Title 38, Chapter 7, Code of Ala. 1975,) with specific reference to §§38-7-2, 38-7-3, 38-7-4, 38-7-8, 38-7-10; Title 38, Chapter 13, §§1-12, Code of Ala. 1975; Title 41, Chapter 22, §§1-27, Code of Ala. 1975; 12-15-65 and 26-14-1; Federal Court Orders in reference to the R.C. v. Fuller case (R.C. v. Hornsby, No. 88-H-1170-N, Consent Decree) (M.D. Ala. Approved December 18, 1991), Pub. L. No. 89-105, the Adoption and Safe Families Act

(a) Licensing or Approval Requirement. Any person, group of persons or corporation who or which receives for care or placement one or more children unrelated to the operator must apply for a license or approval to operate a foster family home.

(b) Legal Base. The Department of Human Resources is given the authority under Alabama Statutes to prescribe and publish Minimum Standards for licensing and for approving all foster family homes.

(c) Definitions. For the purposes of this document, the following definitions apply.

1. Child. Any person under 19 years of age, a person under the continuing jurisdiction of the juvenile court pursuant to §12-15-32, or a person under 21 years of age in foster care as defined by the Department of Human Resources.

2. Department. The Department of Human Resources of the State of Alabama.

3. Child Placing Agency. A public or private child-care facility which receives, places, or arranges for the placement of any child or children in adoptive or foster family homes or other facilities for child care apart from the custody of the child's or children's parents. The term "child-placing agency" includes, but is not limited to, all agencies established and maintained by a municipality or other political subdivision of the State of Alabama to protect, guard, train or care for children outside their own homes, but does not include any circuit court or juvenile court or any duly appointed juvenile probation officer or youth counselor of the court who receives and places children under an order of the court.

4. Foster Family Home. A child care facility in a residence of a family where the family receives a child or children, unrelated to said family, for the purpose of providing family care and training on a full-time basis. The types of foster family homes are defined as follows:

(i) Boarding Home. A foster family home wherein the foster family receives a child or children and receives payment for their care; provided however, that the number of children so received shall not exceed six, unless said children are of common parentage.

(ii) Free Home. A foster home which does not receive payment for the care of a child or children and which may or may not receive the child or children for the purpose of adoption.

(iii) Maternity Center. A facility in which any person, agency or corporation receives or cares for one or more minor pregnant girls, except that the term does not include hospitals.

Author: Jerome Webb
Statutory Authority: Child Care Act of 1971 (Title 38, Chapter 7, Code of Ala. 1975,) with specific reference to §§38-7-2, 38-7-3, 38-7-4, 38-7-8, 38-7-10; Title 38, Chapter 13, §§1-12, Code of Ala. 1975; Title 41, Chapter 22, §§1-27, Code of Ala. 1975; 12-15-65 and 26-14-1; Federal Court Orders in reference to the R.C. v. Fuller case (R.C. v. Hornsby, No. 88-H-1170-N, Consent Decree) (M.D. Ala. Approved December 18, 1991), Pub. L. No. 89-105, the Adoption and Safe Families Act.
History: **New Rule:** Filed July 8, 2002; effective August 12, 2002.

660-5-29-.02 Qualifications Of The Foster Family.

(1) General. The licensing agency will require documentation of and will maintain all qualifications.

(a) Age

1. Foster parents shall be:

(i) The age of majority (i.e., age 19) however, if the couple is related to the foster child, one spouse may be age 19 or older, the other spouse may be under age 19;

(b) Marital Status.

1. Foster parents may be single (single includes never married or legally divorced) or married. If living together in a relationship, foster parents shall have been married in a legal ceremony or by common law, as defined by law, and have been in this relationship for at least one year. If married applicants are living together, either at the time of application or at any time, both married spouses must be approved as foster parents.

2. If separated at the time of application:

(i) Spouses must have lived apart continuously for a minimum of a one (1) year period with no intent to reconcile;

(ii) The husband and wife shall be maintaining separate households; and

(iii) The separation must be verified by at least three references.

(c) Other.

1. Foster Parents shall be able to:

(i) Read and write

(ii) Demonstrate an understanding of the needs of children.

(iii) Give time and attention to the needs of children.

(iv) Provide opportunities for the physical, mental, emotional, and social development of children in care.

2. Foster Parents shall be able to:

(i) Responsive to the changing needs of children;

(ii) Flexible in expectations and attitudes toward children, including those from other cultures. Foster parents shall respect the religious beliefs and cultural heritage of foster children, and shall not interfere with the reasonable practice of a foster child's religious beliefs. Foster parents shall not coerce a foster child into participating in religious or ethnic events against the child's will; and

(iii) Participants in any planning and delivery of services required for children in care.

3. Foster parents shall have:

1. Maintain income or resources to meet the needs of the foster family, basic household needs and the additional needs of the foster children;

2. Receive special approval by the approving agency for any adult roomers or boarders;

3. Maintain a valid driver’s license and motor vehicle insurance, as required by law, on vehicles transporting children and provide proof of insurance and a valid driver’s license to the Department; and

4. Reliable transportation when transporting foster children, that is readily available, in safe condition, and has the required safety features as noted later in these standards.

(d) Substitute Care.

1. A Substitute is defined as a person, who is 19 years of age, and is called on to come to a provider’s home to help provide care for children. They are given the responsibility for each child in his or her care while the licensed or approved provider is away for their home.

(i) The foster parent shall notify the approving agency of the name, address and telephone number of someone who will provide emergency substitute care prior to leaving the children with substitute caregivers.

(ii) The foster parent shall notify the approving agency of the name, address and telephone number of any substitute caregiver who will provide **emergency substitute care** prior to leaving the children with them.

(e) Confidentiality.

1. Foster parents agree to maintain personal, intimate information concerning the foster children and their birth families confidential in accordance with the Code of Alabama;

2. Foster parents will only use or disclose confidential information concerning children with authorization by the approving agency.

(2) Training.

(a) All foster parent are required:

1. To complete thirty (30) hours of preparation/ training as provided by the approving agency prior to being approved. Preparation/Training shall consist of the following components:

(i) Child Development

(ii) Behavior Management

(iii) The Process of Grief and Loss

(iv) The Dynamics of Attachment and Separation

(v) The Value of Families

(vi) Individualized Service Plan

(vii) Identifying the Strengths and Needs of Families and Children

(viii) Behavior as an Expression of Underlying Needs

(ix) The Value of Partnerships

(x) How Children Enter the Foster Care System

(xi) Family Implications Among Foster Parents

(xii) Understanding and Valuing Cultural Differences

(xiii) Overview of the R.C. Consent Decree*

(xiv) *Exemptions of these sections allowed for approving agencies not accepting DHR children into placement.

2. To complete fifteen (15) hours of in-service training annually after being approved. This training may include, but is not limited to:

(i) Child Safety Issues, including CPR and Pediatric and Infant First Aid

(ii) Crisis Intervention/Engaging Families

(iii) Effects of Multiple Placements

(iv) Cultural Sensitivity and Responsive Services

(v) Significance of Birth Families

(vi) Substance Abuse

(vii) Gang Activity

(viii) Universal Precautions and Infection Control

NOTE: Foster parents currently approved without GPS preparation at the time of the effective date of these minimum standards shall begin a 30 hour training program no later than **nine months** from the effective date of these standards. The training shall be completed within three months. They shall complete the required 15 hours of in-service training annually thereafter.

3. To obtain and maintain current CPR certification including Pediatric and Infant First Aid/CPR, if a pool is located on the property.

(3) Health.

(a) Prior to approval, foster parents shall submit required medical information to establish their physical and emotional ability to provide the necessary supervision and guidance to foster children. Foster parents shall:

1. Have an initial physical examination for foster parents by a licensed practicing medical doctor, a physician's assistant (as defined in Section 34-24-290(2), Code of Ala. 1975) or certified family nurse practitioner within six months prior to the home's being approved and a record of the examination shall be on file with the Department or licensed child-placing agency. A DHR-2092, Medical Report for Out of Home Care

Provider for Children (see copy in the Appendix), shall be completed, including the tests specified, and a copy placed in the Provider's file.

(b) Seek appropriate professional consultation and treatment, if prescribed, when there is indication of a physical, emotional, or mental condition that could be detrimental to the children's care. Said person shall not give care to children until the condition is corrected to the satisfaction of the examining licensed practicing physician and the approving agency.

(c) An exemption from required vaccinations may be obtained by a foster parent, adoptive parent, or by their individual household member(s) by submission to the county department of human resources a Certificate of Religious Exemption or a Certificate of Medical Exemption obtained from a County Health Department. The Certificate of Religious Exemption and the Certificate of Medical Exemption will be on forms approved by the Alabama Department of Public Health and will be accepted in lieu of a Certificate of Immunization or other such documentation.

(4) Character and Suitability.

(a) Applicants/licensees, household members, caregivers (a person providing care and guidance of the children in a home), substitutes (See III Qualification of the Foster Family, Section A. General, No. 4), domestic workers, volunteers, or other persons who have contact with the children in care or unsupervised access to the children in care shall be of good moral character. Information regarding the character and suitability of applicants for a license and all adult household members shall be reviewed by the Department at the time of the initial application for a license. Subsequent character and suitability reviews shall be conducted at the discretion of the Department. Evidence that an applicant/ licensee, household member, caregiver, substitute, domestic worker, volunteer, or other person who has contact with the children or unsupervised access to the children, is of unsuitable character may be the basis for the denial of an initial application, denial of an application for renewal of a license, suspension of a license/permit, or revocation of a license or six-month permit.

(b) The applicant/licensee shall conduct a character and suitability review, as set forth below, of substitutes, caregivers, domestic workers, volunteers, and other persons have contact with the children or unsupervised access to the children.

(c) Factors to be considered in determining character and suitability shall include but need not be limited to:

1. References.

(i) At the time of initial application, each applicant for a license and each adult household member shall provide the Department with the names, addresses, and telephone numbers of at least three persons who are unrelated to the applicant or household member by blood, marriage, or adoption. These persons shall be contacted by the Department to determine the applicant/household member's character, community reputation, work history, and suitability to care for children or to have contact with children. The Department may, at its discretion, contact additional sources who can attest to the applicant/household member's character and suitability to care for children or to have contact with children.

(ii) The applicant/licensee shall obtain at least three written references for each current and prospective caregiver, substitute, domestic worker, volunteer, or other person who has contact with the children or unsupervised access to the children. References shall attest to the person's character, community reputation, work history, suitability to care for children or to have contact with the children. Reference contacts shall not be related to the person by blood, marriage, or adoption. Written references shall be kept on file at the DHR county office or the child placing agency office.)

2. Clearance of State Central Registry on Child Abuse/ Neglect

(i) At the time of initial application, a completed REQUEST FOR CLEARANCE OF STATE CENTRAL REGISTRY ON CHILD ABUSE/NEGLECT (DHR-DFC-1598) shall be submitted by the applicant and each adult household member. Results shall be kept in the Department's files.

(ii) The applicant shall obtain a completed REQUEST FOR CLEARANCE OF STATE CENTRAL REGISTRY ON CHILD ABUSE/NEGLECT (DHR-DFC-1598) for each caregiver, substitute, volunteer, domestic worker, and any other person who has contact with the children or unsupervised access to the children. Completed forms shall be submitted to the Department. Results shall be kept on file at the DHR county office or at the child placing agency.

(iii) A subsequent REQUEST FOR CLEARANCE OF STATE CENTRAL REGISTRY ON CHILD ABUSE/NEGLECT (DHR-

DFC-1598) may be requested by the Department at any time.

3. Criminal History Background Information Checks

(i) In accordance with Alabama law, (Act 2000-775, effective November 1, 2000, (see Appendix), for a copy of the law), the criminal history of each applicant for a license, each licensee, each adult household member, substitute, caregiver, volunteer, and domestic worker, as well as any other person who has contact with the children or unsupervised access to the children shall be reviewed.

(ii) Each licensee, adult household member, substitute, caregiver, volunteer, domestic worker, as well as any other person who has contact with the children or unsupervised access to the children, licensed, residing in a licensed home, employed, or performing volunteer services prior to November 1, 2000, shall submit, to the Alabama Bureau of Investigation, Department of Public Safety, as instructed by the Department, a request for a criminal history background information check accompanied by the following:

(I) Fingerprints, properly executed by a law enforcement agency or an individual properly trained in fingerprinting techniques.

(II) Written consent from the licensee, each adult household member, substitute, caregiver, volunteer, domestic worker, as well as any other person who has contact with the children or unsupervised access to the children, for the release of the criminal history background information to the Department of Human Resources. A copy shall be submitted to the Department of Human Resources Criminal History Checks Unit. A copy shall kept on file in the DHR county office or the child placing agency.

(III) The required fee, unless fee is to be paid by the Department.

(IV) Identification verification of name, date of birth, race, sex, and Social Security number in the form of a photo identification from any governmental agency, such as a driver’s license, non-driver’s identification, or program participation card. A copy of the identification verification shall be kept on file in the DHR county office or the child placing agency.

(iii) At the time of initial application, an applicant for a license and each adult household member shall submit, to the Alabama Bureau of Investigation, Department of Public Safety, a request for a criminal history background information check accompanied by the following:

(I) MANDATORY CRIMINAL HISTORY CHECK NOTICE: (See Forms Section for copy of form.) Alabama law requires that a criminal history background information check be conducted on all persons who hold a license or work in a Department of Human Resources licensed child care or adult care facility, a foster or adoptive home approved by the Department of Human Resources, or a licensed child placing agency, including all officers and agents of the entity. You are required to provide full, complete, and accurate information on your criminal conviction history upon application for a license or employment (whether paid or unpaid, including volunteers). This information shall be used to determine your suitability to provide care to children, the elderly, or disabled individuals. Unless a criminal history background information check report and suitability determination have previously been obtained, you must complete a written request and consent for a criminal history background information check with fingerprints at the time of application for employment. Refusal to complete these documents or providing false information shall result in refusal of employment, approval, or licensure. The term conviction includes a determination of guilt by a trial, by a plea of guilty, or a plea of nolo contendere. You are required to notify your employer, licensing agency, or entity where you are performing volunteer work of any criminal conviction occurring subsequent to the date of completion of this notice. Any individual determined to have submitted false information shall be referred to the district attorney or law enforcement for investigation and possible prosecution. An individual who intentionally falsifies or provides any misleading information on the statement is guilty of a Class A misdemeanor, punishable by a fine of not more than two thousand dollars ($2,000) and imprisonment for not more than one year. Convictions for any crimes listed in Section (4), shall make an individual unsuitable for licensure, employment, or volunteer work.

(II) The Mandatory Criminal History Check Notice shall include the following criminal history statement:

I. Have you ever had a suitability determination made by the Department of Human Resources in connection with a previous criminal history information background check? Yes (__) No (__).

II. Have you ever been convicted of a crime? Yes (__) No (__). If yes, state the date, crime, location, punishment imposed, and whether the victim was a child or an elderly or disabled individual.

III. A signed statement, which includes the mandatory statement above, indicating whether he or she has ever been convicted of a crime, and if so, fully disclosing all convictions. The mandatory statement shall be submitted to the Department of Human Resources Criminal History Checks Unit. A copy shall be kept on file in the DHR county office or the child-placing agency.

(IV) Two complete sets of fingerprints, properly executed by a law enforcement agency or an individual properly trained in fingerprinting techniques.

(V) Written consent from the applicant and each adult household member for the release of the criminal history background information to the Department of Human Resources. A copy shall be submitted to the Department of Human Resources Criminal History Checks Unit. A copy shall be kept on file in the DHR county office or the child placing agency.

(VI) The required fee.

(VII) Identification verification of name, date of birth, race, sex, and Social Security number in the form of a photo identification from any governmental agency, such as a driver's license, non-driver's identification, or program participation card. A copy of the identification verification shall be kept on file in the DHR county office of the child placing agency.

(iv) Each adult household member, substitute, caregiver, and domestic worker, volunteer, and any

other person who has contact with the children or unsupervised access to the children, initially employed, moving into a licensed home, or performing volunteer services on or after November 1, 2000, shall submit, to the Alabama Bureau of Investigation Department of Public Safety, a request for a criminal history background information check accompanied by the following:

(I) Prior to or on the first day of employment or moving into the home, a statement shall be signed, which includes the mandatory statement above, indicating whether he or she has ever been convicted of a crime, and if so, fully disclosing all convictions. The mandatory statement shall be submitted to the Department of Human Resources Criminal History Checks Unit. A copy shall be kept on file in the DHR county office or child-placing agency.

(II) A substitute, caregiver, volunteer, domestic worker and any other person who has contact with the children or unsupervised access to the children, who fails or refuses to sign the required Mandatory Criminal History Check Notice and complete the questions shall not be employed, or allowed to perform volunteer services.

(III) If an adult household member fails or refuses to sign the required Mandatory Criminal History Check Notice and complete the questions, the Department shall revoke or refuse to renew the home’s license.

(IV) Upon receipt of a signed Mandatory Criminal History Check Notice, revealing no disqualifying convictions, an adult household member, substitute, caregiver, volunteer, domestic worker and any other person who has contact with the children or unsupervised access to the children, may be employed, perform volunteer services or reside in a licensed home provisionally at the discretion of the licensee, pending receipt of a suitability determination from the Department.

(V) Within five business days of moving into the home, being employed, or beginning volunteer service the following shall be submitted to the Alabama Bureau of Investigation, Department of Public Safety:

I. Fingerprints, properly executed by a law enforcement agency or an individual properly trained in fingerprinting techniques.

II. Written consent from each adult household member, substitute, caregiver, volunteer, domestic worker, or any other person who has contact with the children or unsupervised access to the children, for the release of the criminal history background information to the Department of Human Resources. A copy shall be submitted to the Department of Human Resources Criminal History Checks Unit. A copy shall be kept on file in the DHR county office or the child placing agency.

III. The required fee.

IV. Identification verification of name, date of birth, race, sex, and Social Security number in the form of a photo identification from any governmental agency, such as a driver's license, non-driver's identification, or program participation card. A copy of the identification verification shall be kept on file in the DHR county office or the child-placing agency.

(VI) Fingerprints may be collected through the use of inkpads and fingerprint cards or through the use of ink-1ess "live scan" fingerprinting devices to collect and print fingerprints on cards or transmits the fingerprints electronically to the Department of Public Safety. When no copy of the fingerprint card is available because of the electronic transmission of live scan fingerprints, written documentation from the individual or law enforcement agency that the fingerprints have been collected and transmitted shall be maintained on file in the home and sent to the Department's Criminal History Check Unit.

(VII) Fingerprints are not required when a disability prevents an individual from being fingerprinted. Disabilities preventing fingerprinting include the loss of both hands, severe scarring of all fingers, closed paralytic hands, and similar disabilities. In situations involving a covered disability, a completed Criminal History Information Consent and Release form is required. The Department of Public Safety shall conduct a criminal history background

information check by name and Social Security number in such cases. Documentation or verification that the disability prevents fingerprinting shall be obtained from law enforcement or from an individual trained in fingerprinting techniques and shall be submitted to the Department of Public Safety and the Department of Human Resources.

(v) Criminal history background information checks shall be performed by the Alabama Department of Public Safety. National criminal history background checks shall be requested by the Department of Public Safety from the Federal Bureau of Investigation. Criminal history background reports shall be sent to the Department of Human Resources.

(vi) The Department of Human Resources shall review the report and determine whether the applicant or other person meets the suitability requirement based on the criminal history background report. The Department shall issue a suitability determination and maintain a confidential file on individuals for whom a criminal history background information report or report updates have been received.

(vii) Upon receipt of a determination of unsuitability, the affected individual shall be terminated from employment or volunteer work in the home.

(viii) The Department shall suspend or revoke the license or deny the initial application or the application for renewal if the applicant/licensee, household member or another person in the home receives a determination of unsuitable character.

(ix) The Department shall send a copy of the letter determining suitability status to the individual affected and to the licensee of the home. The individual has thirty (30) days from the date of notification to request in writing a reversal of the determination of suitability if the disqualifying conviction is not for a sex crime, or a crime against a child, an elderly individual, or an individual with disabilities. The affected individual shall show clear and convincing evidence of successful rehabilitation.

(x) The Department shall send a copy of the report received from the Department of Public Safety to the affected individual. The affected individual shall

have the opportunity to challenge the accuracy of the report.

(xi) If a suitability determination letter is received by the licensee from the Department's Criminal History Check Unit stating an individual is suitable for employment based on the absence of any disqualifying convictions, the licensee shall make his or her own determination regarding employment or volunteer work. No right to employment is created by the issuance of a letter stating an individual is suitable for employment.

(xii) Only one criminal history background check shall be required per individual. If the individual certifies on the Mandatory Criminal History Check Notice statement that a criminal history check has been performed by the Department or by the Department of Education, the Department will issue a determination of suitability based on the criminal history report received. If the previous report cannot be obtained, a new criminal history check shall be required.

(xiii) The licensee shall inform the Department of any criminal convictions and current criminal charges involving the licensee, household members, substitutes, caregivers, domestic workers, and other persons who have contact with the children or unsupervised access to the children, which occur after a license/permit is obtained. Such reports shall be made within 24 hours and followed by a written report within five (5) days. This information shall be kept on file by the Department.

4. Evidence of Unsuitable Character

(i) Convictions for any of the following crimes **shall** make an applicant/licensee, household member, caregiver, substitute, domestic worker, volunteer, or any other person unsuitable to hold a license/permit or have contact with the children or unsupervised access to children

(I) Murder, manslaughter, or criminally negligent homicide.

(II) A sex crime, including the following:

I. Enticing a child to enter a vehicle, room, house, office, or any other space for immoral purposes, as proscribed by Section 13A-6-69 of the Code of Ala. 1975.

II. Incest, when the offender is an adult and the victim is a minor, as proscribed by Section 13A-13-3 of the Code of Ala. 1975.

III. Kidnapping of a minor, except by a parent, in the first or second degree, as proscribed by Section 13A-6-43 or Section 13A-6-44 of the Code of Ala. 1975.

IV. Promoting prostitution in the first or second degree, as proscribed by Section 13A-12-111 or Section 13A-12- 112 of the Code of Ala. 1975.

V. Rape in the first or second degree, as proscribed by Section 13A-6-61 or Section 13A-6-62 of the Code of Ala. 1975.

VI. Sexual misconduct, as proscribed by Section 13A-6-65 of the Code of Ala. 1975.

VII. Sexual torture, as proscribed by Section 13A-6-65 of the Code of Ala. 1975.

VIII. Sexual abuse in the first or second degree, as proscribed by Section 13A-6-66 or Section 13A-6-67 of the Code of Ala. 1975.

IX. Sodomy in the first or second degree, as proscribed by Section 13A-6-63 or Section 13A-6-64 of the Code of Ala. 1975.

X. Soliciting a child by computer for the purposes of committing a sexual act and transmittal of obscene material to a child by computer as proscribed by Sections 13A-6-110 and 13A-6-111 of the Code of Ala. 1975.

XI. Violation of the Alabama Child Pornography Act, as proscribed by Section 13A-12-191, 13A-12-192, 13A-12- 196, or 13A-12-197 of the Code of Ala. 1975.

XII. Any solicitation, attempt, or conspiracy to commit any of the offenses listed in paragraphs i through xi, inclusive.

XIII. A crime listed in the Community Notification Act, Chapter 20 of Title 15 of the Code of Ala. 1975.

(III) A crime that involves the physical or mental injury or maltreatment of a child, the elderly, or an individual with disabilities.

(IV) A crime committed against a child.

(V) A crime involving the sale or distribution of a controlled substance.

(VI) Robbery.

(VII) A crime listed in the federal Adoption and Safe Families Act as prohibiting a person from being a foster parent or adoptive parent shall be deemed to make the convicted person unsuitable for employment, volunteer work, approval, or licensure as a foster parent or adoptive parent.

(VIII) A violation or attempted violation of an offense committed outside the State of Alabama or under federal law is a sex crime or any other crime listed in this notice if the offense would be a crime listed in this notice in Alabama.

(IX) Reports of adult or child abuse/neglect (with or without criminal convictions), related to crimes listed in ((i)) through ((ix)) above, with a final disposition by the hearing officer of indicated, in this or any other state.

(ii) Examples of evidence which **may** make an applicant/licensee, household member, caregiver, substitute, domestic worker, volunteer, or any other person, unsuitable to hold a license/permit or have contact with the children or unsupervised access to children, include but are not limited to the following:

(I) any felony conviction in this or any other state;

(II) theft and other financial crimes related to business activities

(III) misdemeanor convictions in this or any other state;

(IV) operating a motor vehicle while under the influence of or while impaired by the use of intoxicating liquor or drugs;

(V) offenses involving the reckless operation of a motor vehicle at an excessive speed;

(VI) a crime involving the possession of a controlled substance;

(VII) operating a child care facility without a license/permit/exemption;

(VIII) refusal to cease operations of an unlicensed child care facility;

(IX) a history of consistent failure to maintain minimum standards while operating a child care facility;

(X) refusal or failure to cooperate in any Department investigation or inspection;

(XI) making false or misleading statements or reports to the Department;

(XII) past history of the individual regarding his/her truthfulness;

(XIII) the individual's ability to care for children; or

(XIV) reports of adult or child abuse/neglect (with or without criminal convictions), other than those listed in (a) ((2)) above, with a final disposition by the hearing officer of indicated, in this or any other state.

(iii) Evidence in item (b) ((i)) through ((xiii)) above, will be evaluated to determine whether or not it constitutes a danger to the children based on the seriousness of the crime, the existence of extenuating circumstances, the propensity to recommit the crime, and evidence of rehabilitation since the crime was committed.

(iv) An application for a license shall be denied or a license or permit shall be suspended or revoked if the applicant/licensee, a household member, substitute, caregiver, domestic worker, volunteer, or any other person who has contact with the children or unsupervised access to the children, is determined to be of unsuitable character to work with children, to have contact with children or to have unsupervised access to children.

Author: Felicia M. Brooks
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12-15-65 and 26-14-1; Federal Court Orders in reference to the R.C. v. Fuller case (R.C. v. Hornsby, No. 88-H-1170-N, Consent Decree) (M.D. Ala. Approved December 18, 1991), Pub. L. No. 89-105, the Adoption and Safe Families Act; Ala. Code § 26-10F-5(e); Ala. Code § 26-10E-5(h).
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660-5-29-.03 Physical Facilities.

(1) General.

(a) The home and grounds shall be maintained in a clean and safe condition.

1. A play space for indoor and outdoor activities will be provided. This area should be free from hazardous conditions that may cause injury.

2. The residence shall have a working telephone. Temporary disruptions of service shall be reported to the approving agency within 24 hours;

3. Electrical service.

4. Water.

5. Gas (If used for cooking/heating).

6. A waste disposal system (city sewage or septic tank).

7. Ventilation. If fans are used for ventilation, blades within reach of children shall be clean and enclosed for safety;

8. Comfortably regulated cooling and heating;

9. Lighting that provides for necessary activities and safety.

(2) Bedrooms and Bathrooms.

(a) Beds and mattresses shall be of size and quality to allow good sleeping posture. In addition, if infants will be placed in the home, additional guidelines shall be followed related to baby cribs. They are:

1. Slats on babies' cribs shall be no further apart than 2 3/8 inches.

2. Mattresses must be waterproof and fit tightly inside cribs, no more than two finger widths between mattress and each end of the bed.

3. Cribs and mattresses shall be kept clean and disinfected.

4. There be a distance of (3) three feet between babies' cribs.

(b) Separate sleeping rooms shall be provided for children over age 6 who are of the opposite sex.

(c) An adequate number of bedrooms shall be provided for all persons residing in the home.

(d) Bedrooms for foster children shall be used only for the child's sleeping, personal time, and study.

(e) Bedrooms for foster children shall have adequate space for the child's personal belongings.

(f) Sanitary bathroom facilities that provide privacy shall be available for use by family members and foster children.

(g) Accommodations shall be available for the special care of sick members of the family and foster children.

(3) Safety – General.

(a) A fence shall enclose the play area when there are hazards, such as, but not limited to bodies of water and dangerous highways, in the immediate neighborhood that would place a child's health and safety at risk.

(b) Chemicals and poisons that include, but are not limited to, pesticides, herbicides and pool chemicals, shall be stored in a locked storage area.

(c) There shall be adequate and appropriate facilities for the storage, protection, preparation, and serving of food.

(d) There shall be a safe water supply, with water temperature no more than 120 degrees Fahrenheit.

(e) Decals at child's eye level shall be placed on all clear glass doors, (e.g., patio doors, storm doors).

(f) Handrails within a child's reach shall be placed on all stairs used by children.

(g) All guns/firearms must be unloaded and shall be kept in a locked storage area that is inaccessible to children.

(h) All ammunition for guns/firearms shall be kept in a locked storage are that is separate from the guns/firearms and is inaccessible to children..

(i) All medications shall be secured in a locked storage area that is inaccessible to children.

(j) There shall not be anything that constitutes a hazard on the property. This includes, but is not limited to, abandoned automobiles, unlocked or abandoned household appliances, uncovered wells and cisterns, stacked lumber with exposed nails, or explosives.

(k) There shall be appropriate safeguards against potential hazards. This includes, but is not limited to, protection for children from heaters with open flames; use of or being near cooking ranges when in use; tools and machinery shall be kept in an area where children cannot get to them or use them without supervision.

(l) If toddlers (approximate ages of 1 to 4 years) will be placed in the home, additional guidelines must be followed. They are:

1. Protective covers shall be placed over all exposed electrical outlets. The covers shall be large enough to prevent swallowing; and

2. Safety gates will be placed at the top and bottom of stairs.

(4) Safety - Swimming Pool and Hot Tub.

(a) General:

1. Pools shall be maintained in clean and safe condition.

2. Foster parents shall develop rules governing pool, hot tub and/or spa use. Rules shall be posted and reviewed with each child.

(b) Pools exceeding two (2) feet in depth (above or in ground):

1. Shall be enclosed by a fence or a solid wall that has no doors, windows, or other openings. The sides of an above ground pool shall not be considered a fence or wall. The fence shall be at least four (4) feet in height, with a locking gate. The gate and all areas of access shall remain locked at all time the pool is not in use.

(i) If children are allowed in the pool area, additional supervision shall be required. The adult to child ratio shall be:

(I) One adult caregiver for each child younger than 21/2;

(II) One adult caregiver for every three (3) children 21/2 years up to 6 years of age;

(III) One adult caregiver to every five (5) children 6 years of age and older.

(ii) Direct supervision by a person age 16 or older certified in First Aid/CPR, including Pediatric CPR, and certified in water safety shall be required at all times when children are using swimming pools or playing in the fenced in area.

(iii) The pool shall be maintained in a clean and safe condition.

2. Shall be equipped with a ring buoy, rescue tube, or other appropriate flotation device with an attached rope of sufficient length to cover the pool;

3. Shall have depth markers, lifelines, ladders or steps in the deep and shallow ends;

4. Shall have the steps or ladders removed on above ground pool when the pool is not in use;

(c) Wading pools (less than 2 feet in depth).

1. When wading pools are being used, there shall be continuous supervision at all times by an adult;

2. Wading pools shall be filled with clean water prior to each use and shall be emptied when not in use.

(d) Spas and hot tubs

1. Hot tubs and spas that are not emptied after each use shall have a safety cover that is locked when not in use;

2. Hot tubs and spas used by foster children shall be operated at a water temperature not exceeding 104 degrees Fahrenheit;

3. The maximum continuous time foster children shall be allowed in a hot tub or a spa is 15 minutes, to be monitored by clocks or timers; and

4. Persons who suffer from any medical conditions that may be adversely affected by use of a hot tub or spa, including, but not limited to, heart conditions, diabetes, or high blood pressure, shall not use the spa without a doctor's written consent.

(5) Safety - Health and Fire.

(a) All maintenance that is required for foster family home to be in compliance with health and fire safety standards shall be the responsibility of the foster parent(s).

(b) Inspections by the State or local health department shall be required as determined necessary by the Department of Human Resources, the licensed child-placing agency, or the foster parents.

(c) Inspections by the State Fire Marshal's Office or local fire department shall be required as determined necessary by the Department, the licensed child-placing agency, or the foster parent(s).

(d) Smoke alarms, powered by the building electrical system or battery powered, shall be installed and maintained in working order and shall be located in the following areas:

1. Outside each separate sleeping area and in the immediate vicinity (within 10 feet) of the sleeping rooms. Alarms shall be no more than 30 feet apart in hallways outside sleeping rooms.

2. At the head of the stairway on each additional story of the dwelling unit, including basements.

(e) A 2A-10BC dry chemical fire extinguisher no less than 5 pounds in weight, shall be installed and maintained in operating condition, in an accessible place, in plain view near room exits which provide an escape route. It is the responsibility of the foster care provider to maintain the fire extinguisher in operating condition.

(f) No stove or combustion heater shall be so located as to block escape if a fire occurs from malfunctioning of the stove or heater;

(g) Each bedroom shall have a window through which a child can exit in the event of a fire that blocks exit through the door. If the bedroom is on an upper floor, a ladder that can be used for exit through the window shall be supplied in the bedroom;

(h) The home shall be free of dangers which constitute an obvious fire hazard, such as faulty electrical cords,

overloaded electrical sockets or an accumulation of papers, paint or other flammable material stored in the home.

(i) Unvented fuel fire space heaters shall not be used unless listed in the Building and Fire codes and have been inspected by a person/official knowledgeable and trained in examining the proper function of unvented fuel fire space heaters. This may be a person, firm, or cooperation that installs, repairs or provides maintenance for heat producing devices. These heaters must comply with the provisions of the NFPA 54 (Fuel Gas Codes) and be equipped with oxygen depletion safety devices. Written documentation (received from the inspector) will need to be maintained in the foster family home resource record.

Unvented fuel fire space heaters are prohibited in bedrooms and bathrooms. Any home with an unvented fuel fire space heater in the bedroom or bathroom must have the heater disconnected and/or removed from the bedroom or bathroom. Unvented fuel fire space heaters may not be used in manufactured homes, unless the heater has been manufactured for use in a manufactured home and is so listed.

A foster family home with an unvented fuel fire space heater that complies with the Fuel Gas Codes can only be approved for three foster care children. No exceptions will be granted. For fire code purposes a home qualifies as a single-family dwelling only if members of a single family occupy the dwelling and there is no more than three unrelated people residing in the home.

(j) All mobile homes shall conform to the National Mobile Home Construction and Safety Standard Act of 1974. An aluminum plate permanently attached to the mobile home will indicate conformity with the 1974 Act. Mobile homes shall comply with anchoring and tie-down requirements as specified by Code of Ala. 1975, §§24-5-30 through 24-5-34. Foster family home parents shall provide documentation from installer that requirements are met.

(6) Emergency Plan.

(a) Each home shall develop a fire evacuation plan and a plan to be implemented in the threat of a natural disaster (such as a tornado warning). The foster parents shall assure that, consistent with their ability to comprehend, foster children understand the plan. The plan will include, but is not limited to, instructions about the following:

1. When to dial 911.

2. A description of two or more means of exit from each floor level used for sleeping by foster children.

3. When to open the door into a hall and when to exit through a window.

4. The designation of a central meeting place outside the home.

5. A means of evacuating children who need assistance.

6. Leaving personal belongings behind in a situation that is a threat to safety.

7. Other emergency procedures:

(i) The licensee shall maintain a list of names and telephone numbers, posted by the telephone for emergency situations. The list shall include the name and telephone number of each child's parent(s)/ guardian(s) (if applicable), each child's doctor, law enforcement, fire department, hospital, poison control, Department of Human Resources, caregivers, and substitutes.

(ii) A plan for the evacuation and care of the children in case of fire, tornado, serious accident or injury, or power failure shall be established and posted in a conspicuous place in the home. The licensee shall inform substitutes and all caregiver(s) of his/her duties and responsibilities in case of emergency. A written statement, signed by each substitute and caregiver, verifying that he/she has been informed of emergency procedures shall be on file in the home.

(iii) The licensee and each caregiver shall have current Infant-Child Cardiopulmonary Resuscitation Certificate (CPR) from the American Red Cross, the American Heart Association or the National Safety Council and a current First Aid Certificate. Copies of the certificates shall be on file in the home.

(iv) The licensee shall post the Poison Control Center’s toll free number on or near the telephone. The toll free number is 1-800-462-0800. When a child is suspected to have swallowed a toxic substance, the licensee shall immediately contact the poison control center. Documentation of the poison control center’s instructions shall be placed in the child’s file with the date, time, and details of the incident.

(7) Cleanliness.

(a) Home Dwelling

1. The house shall be clean overall;

2. The house shall be maintained so as to prevent and/or eliminate rodent and insect infestation. This includes the presence of screens on doors and windows if used for ventilation;

3. Outside garbage and trash shall be stored in containers with lids;

4. Garbage and trash shall be removed at intervals to avoid creating a nuisance or menace to health.

(b) Animals in the Home

1. An animal shall not be kept if the animal has shown aggressive behavior.

2. Animals shall have an annual certificate of rabies vaccination on file in the home if required by law to be vaccinated.

3. An animal that is not aggressive but could pose a threat to the health and safety of children such as, but not limited to lizards, snakes and turtles, shall be routinely confined (e.g., a cage or an aquarium) in an appropriate container.

4. Children may be allowed to handle pets if determined that it is reasonably safe to do so.

Author: Jerome Webb
Statutory Authority: Child Care Act of 1971 (Title 38, Chapter 7, Code of Ala. 1975,) with specific reference to §§38-7-2, 38-7-3, 38-7-4, 38-7-8, 38-7-10; Title 38, Chapter 13, §§1-12, Code of Ala. 1975; Title 41, Chapter 22, §§1-27, Code of Ala. 1975; 12-15-65 and 26-14-1; Federal Court Orders in reference to the R.C. v. Fuller case (R.C. v. Hornsby, No. 88-H-1170-N, Consent Decree) (M.D. Ala. Approved December 18, 1991), Pub. L. No. 89-105, the Adoption and Safe Families Act.
History: New Rule: Filed July 8, 2002; effective August 12, 2002. **Amended:** Filed June 2, 2006; effective July 7, 2006.

660-5-29-.04 Care Of Children.

(1) Physical Care

(a) Medical and Dental.

1. Foster parents shall participate in planning to meet the medical and dental needs of child(ren) in custody.

This shall be coordinated with agencies who have planning and/or custodial responsibilities.

(i) A thorough physical examination by a licensed practicing medical doctor, a physician's assistant, certified nurse practitioner, or shall have benefit of a medical screening or assessment (e.g., EPSDT) within ten days after admission (unless such examination has been received within three months prior to being received into a foster family home) and annually thereafter;

(ii) Immunizations according to the schedule prescribed by the Health Department;

(iii) Appointments as recommended by the physician;

(iv) Administration of prescribed medications in dosages and at times prescribed. A log shall be kept of medication administration. The log shall include, but not be limited to, a record of the child's name, the prescribing physician, the name of the medication, the amount and frequency prescribed, and the date, time and amount of each dose given. It is recommended that the route of medication delivery (oral, topical, etc.) as prescribed also be listed.

(b) Diet.

1. Daily diets shall be wholesome, nutritious and properly prepared;

2. Special diets shall be followed as prescribed or recommended by a physician;

3. Infants shall be fed according to their doctor's recommendation;

4. Food shall be served in a manner that is safe and appropriate for the age and development of the child.

(c) Personal Hygiene.

1. Hygiene practices shall be followed to prevent the spread of disease from person to person or from animal to person;

2. Individual items such as towels, washcloths, toothbrushes and other toiletries shall be provided for each child according to their individual needs. Also, children are to be discouraged from sharing personal items.

(d) Transportation:

1. Appropriately sized safety helmets shall be worn when using recreational vehicles such as bicycles, go carts, ATV's, etc.

2. Seat belts or a child passenger restraint system as prescribed by law are required for the driver and each passenger.

(e) Clothing:

1. Foster parents shall:

(i) Ensure that each foster child is clothed with his/her own clean, well fitting, shoes and clothing appropriate to age, sex, individual needs, and comparable to the community standards;

(ii) Include children in the selection of their clothing, when age appropriate;

(iii) Allow foster children to bring and acquire personal belongings;

(iv) Send all personal clothing and belongings with the children when they leave the foster home.

(f) Rest:

1. Children shall be provided an opportunity for uninterrupted sleep according to their individual needs.

2. Children shall not sleep with adults;

3. Each child shall have a separate bed;

Exception: Two children, who are not siblings, of the same sex and under age six, may sleep in the same double size bed if approval is given by the foster parent and social worker. If one child has an objection, the social worker or child-placing agency will be contacted to address the issue. Two siblings of the same sex and any age (unless infants) may sleep in the same double size bed but only when determined appropriate by the children's social worker and foster parent.

4. If infants will be placed in the home, these additional guidelines must be followed:

(i) Clean, tight-fitting crib sheets shall be provided as frequently as needed.

(ii) An infant shall sleep alone in a crib until age 18 months. It is strongly recommended they be placed on their side or back or as recommended by the pediatrician.

(2) Child Care Practices.

(a) Discipline and Punishment

1. Foster parents shall:

(i) Use discipline as a positive educational influence which seeks to develop inner controls and provide structure;

(ii) When appropriate, use positive reinforcement such as, but not limited to,

(I) Rewarding good behavior

(II) Praise and encouragement

(III) Providing incentives for positive behavior

(IV) Advise foster children of all rules and regulations in the foster home which apply to him/her, including those relating to telephone use, visitation, and mail;

(V) Be consistent in the enforcement of foster home rules.

(VI) Monitor reading materials, video tapes, music, television and computer usage for age appropriateness. All material with sexually explicit, frightening or violent content shall be inaccessible to children.

(VII) Administer any discipline required, assuring that it is fair, consistent, brief, related and in proportion to the offense, and in accordance with stated rules and regulations in the foster home. For homes who serve DHR children, discipline shall be consistent with Behavior Management policy, and as directed in the ISP. (See Appendix).

(VIII) If necessary, use positive corrective measures, which include, but are not limited to:

I. Loss of privileges

II. Time out (See Behavior Management Policy for age and time restrictions)

III. Grounding

IV. Redirecting the child's activity

V. Developing a behavioral contract

VI. Extra chores VII. Restitution by child of other person's property damaged or destroyed by child

VIII. Temporary, supervised isolation from the child's peers

(iii) Foster Parents shall not use harsh and humiliating punishment, corporal punishment, physical abuse, emotional abuse, verbal abuse or derogatory remarks about a child or his/her family. Some examples of these types of punishment include but are not limited to:

(I) Corporal punishment of any kind

(II) Shaking the child

(III) Chemical, drug, or mechanical restraints

(IV) Use of instruments to punish a child (i.e., belts, switches, extension cords, etc.)

(V) Denial of food

(VI) Denial of sleep

(VII) Arbitrarily sending a child to bed early

(VIII) Denial of visits, mail, telephone contacts with significant others as described in the ISP/ Case Plan

(IX) Extended (more than ½ hour) time outs

(X) Threatening children with removal from the home

(XI) Punishing children for bed-wetting or accidents in regard to toilet training.

(b) Visiting/Telephone and Mail Contacts

1. Family connections shall be encouraged and maintained;

2. Foster parents shall allow visitation rights and telephone and mail contacts of the family and child unless specific, definable and documented reasons to the contrary have been established;

3. The approval of the agency with planning responsibility shall be obtained before all visits of the children outside of the State, and visits within the State in excess of three days.

(c) Educational Opportunities.

1. Foster parents will participate in ensuring regular school attendance of children in accordance with the school attendance laws;

2. Children will be provided space and quiet time to complete their homework;

3. Foster parents will participate in advocating for children's educational needs through IEPs and other necessary methods;

4. When practical, children will be encouraged to participate in extra-curricular school and educational activities.

(d) Recreation.

1. Positive community contacts shall be provided, e.g., church, civic groups, and YMCAs;

2. Provision shall be made for adequate playtime, both indoor and out;

3. Children shall be allowed an opportunity to exercise some free choices of activities.

Author: Jerome Webb
Statutory Authority: Child Care Act of 1971 (Title 38, Chapter 7, Code of Ala. 1975,) with specific reference to §§38-7-2, 38-7-3, 38-7-4, 38-7-8, 38-7-10; Title 38, Chapter 13, §§1-12, Code of Ala. 1975; Title 41, Chapter 22, §§1-27, Code of Ala. 1975; 12-15-65 and 26-14-1; Federal Court Orders in reference to the R.C. v. Fuller case (R.C. v. Hornsby, No. 88-H-1170-N, Consent Decree) (M.D. Ala. Approved December 18, 1991), Pub. L. No. 89-105, the Adoption and Safe Families Act.
History: **New Rule:** Filed July 8, 2002; effective August 12, 2002.

660-5-29-.05 Foster Family Homes Serving Minor Expectant Mothers.

(1) The general requirements which pertain to the care of children prescribed under other sections of this document shall be followed in all applicable respects and, in addition, there shall be compliance with the following special regulations pertaining to the care of minor expectant mothers.

(a) Physical Facilities.

1. Access to medical and hospital facilities;

2. No more than two girls per room;

3. Separate bed and appropriate storage facilities for each girl;

4. Bathroom facilities convenient to the bedrooms.

(b) Personal Care

1. The foster parent(s) shall:

(i) Participate/assist with medical appointments;

(ii) Make available informal education, including, but not limited to prenatal care, parenting, homemaking, and first aid;

(c) Legal

1. Girls who wish to place their children for adoption or in a foster family home shall be referred to the Department of Human Resources or to a child-placing agency.

Author: Jerome Webb
Statutory Authority: Child Care Act of 1971 (Title 38, Chapter 7, Code of Ala. 1975,) with specific reference to §§38-7-2, 38-7-3, 38-7-4, 38-7-8, 38-7-10; Title 38, Chapter 13, §§1-12, Code of Ala. 1975; Title 41, Chapter 22, §§1-27, Code of Ala. 1975; 12-15-65 and 26-14-1; Federal Court Orders in reference to the R.C. v. Fuller case (R.C. v. Hornsby, No. 88-H-1170-N, Consent Decree) (M.D. Ala. Approved December 18, 1991), Pub. L. No. 89-105, the Adoption and Safe Families Act.
History: New Rule: Filed July 8, 2002; effective August 12, 2002.

660-5-29-.06 Foster Family Homes Serving Medically Fragile Children.

(1) The general requirements which pertain to the care of children prescribed under other sections of this document shall be followed in all applicable respects and, in addition, there shall be compliance with the following special regulations pertaining to the care of medically fragile children:

(a) Provider Requirements

1. Basic instruction in "infection control" (for HIV providers primarily and others as appropriate);

2. Receipt of "disease or condition specific" instructions when a child is scheduled for placement in the home.

3. For homes serving children with special mobility needs (walkers, wheelchairs, etc.) the home will be free of barriers that would prevent the child(ren) from using their mobility and self-care skills to their maximum potential (i.e., halls and doorways of adequate width, accommodating toilet and bathing facilities, ramps, etc.).

Author: Jerome Webb
Statutory Authority: Child Care Act of 1971 (Title 38, Chapter 7, Code of Ala. 1975,) with specific reference to §§38-7-2, 38-7-3, 38-7-4, 38-7-8, 38-7-10 ; Title 38, Chapter 13, §§1-12, Code of Ala. 1975; Title 41, Chapter 22, §§1-27, Code of Ala. 1975; 12-15-65 and 26-14-1; Federal Court Orders in reference to the R.C. v. Fuller case (R.C. v. Hornsby, No. 88-H-1170-N, Consent Decree) (M.D. Ala. Approved December 18, 1991), Pub. L. No. 89-105, the Adoption and Safe Families Act
History: **New Rule:** Filed July 8, 2002; effective August 12, 2002.

660-5-29-.07 Approval Process For Foster Family Homes.

(1) Application and Procedure for Approval.

(a) Required submissions and agreements

1. The completed Application to Operate Foster Family Home(DHR-612, Rev. 5/01) to the Department of Human Resources

2. Completed Medical Report for Out of Home Care Provider for Children (DHR-2092, Rev. 5/01) to authorizing agency for each adult member of the household. This form must be completed within six months prior to the approval of the foster family home;

3. A statement from a licensed practicing medical doctor, a physician's assistant, or certified family nurse practitioner on all other household members (i.e., foster parents' children, boarders, etc.) certifying to the approving agency the person's freedom from infectious and contagious diseases. This statement shall be dated within six (6) months prior to the approval date of the foster family home.

4. Completed Financial Report (DHR-736, Rev, 5/01);

5. Completed Request for Clearance of State Central Registry on Child Abuse/Neglect (DHR-DFC-1598) for each applicant, household members 14 years of age and over, adult roomers and boarders, and persons regularly visiting overnight;

6. Authorization for release of Alabama and federal criminal history information (DPS/DHR Criminal History Information Consent and Release Form DHR-CHCK-2088, 05/01) for each applicant, adult household member, regular overnight visitors, and substitute caregiver. Authorize release of criminal history and other character and suitability information from other states, if requested by the approving agency.

7. Name, address and telephone number for all persons who will provide emergency substitute care for foster children in the foster family home;

(b) Reference Requirements.

1. Applicants, adult household members and adult persons regularly visiting overnight shall provide to the approving agency the names, addresses and telephone numbers of at least three persons to serve as references. The approving agency may contact additional sources at its discretion to determine character and suitability. The references shall meet the following requirements below:

2. Have known the person for at least two years;

3. Are unrelated to the person by blood, marriage, or adoption;

4. Are able to give information to the approving agency regarding character, community reputation, work history, and suitability to care for children or to have contact with children.

(2) Examination and Investigation of Application.

(a) The following activities are required during the review of the application:

1. The approving agency will examine the physical components of the home to determine compliance with regulations set forth in the Minimum Standards for Foster Family Homes;

2. The approving agency will assess the prospective foster family and household members. The assessment shall include, but not be limited to, interviews with foster family members, household members and references to determine compliance with regulations set forth in the Minimum Standards for Foster Family Homes;

3. An assessment of the character and suitability of the prospective foster family, household members, regular overnight visitors, and substitute caregiver will be completed. The application shall not be approved if the individual makes false or misleading statements to the approving agency regarding incidents or events occurring while on the job or surrounding part of any child abuse or neglect investigation conducted by the Department, law enforcement or other government officials. Such statements are considered as evidence of unsuitable character. Findings of indicated reports on the State Child Abuse and Neglect Central Registry or a criminal history may also be evidence of unsuitable character.

4. If an applicant is an initial applicant, he or she must successfully complete an approved Foster Parent preparation process. However, if the applicant is applying for a renewal, he or she must attend in-service training.

(3) Disposition of the Initial Application.

(a) Initial Approval:

NOTE: Approval for foster family homes does not apply to adoption applications. Dual approvals require both an application for foster family homes and an adoption application.

1. The approval for a foster family home shall be valid for one (1) year after the date of approval unless

revoked or voluntarily surrendered. The family shall be provided written notice of approval with one of the following forms:

(i) Foster Family Home Approval (DHE-DFC-614 (10-84), Rev. 3/87) shall be issued by the Department of Human Resources

(ii) Child Placing Agency Approval (DHR-DFC-735, Rev. 7/88).

(b) Denial:

1. The approving agency shall issue a written notice of denial when minimum standards for the operation of a foster family home have not been met.

(4) Renewal of an Foster Family Homes Approval.

(a) The foster parents shall submit the following for renewal of an approval;

1. Application for renewal of an approval to continue operating a foster family home (Boarding Home) (DHR-612) thirty (30) days prior to the expiration date on the current annual approval;

2. If a foster parent makes an application for renewal prior to the expiration of the current application, the approval shall continue in effect until notice action is taken by the approving agency.

3. The name of one (1) reference who has known the family for at least two (2) years;

4. A physical examination (every two years only) after the initial physical examination consisting of:

(i) Medical Report for Persons Giving Care to Children, DHR-2092, Rev.5/01; or

(ii) A statement from a licensed practicing medical doctor, a physician's assistant, or certified family nurse practitioner which attests to the foster parent's physical fitness and mental well being to care for children and freedom from infectious and contagious diseases. 4. Statement from a licensed practicing medical doctor, a physician's assistant, or certified family nurse practitioner on all other family/household members (i.e., foster parents' children, boarders, etc.) certifying to the approving agency, every two years, the person's freedom from infectious and contagious diseases.

(b) The approving agency shall:

1. Make a re-examination and evaluation of the foster family home to determine continued compliance with regulations set forth in this Section. The foster family home will assist in the study as required.

(5) Revocation of an Approval.

(a) An approval shall be revoked or not renewed if the foster parents:

1. Consistently fail to maintain standards prescribed as published by the Department;

2. Violate the provisions of the approval issued;

3. Fail to adhere to all terms of the Foster Family Home Agreement;

4. Furnish or make any misleading or any false statements or report to the approving agency;

5. Refuse to submit or make available to the approving agency any reports or records required to complete the approval process. However, the approving agency shall make written demand on the person, firm or corporation operating the facility and shall allow ten (10) days for submission of such report or reports;

6. Fail or refuse to submit to an investigation by the approving agency;

7. Fail or refuse to admit authorized representatives of the approving agency at any reasonable time for the purpose of investigation;

8. Fail to maintain financial resources adequate for the satisfactory care of children served in regard to upkeep of premises and provisions for personal care, medical services, clothing, learning experience and other essentials in the proper care, rearing and training of the child (ren). (Code of Ala. 1975, §38-7-8); or

9. Fail to assure safety of children;

10. Fail to submit to the approving agency authorization to obtain criminal history and information from other states, if requested by the approving agency;

11. Fail to submit to the approving agency authorization to obtain subsequent criminal history and information if requested by the approving agency;

12. Refuse to seek correction of any physical, emotional, or mental condition that could be detrimental to a child's care;

(6) Conditions Of An Approval.

(a) Approvals issued by the approving agency to foster family homes permit the foster family home parents to receive from the approving agency a child or children, unrelated to the foster family, for the purpose of providing family care and training on a 24 hour basis.

(b) Foster Family Homes approved to serve children shall not be approved to serve adults without special approval by approving agency.

(c) The number of children received in foster family home care shall not exceed the number specified on the approval.

(d) Foster family home shall be approved for **no more than** six-(6) foster children unless the children are siblings. No more than two-(2) of the six-(6) children shall be under the age of twenty four-(24) months unless they are siblings.

(e) Supervisory visits to the approved foster family home shall be made by the approving agency as often as necessary to assure the well-being of the foster child or children, the maintenance of the prescribed regulations and to provide consultative services.

(f) The approving agency has the right to, and shall be afforded reasonable opportunity to, inspect any prospective or approved foster family home. Such inspection shall be made at any reasonable time, without prior notice.

(g) The holder of an approval may voluntarily surrender the approval. However, in the best interest of the children, an advance notice of fourteen (14) days should be given the approving agency.

(h) The foster family home approval is nontransferable and is void if the family moves to another dwelling.

Author: Jerome Webb
Statutory Authority: Child Care Act of 1971 (Title 38, Chapter 7, Code of Ala. 1975,) with specific reference to §§38-7-2, 38-7-3, 38-7-4, 38-7-8, 38-7-10; Title 38, Chapter 13, §§1-12, Code of Ala. 1975; Title 41, Chapter 22, §§1-27, Code of Ala. 1975; 12-15-65 and 26-14-1; Federal Court Orders in reference to the R.C. v. Fuller case (R.C. v. Hornsby, No. 88-H-1170-N, Consent Decree) (M.D. Ala. Approved December 18, 1991), Pub. L. No. 89-105, the Adoption and Safe Families Act.
History: **New Rule:** Filed July 8, 2002; effective August 12, 2002.