DEPARTMENT OF HUMAN RESOURCES SOCIAL SERVICES DIVISION ADMINISTRATIVE CODE

CHAPTER 660-5-37
LICENSING: MINIMUM STANDARDS FOR RESIDENTIAL CHILD-CARE FACILITIES

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660-5-37-.01 Legal Authority.

(1) Licensing Requirement. Any person, group of persons or corporation who or which receives children or arranges for care or placement of one or more children unrelated to the operator must apply for a license or approval to operate a child-care facility. Application for such license or approval to operate a child care facility shall be made to the Department in the manner and on forms prescribed by it.

(2) 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 child-care facilities.

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

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

(b) Department. The Department of Human Resources of the State of Alabama.

(c) Related. Any of the following relationships by blood, marriage, or adoption: parent, grandparent, brother, sister, stepparent, stepbrother, stepsister, step grandparent, half-brother, half-sister, uncle or aunt, and their spouses.

(d) Facility for Child Care of Child Care Facility. A facility established by any person, group of persons, agency association or organization, whether established for gain or otherwise, who or which receives or arranges for care or placement of one or more children, unrelated to the operator of the facility, apart from the parents, with or without the transfer of the right of custody, in any facility as defined in this chapter, established and maintained for the care of children.

(e) Child Care Institution or Institution for Child Care. A child care facility where more than 10 children are received and maintained for the purpose of providing them with care or training or both, or transitional living program services, but does not include:

1. Any institution for child care which is under the ownership or control, or both, of the State of Alabama, or which is operated or certified or licensed by another agency or department of the state of Alabama;

2. Any juvenile detention home established and operated by the state of Alabama;

3. Any bona fide boarding school in which children are primarily taught branches of education corresponding to those taught in schools, grades 1 through 12, or taught in public elementary schools, high schools or both elementary and high school.

(f) 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.

(g) Group Home. A child care facility where at least seven but not more than 10 children are received and maintained for the purpose of providing them with care or training or both, or transitional living services.

(h) Shelter Care. The temporary care of children in group homes, foster care or other non-penal facilities.

(i) Abuse. Harm or threatened harm to a child’s health or welfare. Harm or threatened harm to a child’s health or welfare can occur through nonaccidental physical or mental injury, sexual abuse or attempted sexual abuse or sexual exploitation or attempted sexual exploitation. “Sexual abuse” includes the employment, use, persuasion, inducement, enticement, or coercion of any child to engage in, or having a child assist any other person to engage in any sexually explicit conduct or any simulation of the conduct for the purpose of producing any visual depiction of the exploitation

of children, or incest with children as those acts are defined by Alabama law. "Sexual exploitation" includes allowing, permitting, or encouraging a child to engage in prostitution and allowing, permitting, encouraging or engaging in the obscene or pornographic photographing, filming, or depicting of a child for commercial purposes.

(j) Neglect. Negligent treatment or maltreatment of a child, including the failure to provide adequate food, medical treatment, supervision, clothing, or shelter.

(k) Child. A person under the age of 18 years.

Author: Linda S. Stephens
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660-5-37-.02 Personnel.

(1) Personnel Files. Administrative files shall include, but are not limited to, the following information:

(a) Written personnel policies approved by the board which regulate such practices as salaries, fringe benefits, working hours, sick leave, vacation, holidays, retirement, and termination, grievance and training. A copy shall be provided to each employee.

(b) Qualifications and job descriptions for all administrative and regular positions. These shall be reviewed annually by the executive.

(c) Individual personnel files shall be maintained for the executive and for each employee. A file shall also be established for each volunteer who individually has direct contact on a continuing basis with children in circumstances other than under direct supervision of agency staff. The files shall include at least the following:

1. The application for employment or volunteer position.

2. Information regarding the character and suitability of the applicant. This includes but is not limited to:

(i) Results of criminal record check,

(ii) Response to Clearance of State Central Registry On

(iii) Child Abuse/Neglect (DHR-DFC-1598),

(iv) Documentation of contact with former employers and references, and

(v) Other pertinent history.

3. Verification that the employee meets the specific qualifications for his/her particular job as stated in job descriptions of the child care facility.

4. Documentation of completion of training.

5. Signed statement by the employee confirming that they have read and have an understanding of Section IV B, Program Child Care Practices outlined in these standards.

6. Annual evaluations.

7. Medical examination reports as required, which shall be kept apart from general personnel files as a separate, confidential medical record, available only under limited conditions as specified under ADA/ Section 504.

8. Reports regarding criminal convictions or charges occurring after the employment of an individual.

(d) In the event of misconduct or dereliction of duty, a full report of the circumstances, the inquiry procedure followed, and the disposition made shall be recorded and handled in accordance with the child care facility's policies.

(e) Staff records shall be kept for a period of five (5) years after the date of employment termination. These files shall be made available for review by the Department upon request.

(2) Medical Requirements. Complete physical examinations for staff by a licensed practicing medical doctor or physician's assistant shall be made within three months prior to employment, and record of the examination shall be on file in the facility as a separate confidential medical record. The DHR-DFC-737, Medical Report for Persons Giving Care to Children shall be completed in all respects, including tests specified.

(a) Another medical report form other than that which is supplied by the Department (DHR-DFC-737) may be used that includes:

1. The same information;

2. The history of any chronic disease and a statement by the licensed practicing medical doctor or the physician's assistant indicating whether or not the condition affects the individual's ability to care for children or to perform services in a child care facility;

3. A statement by the licensed practicing medical doctor or physician's assistant as to whether or not the examination reveals that the person examined is free of any contagious or infectious disease, physically fit to care for children or to perform services and does not pose a "direct threat" to the health or safety of others in a child care facility as outlined under requirements of the American Disabilities Act.

(b) At least every four years from the initial examination (earlier if concerns regarding the mental, physical or emotional health of the employee arise) each employee shall have:

1. A complete physical examination as specified above, excluding the tests specified; or

2. A statement from a licensed practicing medical doctor or physician's assistant which attests to the employee's freedom from contagious and infectious diseases and his/her physical fitness to care for children or to perform services in a child care facility.

(c) A record of such examination or physician's statement shall be on file in the facility as a separate confidential medical record.

(d) A staff person, who, upon observation or examination or as a result of tests, shows indication of a physical, emotional, or mental condition that could be detrimental to the children or staff, or which would prevent satisfactory performance of duties, shall not continue work at the center until the staff person provides a written statement from a licensed practicing medical doctor indicating that the staff person is able to return to work.

(e) An additional medical or psychological evaluation shall be required at the discretion of the Department's representative. A release to allow the Department Office of Licensure representative to confer directly with the doctor shall be provided on request. Such report or recommendation shall be maintained in the employee's file for review by the Department.

(3) Character and Suitability Requirement. All applicants and holders of a child care license or six-month permit, all applicants for employment in a paid or voluntary position, and all current employees in paid or voluntary positions must be suitable and of good moral character in order to operate or work in a child care facility.

(a) All applicants shall be investigated to determine character and suitability to hold a license/permit or work in

a child care facility. Information regarding the character and suitability shall be reviewed by the Department at the time of initial application.

(b) For purposes of this requirement, an applicant includes all board members and officers of corporations, partnerships, associations, or other legal entities having direct contact with the children in care. Because staff family members living in the home or visiting overnight shall also be of good character and suitability, a criminal background check shall be obtained on these individuals.

(c) Upon promulgation of these regulations, the applicant/ licensee shall conduct a character and suitability review on all applicants for employment in a paid or voluntary position, and all current employees in paid or voluntary positions. The review shall consist of the following components:

1. Review of Past History

2. Criminal History Check

3. Clearance of State Central Registry On Child Abuse/ Neglect.

(d) Evidence of unsuitable character may be the basis for the denial of an initial application or renewal, or the suspension, or revocation of a license or six-month permit.

(e) The character and suitability of a licensee/permit holder, staff member, or applicant for employment, in a paid or voluntary position, to hold a license or six-month permit or to work in a child care facility may also be assessed by a review of the past history of the individual regarding their veracity and their ability to care for children. Past history to be considered includes but is not limited to the following:

1. False or misleading statements made by the individual to the Department or other Government facility personnel 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 are considered as evidence of unsuitable character;

2. Applicants for a license/six month permit and holders of licenses/six month permits who are discovered to have had a history of operating without a license and refusal to cease operations and apply for a license or permit or refusal to allow the Department to conduct investigations regarding their activities or allegations of abuse and neglect or history of noncompliance with minimum

standards are also considered as evidencing unsuitable character.

(f) All applicants for a license or six-month permit and all staff members and applicants for employment in paid or voluntary positions, must reveal on their application all past criminal convictions/or charges, except for minor traffic violations, since age 16. Driving Under the Influence is not considered a minor traffic violation and must be reported to the Department.

(g) All applicants for a license or six-month permit and all staff members and applicants for employment in paid or voluntary positions shall submit authorization for release of Alabama criminal history information by completing the ABI-46 Release Form to the Alabama Bureau of Investigations (ABI) with instructions to send the results to the Department for licensee/permit holders and to the facility director for staff members or applicants for employment in a paid or voluntary position. Fees required shall be paid by the facility or employees of the facility.

(h) No applicant shall be hired, or volunteer services used if convicted of a crime in this or another state at any time if a State court of competent jurisdiction has determined a felony conviction for any of the following crimes. Also, an applicant shall not be hired, or volunteer's services used if convicted as an accessory to a crime that involves a felony conviction for one of the following offenses:

1. Any abuse or neglect against a child,

2. Any felony against a child,

3. Any assault or abuse against a domestic partner or former domestic partner,

4. Any crime which has violence or threat of violence against any person. This includes but is not limited to any sex-related crime (including those listed under the Community Notification Act). This includes the following crimes:

(i) rape in the first or second degree;

(ii) sodomy in the first or second degree;

(iii) sexual torture;

(iv) promoting prostitution in the first or second degree;

(v) arson in the first or second degree;

(vi) serious intentional, reckless or negligent physical injury, danger or death of any person such as but not limited to: murder, homicide, manslaughter, assault with a weapon, criminal negligence;

(vii) stalking or aggravated stalking;

(viii) any solicitation, attempt or conspiracy to commit any of the above crimes.

(i) An applicant will not be hired, or volunteer's services used if the record check reveals that within the past five (5) years a court of competent jurisdiction determined a felony conviction for any of the following crimes. Also, the applicant will not be hired, or volunteer's services used if convicted as an accessory to a crime that involves a felony conviction for one of the following offenses:

1. physical assault against someone other than a child, domestic partner, or former domestic partner in which a weapon or deadly instrument was not used (see above if committed against a child, domestic partner, or former domestic partner or if a weapon or deadly instrument was used).

2. battery or

3. a felony drug-related offense. This includes a felony DUI.

(j) The licensee or permit holder, and all staff members must advise the facility's director or administrator and the Department of all criminal convictions and /or current criminal charges, including Driving Under the Influence which occurred after the licensee/permit holder attains a license/ permit or during the course of employment with the child care facility. Such reports shall be made within 24 hours and will be followed by a written report within five (5) days. This information shall be kept in the individual's file.

(k) The character and suitability of a licensee/permit holder, staff member, or applicant for employment, in a paid or voluntary position, to hold a license or six-month permit or to work in a child care facility shall also be assessed by a clearance of the State Central Registry on Child Abuse/ Neglect.

1. 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 licensee/permit holder, staff member, or applicant for employment, in a paid or voluntary position. Completed

forms shall be kept in the individual's file. NOTE: Subsequent Request for Clearance of State Central Registry on Child Abuse/Neglect (DHR-DFC-1598) may be requested at any time.

2. A review shall be conducted on all applicants for a license/permit, staff members, and all applicants for employment, who are discovered to have been determined by a child or adult protective service agency in any state, to have perpetrated the abuse or neglect of a child or adult.

3. Determinations which fall within the general subject area outlined under Criminal Records check above, even if no criminal conviction has occurred, are considered as evidence of unsuitable character.

4. Employment or approval shall be denied, terminated or the approval revoked if persons are determined to not be of appropriate character or suitability to work with or provide care and supervision for children.

(4) Job Descriptions and Qualifications. Any child care facility accepting referrals from the Department of Human Resources shall be certified by the Department as being in compliance with all laws pertaining to non-discrimination (Title VI of the Civil Rights Act of 1964 and Section 504 of the Rehabilitation Act of 1973, and Americans With Disabilities Act of 1990).

(a) There shall be a board of directors active in an administrative and/or advisory capacity. Their responsibilities shall be as follows:

1. The board or its designee shall consult with the Department prior to establishing a new child care facility, changing the purpose, goals or function of the basic program, or extending services into additional program or geographic areas.

2. The board shall notify the Department when there is a change of the executive and/or chief officer of the board.

3. The board or its designee shall provide financial information to the Department.

4. The board shall articulate the purpose, goal, and function of the child care facility and establish written job descriptions and qualifications.

5. The board shall establish written by-1aws governing the organization, duties and operation of the board.

6. The board shall ensure the establishment of written operating policies including, but not limited to: organizational structure, administration, personnel practices, intake, discharge, program, and behavior management practices.

7. The board shall distribute to its members copies of the prescribed regulations for child care facilities. The board shall employ a qualified executive, and delegate to him/her the responsibility for administration of the child care facility.

8. The board shall be responsible for providing operating and capital funds. Financial policies and practices shall be in accord with sound budgeting, disbursement, and audit procedures.

9. The board shall provide evidence that sufficient funds are available to equal twenty-five percent (25%) of the projected operating budget for the first year of operation and annually thereafter.

10. The board shall approve the annual budget and revisions, if any, to the annual budget, in advance of the applicable fiscal period.

11. The board shall provide for proper bonding of board officers and child care facility employees who handle operating or capital funds of the child care facility.

12. The board shall cause to be conducted an annual or biennial audit of the financial affairs and transactions of the licensed provider by a certified public accountant not on the staff of the child care facility nor a member of the board and to make an annual or biennial report of the audit to the State Department of Human Resources upon completion of the report.

13. The board shall provide a copy of the audit, which the chief officer of the board certifies has been presented to the board as a whole, to the Department. Child care facilities operated by a governmental agency shall provide a copy of the annual report of the appropriate fiscal examining authority.

(b) Executive responsibilities shall be as follows:

1. Maintain knowledge of the licensing standards, operating policies and personnel policies;

2. Direct, evaluate, and articulate a program of child care within the limits of function and policy established by the board;

3. Make regular reports to the board on all phases of the operation of the child care facility and its program;

4. Make regular reports to the Department in accordance with requirements by the Department;

5. Prepare the annual budget, and handle expenditures according to budget allocations;

6. Organize the work of the child care facility and delegate responsibility to various staff members, as appropriate, including the appointing, evaluating and termination of staff;

7. Make provision for continuity of administrative authority in his/her own absence;

8. Assess the total operation of the child care facility and its program annually, report to the board the successes, barriers, strengths and needs, and make appropriate recommendations;

9. The executive shall not be assigned, nor assume, any primary responsibility for fund-raising or other activities that necessitate extended absences from the child care facility or which interferes with his/her administrative responsibilities in conducting the child care facility program, unless another full-time staff member is assigned responsibility and authority for the day-to-day operation of the child care facility.

(c) Executive qualifications shall be as follows:

1. A baccalaureate degree in the field of social work, psychology, administration, or a related field, from a college or university accredited by one of the six regional accrediting associations of the United States.

2. A minimum of 24 months' successful full-time, paid employment in family and children's services, including progressively responsible administrative and/or supervisory experience.

3. Graduate training in administration, education, psychology or social work at an accredited graduate school may be substituted in lieu of up to 12 months of the experience listed above. One academic year may substitute for 6 months' experience, and two academic years for 12 months' experience (i.e. completion of a two-year graduate program will require only an additional 12 months experience rather than the 24 months as stated above).

(d) Child Care Staff Responsibilities shall be as follows:

1. Provide direct care and supervision of children;

2. Every child care staff worker who directly supervises children shall be off at least 24 consecutive hours per week for which they are not working in a child care worker capacity;

3. When two relief staff are unavailable, one child care staff worker shall be permitted to provide relief for the two regular child care staff, as long as staff to child ratio is maintained.

(e) Child Care staff qualifications shall be as follows:

1. A high school diploma or a GED certificate. Staff hired prior to March, 2000 who do not hold a high school diploma or GED may retain their child care position for the facility in which they are employed as of March, 2000.

2. Training or experience in child development issues;

3. Physical health adequate to participate, when appropriate, in the activities of children, as documented by the required medical examination;

4. Minimum age of 19 years old.

(f) Relief Staff shall provide for care and supervision of children when child care staff are off duty.

(g) Relief staff shall meet the same qualifications for employment as child care workers.

(h) Social workers' service staff responsibilities shall be as follows:

1. The child care facility shall employ its own social service staff, or

2. Contract with a cooperating agency or private individual to provide social services;

3. A written agreement shall be signed between the child care facility and the social service agency providing such services. The agreement shall detail specific duties to be performed for the child care facility relative to admissions, discharges and Care/Treatment Plans.

(i) Staff rendering social services must meet at a minimum one of the following criteria:

1. A social worker licensed under Alabama law shall be licensed and shall practice social work pursuant to Alabama Act No 652, (Regular Session 1977) effective November 23, 1978 and Alabama Act 2016-313, §1.

2. The social worker shall have at least one of the following qualifications. The individual may be licensed at the following levels:

(i) A license as a master social worker (LMSW), or

(ii) A license as an independent clinical social worker (LICSW), or

(iii) A license as a bachelor social worker (LBSW) with continuing supervision from a person licensed as specified above.

(iv) A licensed professional counselor (LPC) under Alabama law specific in Code of Ala. 1975, §34-8A-7(1) through (7) or

(v) An associate licensed counselor (ALC) under Alabama law specific in Code of Ala. 1975, §34-8A-8(1) through (3). The associate licensed counselor may not practice without direct supervision by a licensed professional counselor. The plan for supervision of the associate licensed counselor is to be approved by the Alabama Board of Examiners in Counseling prior to any actual performances of counseling on the part of the associated licensed counselor.

(vi) A psychologist licensed under Alabama law.

(vii) All other professional staff employed by the child care facility shall be qualified in their occupational fields or licensed in their professional fields.

(j) For those child care facilities using volunteers, the volunteer responsibilities shall be as follows:

1. Volunteers shall not be permitted to assume total responsibilities or duties of any paid staff member;

2. Written job descriptions and responsibilities shall be developed for all volunteers;

3. A staff member shall be designated to supervise and evaluate the activities of the volunteers;

4. A file will be maintained on the schedules, hours worked and activities of volunteers.

(2) Staff Development (all staff, including volunteers).

(a) New staff shall receive orientation within 30 days of employment.

(b) Orientation will cover the following topics:

1. Agency philosophy, policies, and procedures;

2. Generally accepted principles of child care and behavior management practices;

3. Overview of the Child Care Institution, Group Homes, and Child Placing Agencies;

4. Confidentiality issues.

(c) This program must be under the supervision of qualified staff and appropriate to the position being assumed by the new employee;

(d) Completion of orientation shall be documented in the employee's file;

(e) New hire training consisting of a minimum of thirty (30) hours of actual training time will be given within the first one hundred eighty (180) days of hire.

(f) The training shall consist of the following components:

1. Child development;

2. Behavior management;

3. The process of grief and loss;

4. The dynamics of attachment and separation;

5. The value of families;

6. *Individualized Service Plan;

7. Identifying the strengths and needs of families and children;

8. Behavior as an expression of underlying needs;

9. The value of partnerships;

10. How children enter the foster care system;

11. Family implications among agency personnel;

12. *Overview of the R.C. Consent Decree;

13. Understanding and valuing cultural differences.

*Exemptions of these sections allowed for agencies not accepting DHR children into placement.

(g) After the first anniversary of employment, a program of in-service training will provide staff with a minimum of fifteen (15) hours in-service training annually. Participation at conferences and workshops may be included as part of the 15 hours as documented by attendance certificates.

(h) Training may include, but is not limited to the following components:

1. Child safety issues;

2. Crisis intervention/engaging families;

3. The impact of the media on children;

4. Effects of multiple placements;

5. Cultural sensitivity and responsive services;

6. Significance of birth families;

7. Substance abuse;

8. Gang activity;

9. Universal precautions and infection control.

Author: Jodie Nata
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660-5-37-.03 Social Services.

(1) Social Information. Complete social information shall be obtained prior to admission except in cases of emergency placement. Social information shall include, but is not limited to, the following:

(a) A written application, including reason for referral;

(b) Face Sheet to Include:

1. Child's name;

2. Child's birthdate (verified);

3. Child's race;

4. Child's gender;

5. Name of custody holder;

6. Address of custody holder;

7. Telephone number of custody holder;

8. Name of biological parents;

9. Address of biological parents;

10. Telephone number of biological parents;

11. Emergency Contact name, and telephone number.

(c) Religious affiliation, if any;

(d) Name, address, and relationship of person with whom the child was living immediately prior to placement;

(e) Personal and family history prior to placement;.

(f) Psychiatric and psychological reports, if any are available;

(g) Copy of court custody order, and any agreement with parent, agency or person holding legal custody or having planning responsibility;

(h) Current medical examination report;

(i) School records;

(j) Financial Arrangements;

(k) List of persons related and unrelated who should or should not be allowed visitation rights or contact.

(2) Case File. The complete case file shall be kept current and include the following:

(a) Face Sheet;

(b) Dates of the pre-placement visit and the outcome;

(c) Social and Developmental History;

(d) Legal Documents;

(e) Financial Information;

(f) Medical and Dental Information;

(g) Psychiatric and Psychological Information;

(h) Educational Information;

(i) Visitation Information;

(j) Summaries and Care/Treatment Plans and or ISPs;

(k) Correspondence;

(l) Discharge Summary;

(3) DHR-EEO-808. Intake procedures shall be in conformity with policies established by the Division of Equal Employment Opportunity and Compliance in the State Department of Human Resources and shall apply only to facilities accepting referrals or placements from the Department of Human Resources. Form DHR-EEO-808, Record of Intake Processing, shall be used for this purpose. Another form may be used which gives the same information.

(4) Placement Authorization. At the time of admission, the child care facility shall have one of the following authorizations:

(a) A signed Placement Agreement (DHR-DFC-824) (for children who are not in the custody of DHR at the time of admission). The agreement is to be with one of the following:

1. parent of the child or

2. the person (other than the parent) or agency having legal custody of the child by virtue of a court order (and a copy of the court order granting such custody) or

3. the agency authorized to provide out-of-home care by virtue of an agreement between the parent and the agency (a copy of the authorization between the agency and the parent shall be included).

or

(b) An Inter-agency Agreement (DHR-DFC-823) (for children who are in the custody of DHR at the time of admission) which includes the following:

1. a statement regarding provision of medical, dental, surgical, and hospital services; and permission to participate in recreational, social, and educational activities;

2. a copy of the most recently completed ISP form

or

(c) A court order granting custody of the child to the child care facility, if appropriate. Neither the Placement Agreement nor the Inter-Agency Agreement are needed if the child care facility is granted custody through a court order.

(5) Care/Treatment Plan. Case planning shall begin at the time of placement. The licensed social worker service staff at the child care facility has the responsibility to involve the child and the child's family in developing a written individualized care/ treatment plan for each child within 30 days of admission. The child care facility will maintain the plan to use in providing social services. The plan shall include all of the following:

(a) The date the plan is developed;

(b) An assessment that identifies the strengths and needs of the child and family and designates measurable, realistic, achievable and time limited service objectives or goals;

(c) Designation of the actions that each person (i.e. the child, the child's family, the child care facility and the referring agency) will take to reach the objectives and goals;

(d) Goals set in respect to length of stay, discharge, and aftercare; and

(e) A written plan of the financial responsibility of the parent, guardian, legal custodian, or other responsible person or agency.

(6) Confidentiality. Confidential information concerning children shall not be used or disclosed for any purpose except to those directly involved in the care/treatment plan or unless the sharing of information is required to meet an individual's need for safety. Confidentiality of all information about children and their families shall be maintained as follows:

(a) By keeping case records in files that are locked when unattended.

(b) By restricting any disclosure of the whereabouts of the children to only the parent or person having legal custody, the agency having legal custody, the person(s) providing authorized services, unless otherwise specified by court order

or, the persons or agency(s) for whom written informed consent has been obtained.

(c) By treating as confidential any and all discussion of information about children and their families.

(7) General Social Service Provisions. A child care facility shall provide social services. A child care facility shall employ a social worker or contract for social services on the basis of an average of one hour of social services per week for every child in the licensed capacity minus the number of staff's own children living in the facility. When social services are provided through contract, there must be a written agreement that the required hours are provided. Social services shall be a continuing process for children and their families. A child care facility which offers multi-disciplinary approaches serving children with exceptional needs and which meets the minimum standards for social services may employ other personnel to provide treatment, team leadership and clinical and social services for residents. These personnel must have at least a master's degree in a human services field and must be licensed and certified consistent with state law. The child shall have access to the facility social worker service staff and be able to schedule private appointments upon his/her initiative alone.

(8) Development and Review of Care/Treatment Plan. Proper case planning shall begin within 24 hours after an emergency placement, within 48 hours on weekends and holidays. In developing or modifying the plan, the child care facility's professional staff member shall obtain consent of the agency or individual who holds custody of the child for contacts with relatives, visits with relatives and unrelated persons, plans for discharge, vocational training, and college attendance and extracurricular activities such as organized athletics and individual recreational activities. Evaluation for such planning shall be a joint responsibility of the child care facility's professional staff and the agency/individual having legal custody. The Care/Treatment Plan will be reviewed at least every six (6) months. Preparation for review shall include written summary of contacts with child's family. This shall be provided by the agency having primary planning responsibility. If the child care facility is the planning agency, instead of a separate report this information may be included under a separate heading of the summary of the child's adjustment and progress. A copy of the report shall be provided to the social service agency having primary planning responsibility for the child. In cases of private referrals a copy of this report shall be provided to the legal custodian. The review will consist of:

(a) Written summary of the child's adjustment and progress in all important areas of his/her life during the period since the last care/treatment plan;

(b) Identification of individuals participating in the review.

(9) Social Services Work with Child's Family. If the agency having primary planning responsibility and the child care facility agree that the child care facility's social worker service staff is in a better position to work with the child's family, the two agencies can agree for the child care facility's social worker service staff to work directly with the child's family. In such cases: the working relationship shall be stated in the care/treatment plan; the child care facility's social worker service staff shall then provide the services as indicated in the Care/Treatment Plan, and provide the agency having primary planning responsibility a written summary of each evaluation of the care/treatment plan. The agency having primary planning responsibility retains its full authority for planning.

(10) Other Social Services. The child care facility shall appoint a designated staff member to make provisions for medical and dental services as required by these standards, and for psychological testing, psychiatric examination and treatment, vocational counseling and training, or other specialized services according to the child's needs. The child care facility shall notify the primary planning agency of the need for the services for a child which are not a part of the stated services offered by the program. All specialists used by the child care facility shall be qualified and/or licensed in their respective fields.

(11) Admission.

(a) Admission shall be limited to children for whom the child care facility is equipped by staff, program, and equipment to serve adequately.

(b) A child under six years (6) of age shall not be admitted to a child care facility except by special consent of the State Department of Human Resources or if the child is admitted to a child care facility licensed to provide shelter care or where the child's mother is receiving care in a maternity center.

(c) The child care facility shall not accept a child from outside the state without first obtaining the consent of the State Department of Human Resources.

(d) There shall be a pre-placement visit by the child to the child care facility except in cases of emergency.

(e) Admission shall be a process that involves the child, the child's parents, guardian, or relative, if appropriate, and child care facility staff.

(f) Emergency placements may occasionally be required. The principles of placements shall be adhered to, even though the

span of time over which an emergency placement takes place may be abbreviated.

(12) Discharge.

(a) The time in residence shall be no longer than necessary, as determined by the needs, progress and/or development of the child, the situation of his/her family, or both.

(b) The child care facility and the agency/individual having primary planning responsibility shall coordinate the discharge of the child.

(c) Unless there is clear and documented evidence that the child is a danger to himself/herself or others, each agency/individual shall inform the other agency/individual at least 30 days in advance of the proposed date of discharge.

(d) A discharge summary and plan for aftercare shall be developed and provided to the person/agency responsible for aftercare.

Author: Linda S. Stephens
Statutory Authority: Code of Ala. 1975, §§38-7-1 through -17, §§41-22-1 through -27.
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660-5-37-.04 Program.

(1) Staff to Child Ratio. The child care facility shall have sufficient number of qualified paid staff to provide for each child's physical and emotional needs at all times and perform required tasks.

(a) The ratio of child care workers to children shall not be less than one child care worker on duty for each 8 children. Exception: During the hours of 10 PM to 7 AM the ratio of child care workers to children shall not be less than one child care worker on duty for each 10 children. When child care staff or other staff have their own children living in the same living units as children under care, such children shall be included in the licensed capacity of the child care facility.

(b) The administrator shall advise the Department in writing of the number of staff's children living in the facility. The State Department may require a higher ratio of staff per child for those child care facilities serving children with more specialized needs as determined by a child's Care/Treatment Plan and or/ISP.

(2) Medical Care. An ongoing relationship shall be established with a licensed practicing physician or clinic to advise the child care facility staff concerning medical plans, programs and treatment of children in care.

(a) Each child shall have a complete physical examination or the benefit of medical screening or assessment, i.e., MediKids or EPSDT, for children eligible for Medicaid. A copy of the complete physical examination report or assessment shall be on file. Such examination shall be made within three months prior to admission and at least annually thereafter. (Another EPSDT may be requested if a Medicaid recipient had a screening longer than 3 months prior to admission and they are entering foster care.) Exception: In emergency placements where a medical is not available a medical examination and report shall be obtained no later than ten (10) days after the placement.

(b) The initial examination for children shall consist of a complete history, physical examination, and tests as listed on form DHR-DFC-623. A form is acceptable which makes provisions for the same information as the DHR-DFC-623, Child's Medical Record-Foster Care, which is furnished by the Department. Information about the family health history is helpful.

(c) Each child care facility shall make provision and establish procedures for routine medical services, hospitalization and/or emergency medical or surgical treatment of children. Financial arrangements for provisions of these services shall be part of the Placement Agreement.

(3) Dental Care. An ongoing relationship shall be established with a licensed practicing dentist(s) to advise the child care facility staff concerning dental plans, program and treatment of children in care.

(a) Each child shall have a routine dental examination at least annually. Necessary follow-up treatment shall be provided.

(b) Each child care facility shall make provision and establish procedures for routine and emergency dental services. Financial arrangements for provision of these services shall be a part of the Placement or Inter Agency Agreement.

(4) Personal Hygiene. The child care facility shall carry out a program of instruction to meet the individual personal hygiene needs for all children. Individual items such as towels, washcloths, toothbrushes and other toiletries shall be provided for each child according to their individual needs. It is suggested that one child's personal items not be allowed to touch that of another child's to avoid the possibility of contamination.

Also, children are to be discouraged from sharing the personal items.

(5) Rest. The child care facility shall provide opportunity for uninterrupted sleep for each child according to his individual needs. Infants should be placed on their back to sleep.

(6) Nutrition. The child care facility shall provide wholesome nutritious and properly prepared daily meals, including: meats or meat substitutes, vegetables, milk, fruit, cereal, bread, and dessert. Special dietary needs shall be provided as recommended by a physician. When special dietary needs are identified, professional consultation shall be requested and modifications made as needed. At least three meals shall be served each day, each with a different menu. Menus shall be written in advance and shall be kept on file for one year and available for review. Between-meal and nighttime snacks shall be available, except when restricted for dietary or health reasons.

(a) The child care facility shall annually review its food service menus to assure that well-balanced, nutritious and appetizing food is served.

(b) Handling, storage, and preparation of food shall comply with state health standards. Food shall be of a size and consistency appropriate for the age, growth, and development ability of a child.

(7) Clothing. Clothing shall be stylish, properly fit, clean and of good quality and appearance. The clothing shall not be different from clothes worn by children in the community. Children shall have a part in the selection of their clothes. Used clothes shall be used only when in good condition, when chosen by the child, and when properly renovated and fitted. When shoes are needed, new shoes shall be provided, and shall be fitted to the individual child. Used canvas sneakers, if in good condition and sanitized, may be used. Each child shall have his/her own clothing and a place for storing it. Responsibility for the provision of clothing shall be outlined in the Placement Agreement.

(8) Discipline. Discipline shall be used as a positive educational influence that seeks to develop inner controls and provide structure. The child shall be advised of all rules and regulations of the child care facility which apply to him/her. The staff members shall be aware of the rules and regulations of the child care facility, and consistent in their enforcement thereof. The administration shall be responsible for the thorough understanding by all staff members of policies and practices concerning discipline and punishment.

(9) Punishment. When punishment is required, it shall be fair, consistent, brief, related and in proportion to the offense and in accordance with the child care facility’s written child care

policies. Harsh and humiliating punishment, including corporal punishment, physical or emotional abuse, is prohibited. Verbal abuse of a child and derogatory remarks about a child or his/her family is prohibited.

(a) Punishment shall not be administered by peers. Limited peer input into consequences of negative behavior may be appropriate as part of a therapeutic program under the supervision of a professional staff member. Positive corrective measures are to be used and may include, but are not limited to:

1. Loss of privileges.

2. Time out (usually age of child plus two minutes).

3. Grounding to a certain area.

4. Redirecting the child's activity.

5. Develop a behavioral contract.

6. Extra chores.

7. Restitution by child of another person's property damaged or destroyed by child.

(b) Withholding of sleep, meals or mail, arbitrarily sending a child to bed early, and the curtailment of visits by the child's family to the child, shall not be used as a type of punishment at any time. A child who must be temporarily isolated from his/her peers shall be under adult supervision. When a child is isolated, provisions shall be made for humane and safe conditions including room space appropriate to the developmental level of the child, adequate ventilation and lighting, and a room temperature consistent with the rest of the home or facility. Meals, routine medication and water must be provided. Observation of a child in isolation shall occur at least every 30 minutes or more often as necessary. The behavior management plan will describe how frequently the child must be observed and will authorize any restrictions imposed while the child is in isolation, e.g., no TV or radio.

(10) Behavior Management. Child care facilities will develop written policies regarding behavior management. The policy will be explained to each child upon placement and a copy will be provided to the person placing the child or holding custody of the child.

(11) Public Appearances. Public appearance of the children shall not be for the purpose of display and shall be permitted only when such appearances have positive and constructive value for the children and with the consent of the custodian or person or agency responsible for the child. Children shall not be required to

attend parties, church functions, fund raising drives, picnics, etc., sponsored by various groups. Children shall never be exploited for the benefit of the child care facility. All public appearances by the children as representative of the child care facility shall be voluntary. The child's sleeping area and personal belongings shall not be on display to the public except for those rare occasions when the child care facility observes open house, homecoming, etc., and always with the permission of the child.

(12) On-Campus Work Assignments. Work assignments shall be considered as part of the participatory responsibility of living together, or as a means of earning money. Children shall not be considered as substitutes for employed adult staff, nor shall they be employed as a means of avoiding the hiring of adult staff. Work assignments shall be made in accordance with the age and ability of the child. Jobs for children shall be assigned so that they will not conflict with schooling educational needs, playtime, extracurricular activities, or normal community visits, or visits with their families and friends. Children shall have some choice in their chores, and a change of routine duties shall be offered periodically to reduce monotony and to provide a variety of experiences. Children shall not be employed for the financial gain of the facility and monies earned shall be the property of the child.

(13) Sponsors. Where sponsorship of specific children by church or other unrelated groups or individuals exists, no child shall be compelled against his/her will to visit. A visit shall be planned with the child's consent, and subject to the approval of the legal custodian or person or agency responsible for the child.

(14) Telephone and Mail Contacts. Child care facilities will develop written policies regarding telephone and mail contacts. The policy will be explained to each child upon placement and a copy will be provided to the person placing/holding custody of the child.

(15) Visiting Practices.

(a) Family ties shall be encouraged and maintained in accordance with the Care/Treatment Plan. Visitation rights of the family and child shall be honored unless specific, definable and documented reasons to the contrary have been established through the Care/Treatment Plan and/or ISP. Families shall be afforded privacy with their children during visitation on the facility campus, unless specific, definable and documented reasons to the contrary have been established through the Care/Treatment Plan and/or ISP.

(b) Children shall have the right to be with their own relatives on all possible occasions, especially at holiday time. Holiday visits shall be determined to be in the child's

best interest, as allowed in the Care/Treatment Plan and/or ISP. If there are compelling reasons to prohibit visits, those reasons shall be documented.

(c) Siblings in residence in the child care facility shall have the right to contact each other on their own initiative. If possible, siblings shall live together.

(d) The child care facility's professional social service staff may approve families in the community for overnight visits after an assessment of the request and the visiting family. The length of such visits shall be limited to 48 hours. Longer planned visits shall require the prior approval of the person or agency having legal custody or planning responsibility of the child. If the child care facility's professional social service staff and the agency having primary planning responsibility concur in the written Care/ Treatment plan that the child needs to be provided with developmental experiences through visitation in a family home with unrelated persons who may or may not have been previously known to the child, it shall be the responsibility of the facility to make a written request of a County Department of Human Resources or a licensed child-placing agency to approve a designated family as a visiting home for the child.

(e) When the agency having primary responsibility for the child receives written approval of a visiting resource and forwards a copy to the child care facility, the child care facility's social worker service staff shall plan visits directly with the visiting resource parents in accordance with the Care/Treatment Plan and/or ISP for the child. The child care facility social worker service staff shall report to the County Department of Human Resources or licensed child placing agency which approved the visiting resource pertinent information concerning the visits which are made. If only one visit is made, a report on that visit shall be sent soon thereafter. If visits are made on a regular basis, then reports shall be sent on a quarterly basis. All visits will be reported on the Progress Reports.

(f) Sound, appropriate plans shall be made well in advance of proposed vacations and holidays. The child care facility shall make arrangements for on-campus care for children who have no natural family to visit during vacations and holidays or for whom there is no consent for visitation with an approved visiting family member or visiting resource.

(g) A child shall not be taken from, sent from, or allowed to leave the state without written consent of the natural parents who hold custody, or the juvenile court having jurisdiction of the child when custody has been removed from the natural parent.

(16) Allowances. The child care facility shall ensure that each child receives an allowance, spending money, or has the opportunity to earn money.

(17) Educational Opportunities.

(a) Children shall attend school in accordance with the school attendance laws. Space and suitable equipment, such as reference books, adequate lighting and quiet work space, shall be provided in the child care facility for home study. When practical, participation of children in extracurricular activities of the school which they attend shall be encouraged and transportation shall be provided or arranged.

(b) Vocational training, if available in the community for age appropriate children, may be provided in lieu of public-school attendance. Such attendance shall be subject to the requirements of the Alabama State Department of Education.

(c) Education relating to human health and physiology shall be an integral part of the child care facility's program, and shall be geared to the child's age, stage of development and level of understanding.

(d) The child care facility's professional staff shall be involved in the IEP's with the school to ensure that children are properly placed and making adequate adjustment and to plan jointly with school personnel in alleviating problems which arise. Tutoring shall be made available to children who will benefit from additional assistance in obtaining or maintaining grade level.

(18) Recreation.

(a) Positive community contacts shall be provided, i.e., church, civic groups, and YMCA's.

(b) The child care facility shall provide facilities and staff to make recreation and other activities available within the child care facility. Provision shall be made for adequate playtime, both for organized and free play, indoor and out, for all children under care.

(c) The child care facility shall provide time for each child to be alone if appropriate, and places to go where the child will not be disturbed. He/She shall also be provided an opportunity to exercise some free choices of activity.

(d) It is the responsibility of the facility to consider the safety and appropriate supervision of children in planning the transportation to and from recreational activities, and to consider the appropriateness of the activity. The facility shall develop guidelines specifying levels of supervision.

These shall consider such factors as: a child's developmental level, level of maturity, kinds of activities in which a child may participate, and methods by which a child may receive increased or decreased supervision. The guidelines will be explained to a child upon entry and will be posted for review by staff, children, and DHR. Any facility staff who provides transportation shall have a valid driver's license and a copy of the license shall be on file with the facility.

(19) Off-Campus Employment. When appropriate, children of legal work age shall be encouraged to earn their own money through employment in the community. Exceptions may be made in shelter care placements.

(20) Grievance Process for Children. Each facility shall develop specific grievance policies and procedures for implementation. Copies of each shall be provided to each child in care and their families. Grievance procedures shall be activated upon the request of the child or the child's family and continue until a resolution is obtained. The grievance requests and procedures taken shall be documented in the child's file. Documentation of this grievance and resolution shall be placed in the child's file and the grievance shall be reported to the legal guardian and/or agency having primary planning responsibility.
Author: Linda S. Stephens
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660-5-37-.05 Physical Facilities.

(1) Construction and Design. Buildings shall be built, remodeled, or acquired with consideration of the service and program to be offered and children to be accepted. Specifically designated areas shall be provided for sleeping, bathing, dining, informal living and office. The building shall be accessible to persons with disabilities in accordance with Americans with Disabilities Act Accessibility Guidelines (ADAAG) or Uniform Federal Accessibility Standards (UFAS)

(2) Zoning Approval. Prior to being issued a license, six-month permit, or approval, the applicant for the facility shall submit to the Department a written statement of compliance with applicable zoning requirements.

(3) Fire Inspection. Prior to being issued an initial or renewal license, six-month permit, or approval, the applicant for the facility shall submit to the Department a written fire inspection report with no violations cited. Subsequent inspections may be requested by the licensee, member of the Board of Directors or by

the Department of Human Resources. Copies of such inspection reports shall be submitted to the Department.

(4) Health Inspection. Prior to being issued a license, six-month permit, or approval, the applicant for the facility shall submit to the Department a written Health Department inspection report. If food is prepared at the facility, a copy of a current Health Department food permit shall be submitted to the Department. If food is not prepared at the facility, but is served by the facility, the applicant shall obtain written approval from the Health Department of the food service plan, when available, and submit a copy of this approval to the Department. Subsequent inspections may be requested by the licensee, member of the Board of Directors or by the Department of Human Resources. Copies of such inspection reports shall be submitted to the Department.

(5) Grounds and Furnishings. Attractive, well-kept grounds with sufficient outside play space shall be provided. Play space and equipment shall be safe, functional, and available for the recreational program involving all children in the child care facility. All buildings shall be equipped with furnishings that are sufficient to sustain the basic function of the building, adequate in condition, attractiveness and durability, and appropriate to the age and size of the children who will be using the building.

(a) All Child Care Facility on-site swimming pools shall be completely enclosed by a barrier on all four sides of at least four feet in height. The barrier may consist of a house plus a fence on the remaining three sides or a four-sided fence. Openings in the fence shall not permit the passage of a 4-inch diameter sphere. All access through the barriers must have one of the following safety features: key lock, self-1ocking doors or a bolt lock. When the fenced-in pool area is not in use, all entry points must be locked. When the above ground pool is not in use, steps or ladders leading to it must be removed. The fenced-in pool area cannot be used as a play area for children.

(b) When children are using the fenced-in pool area, apply the following:

1. Non-swimmers shall not be allowed in the pool without a life jacket or approved flotation device, unless the non swimmer is participating in a supervised swim lesson. Direct supervision by a person certified in Basic Water Safety shall be required at all times when children are using swimming pools and in the fenced-in area.

(c) A certificate or other documentation of successful completion of a basic water safety course is required for the facility staff if the facility has a pool or is located on a site adjacent to bodies of water. This certification or other

documentation of successful completion of basic water safety instruction is required before children are allowed to use the pool.

(d) Swimming pools must be equipped with a ring buoy, rescue tube, or other appropriate flotation device with an attached rope of sufficient length to cover the pool. The facility must develop rules governing pool use. Rules must be posted and reviewed with each child.

(e) Basic pool safety rules should include the following:

1. Running or boisterous play is not allowed in the fenced-in pool area.

2. Glass articles, sharp metal objects and other hazardous objects are not allowed in the fenced-in-area.

3. No jumping or diving from the slide is allowed; slide feet first and only after previous sliders have cleared the area.

4. Only one (1) person at a time will be allowed on the diving board; diving will not be allowed until the previous diver is out of the diving area.

(f) Safety precautions must include depth markers, life lines, and ladders or steps in the deep and shallow ends.

(g) Chemicals when not in use are to be stored in locked areas.

(6) Living Unit Accommodations.

(a) Living units shall accommodate groups not to exceed 10 children per living unit, but with a maximum of two living units in a single building.

(b) Two children per bedroom are recommended, but there shall not be more than 3 children per bedroom. There shall be no more than one child per bed. All bedrooms and living units shall be as near the ground floor as possible, and in no case shall they be located above the second floor. In living units, bedrooms shall have a minimum of 8-foot ceilings, with a minimum of 70 square feet of floor space, in addition to closet space, per child. Bedrooms shall have windows. The bedroom windows shall be standard window size. Bedrooms shall be comfortable and attractive, assuring the maximum amount of privacy. There shall be a single, sturdy, comfortable bed with good mattress. with a good mattress and springs and appropriate linens and covers shall be provided for each child. Sufficient space for clothing and personal belongings shall be provided for each child.

(c) There shall be at least one tub and/or shower, one toilet and one lavatory with hot and cold water for each five children. Where there is more than one of these in a particular area, each shall be located in a separate compartment. All bath and toilet facilities shall be well lighted and well ventilated and heated. All bathrooms required to be accessible must meet all accessibility requirements in accordance with Americans with Disabilities Act Accessibility Guidelines (ADAAG) or Uniform Federal Accessibility Standards (UFAS).

(7) Ventilation, Heating, Cooling, Lighting and Telephones. Adequate ventilation shall be provided in all areas of the facility. Screens shall be provided for all windows unless the building is totally air-conditioned. Adequate heating and cooling shall be provided in the living and sleeping areas of all buildings. A telephone shall be provided in every living unit, cottage and administrative building.

(8) Isolation and First Aid Supplies.

(a) Any person suffering from a communicable disease in the infectious stage shall, upon medical advice, be excluded from other members of the facility who have not been infected, or excluded from employment, if a member of the child care staff.

(b) First Aid supplies for minor cuts and abrasions shall be available in each building.

(9) Medicines, Drugs, Firearms.

(a) Dangerous equipment and harmful substances unnecessary for the operation of the facility should not be kept on the premises. All necessary but dangerous equipment, toxic substances, and medications shall be kept out of the reach of the residents. All medicine, drugs, and hazardous chemicals shall be kept in locked cabinets, inaccessible to the children, and removed from the premises when no longer being used. Medicine and drugs shall be stored separately from hazardous chemicals.

(b) All firearms and ammunition shall be kept in locked cabinets and shall be inaccessible to the children.

(c) The grounds shall be free from anything that constitutes a danger or hazard, such as: abandoned automobiles, household appliances and uncovered wells and cisterns; stacked lumber with exposed nails; explosives; and dangerous or unvaccinated animals.

(10) Child Care Staff Quarters. Living quarters for a live-in staff member shall be located in close proximity to the sleeping area of the children. In a two-story building, or in a split-1evel

building, staff sleeping quarters shall be located no more than one level removed from the sleeping quarters of the children. Staff shall have bathroom facilities separate from the ones used by the children. The bathroom facilities must meet all accessibility requirements in accordance with Americans with Disabilities Act Accessibility Guidelines (ADAAG) or Uniform Federal Accessibility Standards (UFAS). One common, accessible bathroom may be used by staff and children with physical disabilities.

(11) Safety Plan. The facility shall develop a fire evacuation plan and a plan that will be implemented in the threat of a natural disaster (such as a tornado warning). Routine drills to practice the plans will be conducted. Each child shall be advised of the plan upon entering care.

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660-5-37-.06 Standards Applicable To Specific Facility Types.

(1) Group Home Care. The general requirements pertaining to the care of the children prescribed under other sections of these standards shall be followed in all applicable respects. In addition, there shall be compliance with the following special regulations pertaining to group home care:

(a) In group homes that are an affiliate and an integral part of a parent child care institution or agency as well as those that are unrelated to a parent child care institution or agency, the person employed as executive or supervisor of the facility shall have at least the following qualifications,:

(i) A baccalaureate degree in the field of social work, psychology, administration, or a related field, from a college or university accredited by one of the six regional accrediting associations of the United States;

(ii) Two years of prior experience in working with children and youth and/or on-the-job training in another child care facility.

(d) Bedrooms in facilities constructed or acquired prior to January 1, 1975 shall not accommodate more than four children each. Facilities constructed, purchased, structurally remodeled or acquired after January 1, 1975, shall have bedrooms which accommodate no more than three children each, but two children per bedroom is recommended. Each child shall have their own bed.

(2) Maternity Centers. Maternity homes providing a program for maternity care with referral for hospital and medical services obtained from the community shall be approved by the Department of Human Resources upon meeting the standards set herein.

(a) 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 pregnant girls.

(b) Each girl shall receive social services on a weekly basis. Social services shall be available also in case of emergency. Services shall be extended to the putative father and to the parents of the girl, when indicated. Each girl, individually and/or in a group, shall be encouraged and given the opportunity to focus and participate in the following:

1. Resolving her conflicts, confronting the reality of her situation, and handling the immediate problem of unmarried parenthood.

2. Counseling regarding the decision-making for the unborn child.

3. Preparation for return to community life Participation in an educational program specific to her own needs; i.e. High School, G.E.D., Vocational Training, Junior College, etc.

(c) The decision for the final plan for the baby shall be made by the baby's mother. A minor pregnant girl shall not be required to sign a statement committing herself to any definite plan for her child as a condition of admission to the center. Girls who wish to place their children for adoption or in foster family homes shall be referred to the Department or to a licensed child placing agency. The social worker service staff shall seek legal counsel with respect to problems relating to the legal rights of the minor pregnant girl and her obligations to her child, including relinquishments, termination of parental rights, legitimization, birth certificate, and other legal matters pertaining thereto; including all legal rights of the natural father. Any minor who is fourteen years of age or older, or has graduated from high school, or is married, or having been married is divorced, and is pregnant, may give effective consent to any legally authorized medical, dental, health or mental health services for herself and the consent of no other person shall be necessary. Any minor who is married, or having been married is divorced, or has borne a child may give effective consent to any legally authorized medical, dental, health or mental health services for himself or his child or for herself or her child.

(d) At the time of admission there shall be a medical and obstetric history. Immediately following admission, a complete assessment must be obtained from a licensed medical doctor along with all test results as prescribed by the doctor which may include blood pressure determination, weight, urine analysis, laboratory test for syphilis and gonorrhea, determination of hemoglobin, red and white blood cell count, and any other special studies which may be indicated.

1. A dental examination shall be made and necessary treatment provided by a licensed practicing dentist.

2. Periodic examinations and laboratory tests shall be performed according to the schedule of the ob/gyn physician. Each girl shall be referred for and receive follow-up postnatal care as prescribed by the ob/gyn physician. A postnatal examination shall be made by the licensed practicing ob/gyn physician before discharge from the maternity center.

3. The center shall have written agreements with clinics and hospitals utilized for obstetrical and related services.

4. Authorization for hospitalization may be signed by a parent, guardian, or an agency holding temporary or permanent custody, or as otherwise provided by law.

(e) Bedrooms shall be comfortable and attractive, assuring the maximum amount of privacy for each girl. There shall be a single bed with good mattress and springs and appropriate linens and covers for each girl. No more than two girls shall share one bedroom. It is preferable for each girl to have a room alone.

1. Cribs for infants shall have slats no more than 2 3/8 inches apart. There shall be a crib for each infant. The crib mattress shall fit snugly against the slats. Pillows, soft toys, blankets, and loose sheets should not be in the crib with an infant. A crib that is known to be painted with paint containing lead shall not be used.

(f) There shall be at least one toilet, one shower, and one lavatory for each four girls. Each toilet and shower or tub or tub-shower combination shall be located in a separate compartment. Where showers generally are used, one tub shall be available. Separate toilets and lavatories shall be available for staff and visitors.

(3) Shelter Care Facilities. The general requirements pertaining to the care of children prescribed under other sections of these standards shall be followed in all applicable respects. In the

following area, exception to prescribed standards may be permitted.

(a) A child of any age shall be permitted admission to shelter care as permitted by the facility license. The local Department of Human Resources shall be contacted about all children admitted to shelter care (unless the child is admitted by the Department of Human Resources) so that files can be cleared to determine whether the child is known to the Department or is in need of services. The contact shall occur either immediately during office hours, or at 8:00 a.m. the next morning, weekends and holidays included. It shall be permissible for those shelter care facilities that have social services, or other social service agencies serving families and children, to provide social services to runaways. Placement in a shelter is meant to be short term. Children admitted through agencies other than DHR shall have an assessment conducted at admission to give guidance regarding the possible length of stay and to identify the short-term plans while the child is in shelter. The shelter stay shall not exceed 30 days without the mutual agreement of the agency or person with planning responsibility and the parents, legal custodian, or agency having custody as documented in the child's Care/Treatment Plan and/or ISP. The child's record shall include: Child's Record Sheet for Shelter Care Facility (DHR-BFC 809 or its equivalent) and a copy of legal authorization for placement.

(b) When clothing is provided by the shelter facility it shall be clean and in good condition. To the maximum extent possible, the child shall be allowed a choice in his/her clothes, and the clothes must be fitted to the child.

(c) Any child who needs immediate medical or dental treatment shall be referred to a licensed practicing physician or dentist for examination, and appropriate treatment shall be provided. Financial responsibility for the provision of medical care shall rest with the person or agency holding legal custody and such person/agency shall be notified of the need for provision of medical services.

(d) Where shelter care is offered as one part of the program of a child care facility, a separate cottage or wing of a living unit shall be used exclusively for shelter care. Living groups in the general program shall not be disrupted by receiving children for short-term care.

(e) Where the facility offering shelter care provides an auxiliary program beyond the regular shelter care period, both services can be in the same living unit. There shall be separate bedrooms for use by each program. The age range of children served in both programs shall be the same. The executive shall request prior approval in writing from the

Department when it is desired to provide two programs in the same living unit. A copy of the approval shall be on file in the facility and with the Department.

(f) Bedrooms shall accommodate no more than four children each, unless the children in care are siblings, in which case, up to five children may be accommodated. Children shall have their own beds.

(i) In rooms containing only cribs for infants there shall be a minimum of 2 feet of floor space between each crib. Cribs shall have slats no more than 2 3/8 inches apart. There shall be a crib for each infant. The crib mattress shall fit snugly against the slats. Pillows, soft toys, blankets, and loose sheets should not be in the crib with an infant. A crib that is known to be painted with paint containing lead shall not be used.

(g) There shall be at least one toilet, one lavatory with hot and cold water, and one tub and/or shower for each 6 children. Where there is more than one of these in a particular area, each shall be in a separate compartment. Where showers generally are used, one tub shall be available for use if needed.

(h) The shelter care facility shall have a ratio of no more than ten (10) children for a two child care staff, and no more than eight (8) children under direct supervision of one child care worker. Children of the staff shall be included in determining the staff/child ratio. Exception: During the hours of 10 PM to 7 AM, the ratio of child care workers to children shall not be less than one child care worker on duty for each 10 children. Staff ratios shall be maintained in accordance with the number of children actually in care rather than in accordance with the maximum capacity. However, at least one female child care worker shall be on duty at all times unless the shelter accepts males only. If the needs of the children to be served require shift coverage by child care staff, an exception to the staff/child ratio may be requested. The executive shall request prior approval in writing from the Department as to the length of shifts and the proposed staff/ child ratio. A copy of the approval shall be on file in the facility and with the Department.

(4) Adjunct Programs. The general requirements that pertain to the care of children prescribed under other sections of these standards shall be followed in all applicable respects. Requirements under 660-5-37-.05, Physical Facilities, shall not apply, except that statement from Fire and Health officials shall be on file in the facility and with the Department. The executive shall request prior approval in writing from the Department to operate an adjunct program. A copy of the letter of approval from the Department shall be on file in the facility and with the

Department. A child in care who participates in an approved adjunct program shall retain his/her placement in the regular child care facility.
Author: Linda S. Stephens
Statutory Authority: Code of Ala. 1975, §§38-7-1 through -17, §§41-22-1 through -27, §§ 22-8-4,5.
History: Repealed and New Rule: Filed November 15, 1999; effective December 20, 1999; operative March 1, 2000.

660-5-37-.07 Licensing.

(1) Application for a License. Any person, group of persons or corporation may obtain an application form for a license to operate a child care facility by contacting the Department of Human Resources by letter, telephone or scheduled visit. Applications for a license shall be made on a departmental approved form and shall contain all information requested on that form including social security number if the applicant is an individual. With the application form, an applicant is provided a copy of Minimum Standards for Child Care Facilities: Principles, Regulations and Procedures and an Information Form. The completed application must be returned to the Department within 30 days from the date of inquiry if such person, etc., wishes to pursue his/her plan to operate a child care facility or if such person is already operating a child care facility illegally (without a license).

(2) Examination and Investigation of Application. Upon receipt of the completed application, a representative of the Department of Human Resources will examine the premises proposed for the child care facility and will investigate the person(s) responsible for the facility. The examination and investigation will be based on the minimum standards and regulations as prescribed and published by the Department. Compliance with standards will be noted on the Information Form by the applicant as the information becomes available.

(3) Disposition of the Application. When minimum standards for the operation of a child care facility have been met, a permit or license will be issued by the Department. If denial of a license is indicated, the Department will notify the applicant, verbally and in writing, of the decision, pointing out and discussing those areas of the minimum standards which have not been met.

(4) 6-Month Permit. If specific areas of the minimum standards are identified as lacking in the basic services of the child care facility, and if the applicant can demonstrate or document that in good faith he/she is taking action towards full compliance with the regulation, the Department may issue a 6 Month Permit to persons making initial application for a license to allow the child care facility reasonable time to become eligible for a full license. Issuance of a permit implies that the Department approves

the child care facility's temporary operation without said child care facility's having fully met all requirements. The Department's decision to issue a 6-Month Permit shall be after the child care facility or licensee has met the following requirements: written statements of approval from the fire and health departments, sufficient staff with references and medical to comply with the staff/child ratio, provisions for social services, satisfactory plan for food preparation and service. One renewal of a 6-month permit may be issued at the discretion of the Department. A full license will be issued when the Department determines that all standards have been met.

(5) 6-Month Permit - Alternative to Revocation. Within the licensure period, the Department may issue one 6-Month Permit on a provisional basis to a licensed child care facility found to be out of compliance with the Department's minimum standards where such non-compliance does not represent a hazard to the health or safety, or physical, moral or mental well-being of the children in care. During this six-month period, the child care facility shall correct the items which were in non-compliance and report the corrections to the Department for determination of eligibility for a full license. The child care facility must voluntarily surrender its full license before the Department can consider the issuance of a 6-Month Permit as an alternative to revocation.

(6) Renewal of a License. Application for renewal of a license to continue operating a child care facility shall be made to the Department two months prior to the expiration date of the current license, and on the forms prescribed by the Department. An updated Information Form shall accompany the application. The Department shall re-examine and re-evaluate every area of the facility included in the initial application process. A renewal of a license shall be issued, if, upon re-examination, the Department is satisfied that the child care facility continues to meet and maintain minimum standards prescribed and published by the Department.

(7) Department Visits, Inspections and Consultation. Visits to the child care facility are made by representatives of the Department to determine continued conformity with minimum standards and to provide consultative services. Visits to the child care facility are made by representatives of the Department to inspect and to determine if minimum standards are complied with and to investigate a complaint made against the facility. Such visits shall be made without prior notice. The licensee may request visits of a representative of the Department for consultation, etc. The licensee shall have the opportunity to submit, in writing, information regarding complaints alleged against him and/ or the child care facility, and shall have the opportunity for a full discussion about such complaints.

(8) Corrective Action. If an inspection/evaluation indicates non-compliance with the minimum standards, or the situation warrants,

a corrective action plan may be developed to allow the licensee to achieve compliance with the minimum standards while continuing to care for children. The corrective action plan shall include: a statement of each deficiency, a description of how the deficiency shall be corrected, the date by which corrections shall be completed, and the signature of the Department's representative and the licensee/facility representative. If the licensee fails or refuses to comply with the corrective action plan, the Department may initiate adverse action such as suspension or revocation of the license/permit/approval.

(9) Revocation of a License.

(a) The Department may revoke or refuse to renew a license of any child care facility or refuse to issue a full license to the holder of a 6-Month Permit, should the licensee or holder of a 6-Month Permit fail to comply with the following: maintain standards prescribed and published by the Department, violate the provisions of the license issued, furnish or make any misleading or any false statements or report to the Department, submit to the Department any reports, or make available to the Department any records required by the Department in making investigation of the child care facility for licensing purposes; provided, however, that the Department shall not revoke or refuse to renew a license in such cases unless it has made written demand on the person, firm or corporation operating the facility requesting such report(s) and such person, firm or corporation fails or refuses to submit such reports for a period of ten days, submit to an investigation by the Department, admit authorized representatives of the Department at any reasonable time for the purpose of investigation, provide, maintain, equip and keep in safe and sanitary condition premises established or used for child care as required by any law, regulation or ordinance applicable to such facility, display its license or permit, 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 experiences and other essentials in the proper care, rearing and training of children.

(b) If a routine inspection or an inspection conducted in response to a complaint or conducted for any other reason by the Department discloses any condition, deficiency, dereliction or abuse which is, or could be, hazardous to the health, the safety, or the physical, moral, or mental well-being of the children in the care of the child care facility being inspected, the Department shall have the power to revoke without notice the license or approval or 6-Month Permit.

(10) Provisions of the License. Licenses issued by the Department to child care facilities are valid for two years from the date of issuance, unless revoked by the Department or voluntarily

surrendered by the licensee. The number of children in the child care facility shall not exceed the number specified on the license except in the case of a shelter care facility. The age range of children served shall not vary from the limits specified on the license. The license is not transferable from one individual or group or corporation to another, or from one building to another.

(11) Penalty for Unlicensed Facilities. If the Department representative determines, through investigation, that any person, group of persons or corporation is, or has been operating an unlicensed child care facility, the results of the investigation shall be reported to the Attorney General and to the appropriate District Attorney for prosecution. Filing of the report may be delayed for a period, not to exceed 60 days, to allow the person, group of persons or corporation reasonable opportunity to apply for a license or 6 Month Permit.
Author: Linda S. Stephens
Statutory Authority: Code of Ala. 1975, §§38-7-1 through -17, §§41-22-1 through -27
History: Proposed Succedent Permanent Rule Effective October 8, 1999, March 1, 2000.

660-5-37-.08 Hearings.

(1) Purpose. If the Department makes the decision to revoke or refuse to renew the license, approval or six-month permit, a pre-revocation hearing must be held. The purpose of the pre-revocation hearing is to provide sufficient opportunity for the licensee/ permit or approval holder to show why the action of revocation should not be taken.

(2) Pre Revocation Notice. The notice of the pre-revocation hearing will be sent to the licensee/permit or approval holder by certified mail unless waived.

(3) Pre Revocation Location and Participants.

(a) The pre-revocation hearing will be held either in the County Department or the State Department in Montgomery with the licensee/permit or approval holder and staff members of the Department. The licensee/permit or approval holder has a right to request the issuance of subpoenas to witnesses. The request must be received by the hearing officer no later than 10 days prior to the pre-revocation hearing.

(b) The hearing officer for the pre-revocation hearing will be a staff member of the State Department of Human Resources. The licensee/permit or approval holder must be present at the pre-revocation hearing unless the hearing officer excuses him for a specified reason. He may speak for himself or be represented

by an attorney or other representative. An attorney for the Department may also be present.

(4) Pre Revocation Evidence and Testimony.

(a) The licensee/permit or approval holder may present written evidence or oral testimony and bring to the pre-revocation hearing members of his family, other persons and witnesses. The licensee/permit or approval holder and his representative have the right to review in the State Department or the County Department, as appropriate, at reasonable times prior to or during the pre-revocation hearing the case file and written material which will be placed on exhibit or in evidence by the Department. Certain confidential information such as child abuse and neglect records may remain privileged and not subject to disclosure or review.

(b) During the pre-revocation hearing the hearing officer will hear testimony from the Department as to the specific findings upon which the intended revocation is based. Specific Minimum Standards that are not met will be cited by the Department. The licensee/permit or approval holder or his designated representative will be provided opportunity to present objections to the Department's intended action and to refute findings upon which the decision was based. The licensee/ permit or approval holder should be given the opportunity to voluntarily surrender the license or permit or to withdraw the application for renewal.

(5) Pre Revocation Withdrawal. If, after having received notice of the pre-revocation hearing, the licensee/permit or approval holder chooses not to have a pre-revocation hearing, he must notify the hearing officer verbally or in writing. The hearing officer will send a letter to the licensee/permit or approval holder confirming the cancellation of the pre-revocation hearing and advising him that the intended action will be taken. The decision not to have a pre-revocation hearing does not alter the right to a fair hearing following the action taken.

(6) Pre Revocation Decision. The hearing officer will render a decision as to whether the intended action should be taken. If the license/permit/approval is to be revoked, the hearing officer will send a letter by certified mail, unless waived, to the licensee/ permit or approval holder and his attorney, if any, stating the decision and citing specific Minimum Standards not met and supporting evidence. If it appears that the Department should take a different action, the hearing officer may recommend that the Department make appropriate stipulations, agreements, arrangements, etc.

(7) Follow-Up Action. The licensing authority will take the action specified and notify the licensee/permit or approval holder of the effective date. The Commissioner of the State Department of Human

Resources is the licensing authority for all residential child-care facilities licensed by the Department. The pre-revocation hearing does not alter the right of the licensee/permit or approval holder to a fair hearing, if he/she is dissatisfied with the decision of the Department following the pre-revocation hearing. Notice of the right to appeal for a fair hearing must be sent to the licensee/permit or approval holder by certified mail.

Note: No pre-denial hearing is required to be held prior to the denial of an initial application for a license, six-month permit or approval.

(8) Appeal For a Fair Hearing and Review. If any of the circumstances listed below occurs, the aggrieved party may appeal to the Department for a fair hearing.

(a) License or licensee is denied an initial or renewal license to a facility requiring a license approval by the Department.

(b) License is suspended or revoked for a facility requiring a license approval by the Department.

(c) Application for a license is not acted upon with reasonable promptness.

(d) License approval required by this chapter is unduly delayed by this Department.

(9) Right To Hearing. Notice and opportunity for a fair hearing and notice of right to counsel shall be given the appellant by the Department. Any party aggrieved by a final decision or action of the Department refusing to grant or to issue, or suspending or revoking a license or an approval for the operation of any child care facility required by law to be licensed or approved by the Department is entitled to a review of such final decision or action.

(10) Filing Of Complaint. The complaint is to be filed with the circuit court in the county in which the child care facility is located or in the circuit court of Montgomery County, Alabama. All such complaints shall be filed within 30 days from the date of the decision or action in question. A review shall be granted as a matter of right upon the filing with the Department of a bond for security of costs of said review and upon filing said complaint both with the register or clerk of the circuit court, as designated herein above, and with the Department.

(11) Hearing Participants. Any party at interest may appear and present any relevant facts. Upon motion of either party or upon its own motion the court may at its discretion take additional evidence.

(12) Hearing Decision. The decision or action of the Department on a fair hearing of any such appeal shall be final and binding and all parties shall comply. The court may set aside the final decision of the Department only upon a finding of the court that such final decision was illegal, capricious or unsupported by the evidence. The provisions of this section shall not apply to boarding homes and free homes as defined in this chapter.
Author: Linda S. Stephens
Statutory Authority: Code of Ala. 1975, §§38-7-1 through -17, §§41-22-1 through -27
History: Repealed and New Rule: Filed November 15, 1999; effective December 20, 1999; operative March 1, 2000.

660-5-37-.09 Reports To The Department.

(1) Enrollment. The DHR-BFC-610 report shall be completed and submitted monthly. It is on this form that the administrator shall advise the Department in writing of the number of staff's children living in the facility. Enrollment reports, indicating the number and ages of children enrolled in the facility, shall be submitted to the Department upon written request from the Department.

(2) Changes. The following shall be reported in writing to the State Department Of Human Resources, Office of Licensure prior to occurrence:

(a) If a change in ownership occurs, the facility shall not continue to operate until the new owner applies for and is issued a license/permit/approval.

(b) If a change in location occurs, the facility shall not continue to operate until a new license is applied for and a license/permit/approval is issued for the new location.

(c) If there is a change of the director of the facility, a change of the chief executive officer of the corporation or a member of the board, alterations to the facility or grounds, or a major change to the basic operating schedule or program, the facility shall not continue to operate until a new license is applied for and a license/permit/ approval is issued.

(2) Occurrence of Incidents. The incidents listed below shall be reported to the State Department of Human Resources, Office of Licensure within 24 hours after occurrence or the first work day following the occurrence, whichever is sooner. A written explanation is to be provided to the Department within five (5) days.

(a) any injury requiring professional medical treatment of any child or staff person while at the facility or away from the facility activities;

(b) any illness occurring at the facility or during away from the facility activities which requires emergency medical treatment;

(c) any death occurring at the facility or during away from the facility activities;

(d) major damage to the facility;

(e) any litigation involving the facility;

(f) any traffic accident involving facility children using transportation provided by the facility;

(g) any arrest or conviction of the licensee or any staff person;

(h) final disposition of any child abuse/neglect investigation involving the facility, the licensee, or any staff person;

(i) any incident occurring which places the health, welfare, or safety of a child at risk.

(3) Child Abuse/Neglect Reports.

(a) Any staff person is required to report known or suspected child abuse or neglect to the County Department of Human Resources or the local chief of police, or county sheriff. The report shall be made immediately by telephone or direct oral communication, followed by a written report, containing all known information.

(b) Any person making a report in good faith is immune from any civil or criminal liability. The law further provides that all reports of child abuse and neglect, investigative reports by the Department of Human Resources and certain other records of child abuse and neglect are considered confidential under penalty of law.

(c) In an investigation of a complaint of child abuse/neglect, the executive and staff shall cooperate in gathering facts relating to the allegations and shall make accessible to the investigation: all personnel, children, and records directly or indirectly associated with the complaint in line with State statutes.

(d) The Executive Director of the facility shall advise the State Department of Human Resources, Office of Licensure, about the report no later than the first work day following the alleged incident.

Author: Linda S. Stephens
Statutory Authority: Code of Ala. 1975, §§38-7-1 through -17, §§41-22-1 through -27, §§26-14-1 through -13.

History: Repealed and New Rule: Filed November 15, 1999; effective December 20, 1999; operative March 1, 2000.