

ALABAMA DEPARTMENT OF HUMAN RESOURCES SOCIAL SERVICES DIVISION
ADMINISTRATIVE CODE

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

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

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

(a) Age

1. Foster parents shall be:

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

(b) Marital Status.

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

2. If separated at the time of application:

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

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

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

(c) Other.

1. Foster Parents shall be able to:

(i) Read and write

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

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

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

2. Foster Parents shall be able to:

(i) Responsive to the changing needs of children;

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

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

3. Foster parents shall have:

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

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

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

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

(d) Substitute Care.

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

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

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

(e) Confidentiality.

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

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

(2) Training.

(a) All foster parent are required:

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

(i) Child Development

(ii) Behavior Management

(iii) The Process of Grief and Loss

(iv) The Dynamics of Attachment and Separation

(v) The Value of Families

(vi) Individualized Service Plan

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

(viii) Behavior as an Expression of Underlying Needs

(ix) The Value of Partnerships

(x) How Children Enter the Foster Care System

- (xi) Family Implications Among Foster Parents
- (xii) Understanding and Valuing Cultural Differences
- (xiii) Overview of the R.C. Consent Decree*
- (xiv) *Exemptions of these sections allowed for approving agencies not accepting DHR children into placement.

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

- (i) Child Safety Issues, including CPR and Pediatric and Infant First Aid
- (ii) Crisis Intervention/Engaging Families
- (iii) Effects of Multiple Placements
- (iv) Cultural Sensitivity and Responsive Services
- (v) Significance of Birth Families
- (vi) Substance Abuse
- (vii) Gang Activity
- (viii) Universal Precautions and Infection Control

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

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

(3) Health.

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

1. Have an initial physical examination for foster parents by a licensed practicing medical doctor, a

physician's assistant (as defined in Section 34-24-290(2), Code of Ala. 1975) or certified family nurse practitioner within six months prior to the home's being approved and a record of the examination shall be on file with the Department or licensed child-placing agency. A DHR-2092, Medical Report for Out of Home Care Provider for Children (see copy in the Appendix), shall be completed, including the tests specified, and a copy placed in the Provider's file.

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

(4) Character and Suitability.

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

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

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

1. References.

(i) At the time of initial application, each applicant for a license and each adult household

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

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

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

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

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

(iii) A subsequent REQUEST FOR CLEARANCE OF STATE CENTRAL REGISTRY ON CHILD ABUSE/NEGLECT (DHR-DFC-1598) may be requested by the Department at any time.

3. Criminal History Background Information Checks

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

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

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

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

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

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

(iii) At the time of initial application, an applicant for a license and each adult household member shall submit, to the Alabama Bureau of Investigation, Department of Public Safety, a request

for a criminal history background information check accompanied by the following:

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

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

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

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

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

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

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

(VI) The required fee.

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

(iv) Each adult household member, substitute, caregiver, and domestic worker, volunteer, and any other person who has contact with the children or unsupervised access to the children, initially employed, moving into a licensed home, or performing volunteer services on or after November 1, 2000,

shall submit, to the Alabama Bureau of Investigation Department of Public Safety, a request for a criminal history background information check accompanied by the following:

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

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

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

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

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

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

II. Written consent from each adult household member, substitute, caregiver, volunteer,

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

III. The required fee.

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

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

(VII) Fingerprints are not required when a disability prevents an individual from being fingerprinted. Disabilities preventing fingerprinting include the loss of both hands, severe scarring of all fingers, closed paralytic hands, and similar disabilities. In situations involving a covered disability, a completed Criminal History Information Consent and Release form is required. The Department of Public Safety shall conduct a criminal history background information check by name and Social Security number in such cases. Documentation or verification that the disability prevents fingerprinting shall be obtained from law enforcement or from an individual trained in fingerprinting techniques and shall be submitted

to the Department of Public Safety and the Department of Human Resources.

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

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

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

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

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

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

(xi) If a suitability determination letter is received by the licensee from the Department's Criminal History Check Unit stating an individual is suitable for employment based on the absence of any

disqualifying convictions, the licensee shall make his or her own determination regarding employment or volunteer work. No right to employment is created by the issuance of a letter stating an individual is suitable for employment.

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

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

4. Evidence of Unsuitable Character

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

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

(II) A sex crime, including the following:

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

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

III. Kidnapping of a minor, except by a parent, in the first or second degree, as

proscribed by Section 13A-6-43 or Section 13A-6-44 of the Code of Ala. 1975.

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

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

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

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

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

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

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

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

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

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

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

(IV) A crime committed against a child.

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

(VI) Robbery.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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