Administrative Policy and Procedure Manual Kansas Department of Health and Environment Bureau of Child Care and Health Facilities Instructional Memorandum: Requests for Exception to Exceed License Capacity and/or age range in a Family Foster Home: Factors for Consideration	Program CCLR – CPA & Residential Programs Section 2009 - 01 Applies to Family Foster Homes Effective Date: December 1, 2009

Requests for Exception to Exceed License Capacity and/or Age Range in a Family Foster Home: Factors for Consideration

Per K.A.R. 28-4-804(c), an applicant or licensee may submit a request for exception to KDHE for consideration. Such requests are for exceptional circumstances; not a routine consideration. The expectation is for requests to be submitted only when other feasible alternatives have been explored.

The department may approve the request if it is determined that the exception is in the best interest of a child in foster care and the exception does not violate any statutory requirements. Prior to submission and recommendation, the sponsoring child-placing agency (CPA) should assess if the exception request is in the child's best interest. Documentation supporting those assessment results should accompany the request when submitted to the department.

Typically, the sponsoring child-placing agency and the foster parent(s) work together to prepare the request for exception. The exception most commonly submitted for a family foster home is to exceed the license capacity and/or the licensed age range for a period of time. When determining if the exception is in the best interest of the child(ren) in foster care, the department individually gives consideration to each request based on the specific circumstances of the child(ren) in foster care and the foster family requesting the exception.

Family foster homes are not authorized to exceed the license capacity without prior authorization by the department. Acknowledging that rare circumstances necessitate after-hours placements (evening, weekend, or holiday), **those requests are to be submitted to the department by the next working day.**

Requests for Exception are processed differently than routine paperwork, such as renewal packets and therefore should be submitted separately **by Fax** to (785)296-7025; not attached to other forms or correspondence. For urgent exception requests, whenever possible, it is helpful if an email is sent or a phone call made to the regional administrator alerting that a Request for Exception will be submitted. When attempts to reach an administrator regarding an urgent situation are unsuccessful, call the main CPA and Residential Programs line at (785)296-1270, explain the circumstances, and ask to speak to another administrator.

Upon receipt of the request by the department, the regional administrator first reviews the information submitted to determine if the exception form and all supporting documentation is

complete. Use the most current version of the Request for Exception, which may be downloaded from the KDHE website at the following link: http://www.kdheks.gov/bcclr/index.html. Submissions that are incomplete do not allow for efficient processing of the request.
To facilitate timely review and consideration, complete the attached worksheet and submit with the following information:

- Request for Exception form, **with all blanks completed**; including:
  - License number of the family foster home.
  - License capacity and age range of the family foster home.

- Floor plan with rooms labeled and bedrooms numbered **(see attached example)**. Also include:
  - Bedroom measurements.
  - Location and measurements of windows.
  - Location of doors.

In addition to the factors for consideration listed above, the regional administrator reviews information in the CLARIS database to ensure there are currently no open complaints or open surveys that are past due, and that there have not been an excessive number of requests for exception submitted for this family foster home. Frequent requests for exception to the licensed age range would indicate a need for a license amendment. Additional factors for consideration include the length of time the family foster home has been licensed and the foster parents' compliance history, including any open compliance surveys and any corrections that have not been completed.

The regional administrator reviews all information relevant to the request, and evaluates if there is sufficient basis to make a determination whether the request is in the best interest of the child(ren) in foster care. The regional administrator contacts the requesting CPA worker if additional information is needed. When this step is necessary, timely processing of the request is delayed.

When the request and supporting information is complete, the regional administrator will determine if the request is approved or denied and will notify the requesting CPA worker. When an exception is approved, the regional administrator specifies the approved duration. An exception to exceed license capacity and/or licensed age range is intended to be a short-term, temporary solution for a specific child or children during the specified time period. The approval is no longer effective after the specified date or when any child or children who are in placement at the time of approval depart from the home; whichever comes first. An exception timeframe would last no more than to the next license renewal date or the expiration date of a Temporary Permit.

Prior to the expiration of an approved child(ren)-specific Exception, and at the time of the license renewal for a home-specific Exception, an updated Request is to be submitted to the regional administrator if there is a continued need. The regional administrator will review the request and determine if the exception continues to be in the best interest of the child(ren) in foster care and will then notify the family's licensing worker regarding the approval or denial of the request.