

<p>Administrative Policy and Procedure Manual          Kansas Department of Health and Environment          Bureau of Child Care and Health Facilities</p> <p>Policy: Exception to requirements regarding space between balusters on stairways</p>	<p>Program CCLR – CPA &amp; Residential Programs Section          2008 - 008</p> <p>Applies to Family Foster Homes</p> <p>Effective Date: October 8, 2008</p>
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**EXCEPTION TO REQUIREMENTS REGARDING SPACE BETWEEN  
 BALUSTERS ON STAIRWAYS**

**I. POLICY**

An exception is granted to K.A.R. 28-4-820(d)(6) to extend the spacing between balusters to 4 inches before requiring additional protective provisions. The following conditions must be met in order for the exception to be in effect:

When the family foster home is licensed to care for children less than six years of age or approved to provide short or long term respite for children less than 6 years of age, the child placing agency licensing worker approving the home shall document that the foster parent(s) was provided consultation on the safety issues concerning entrapment, injury and the need for appropriate supervision to minimize risk.

When the family foster home is licensed to care for children under 6 years of age or approved to provide short or long term respite for children under 6 years of age and the spacing between the balusters is greater than 4 inches, protective provisions to reduce the risk of entrapment and injury shall be met as required by K.A.R. 28-4-820(d)(6).

When the family foster home is licensed to care for children 6 years of age and older, and the spacing between the balusters is greater than 4 inches, the child placing agency licensing worker shall discuss safety issues with the foster parent(s) and document the discussion. Protective provisions shall be required, if necessary, on a case by case basis following the child placing agency licensing worker’s assessment of the safety risk for entrapment and injury.

**II. PROCEDURES**

This exception is effective as of the date stated above and remains in effect unless the Department determines the exception is no longer in the best interest of children in foster care.

Sponsoring child-placing agencies are encouraged to work with families to explore affordable means to obtain the needed resources to bring the spacing into compliance.

**III. PURPOSE**

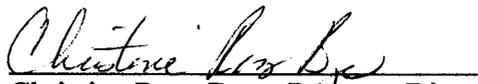
The purpose of this exception is to address the unanticipated hardship for a number of prospective and licensed foster families resulting from the requirements in K.A.R. 28-4-820(d)(6) and to provide some relief pending the revision of this regulation.

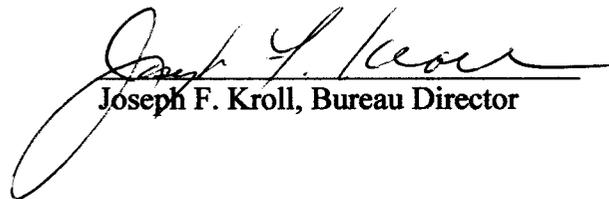
Following the implementation of the regulations for licensing family foster homes, which became effective March 28, 2008, the Department received feedback from child-placing agencies and foster parents that there are a number of homes, including those that are newly built, that do not meet the new

spacing requirement. Homes are built using the National Fire Protection Association (NFPA) 101® Life Safety Code®, which states the space between balusters must be a width of no more than 4 inches.

**AUTHORITY**

The Kansas Department of Health and Environment has the authority to grant exceptions to regulations when it is in the best interest of children in foster care pursuant to K.A.R. 28-4-804(e).

  
Christine Ross-Baze, Program Director

  
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