K.A.R. 28-4-801. License required. (a) An individual shall obtain a license to operate a family foster home when providing 24-hour care to one or more children under 16 years of age who are unrelated to the individual, in the absence of the child's parent or guardian.

(b) No individual shall be required to obtain a license to operate a family foster home under any of the following circumstances:

(1) All of the following conditions are met:

(A) The individual provides 24-hour care for one or more children less than 16 years of age ~~who are unrelated to the individual for a one-time occurrence of less than 30 days during a calendar year~~.

(B) The total number of days the individual provides care does not exceed 90 calendar days during a calendar year.

(C) The individual does not receive payment or other compensation for providing care.

(D) The individual does not provide care for any children who are in the custody of the state of Kansas.

(E) The individual does not provide care for any children placed in Kansas from other states through the interstate compact for the placement of children (ICPC) or any successor compact.

(2) The individual provides care solely for the purpose of enabling the child to participate in a social activity that is normal for the child's age and development.

(3) The individual provides informal visitation as defined in K.A.R. 28-4-800.

(Authorized by K.S.A. 2012 Supp. 65-508; implementing K.S.A. 2012 Supp. 65-504 and K.S.A. 2012 Supp. 65-508; effective March 28, 2008; amended P-_____.)

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K.A.R. 28-4-814. Family life. (a) Family activities. Taking into consideration the age, needs, and case plan of each child in foster care, each licensee shall provide the following opportunities for each child in foster care:

(1) Inclusion of the child in foster care in the daily life of the family, including eating meals with the family and participating in recreational activities;

(2) ensuring that each child in foster care is provided with the same opportunities that are provided to the other children residing in the home; and

(3) ensuring that each child in foster care is provided access to schools, church, recreational and health facilities, and other community resources.

(b) Daily routine. Each licensee shall provide a daily routine in accordance with the age and needs of each child in foster care that includes the following:

(1) Active and quiet play, both indoors and outdoors, weather permitting;

(2) rest and sleep; and

(3) nutritious meals and snacks.

(c) Essential and special items.

(1) Each licensee shall ensure that each child in foster care is provided with essential items to meet each child's needs, including the following:

(A) Food and shelter;

(B) nonprescription medical needs;

(C) clothing and shoes;

(D) toiletries and personal hygiene products; and

(E) birthday and holiday gifts.

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(2) Each licensee shall notify the sponsoring child-placing agency and the child's child-placing agent when a licensee identifies a need for additional resources to provide a special item for a child in foster care. Special items may include the following:

(A) Clothing and fees for instructional or extracurricular activities;

(B) school pictures;

(C) athletic and band instrument fees; and

(D) cap and gown rental and prom clothing.

(d) Allowance. Each licensee shall provide an allowance to each child in foster care equal to that of any other children of similar age in the family foster home who receive an allowance.

(e) Work opportunity. Each child in foster care shall have the opportunity to earn spending money at tasks or jobs according to the child's age, ability, and case plan. The money shall be the child's, and the child shall not be forced to provide for needs that otherwise would be provided by the licensee.

(f) Routine tasks. Each licensee shall permit each child in foster care to perform only those routine tasks that are within the child's ability, are reasonable, and are similar to the routine tasks expected of other members of the household of similar age and ability.

(g) Informal visitation. Any licensee may identify extended family members 18 years of age and older as resources for informal visitation.

(1) For each extended family member identified as a resource, each licensee shall meet the following requirements:

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(A) Describe the relationship of the individual to the licensee;

(B) submit a request for background checks as specified in K.A.R. 28-4-805;

(C) obtain a copy of the current driver's license for each individual who could provide transportation during visitation;

(D) provide to the sponsoring child-placing agency documentation that each individual has read and agrees to follow the confidentiality policy and the discipline policy of the sponsoring child-placing agency;

(E) ensure that each individual has emergency contact numbers and a crisis plan in case of emergency; and

(F) ensure that ~~each~~ either an original or a copy of each medical consent form and ~~a copy of~~ each health assessment ~~are~~ is provided for each child in foster care participating in informal visitation.

(2) Each licensee shall obtain the sponsoring child-placing agency's approval of the informal visitation plan before using informal visitation.

(3) Each licensee shall provide the sponsoring child-placing agency with the information specified in paragraphs (g)(1)(A) through (F) and shall keep a copy on file in the family foster home.

(4) Each licensee shall report the following to the sponsoring child-placing agency:

(A) The date on which each informal visitation occurs; and

(B) the identified extended family member's name and address.

(5) Each licensee shall ensure that both of the following conditions are met:

(A) Each identified extended family member 18 years of age and older is informed of the

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content of the regulations governing family foster homes.

(B) Supervision that ensures the health, safety, and welfare of each child in foster care is provided by an individual 18 years of age and older.

(h) Sleepovers. Any licensee may permit a child in foster care to participate in sleepovers in unlicensed homes if all of the following conditions are met:

(1) The purpose of the stay is to allow the child to participate in a social event that is normal for the child's age and development.

(2) Participation in sleepovers is not precluded in the child's case plan.

(3) The licensee confirms the invitation with the parent of the child to be visited and determines that supervision will be provided by an individual 18 years of age and older to ensure the health, safety, and welfare of the child.

(i) High-risk sport or recreational activity. Any licensee may permit a child in foster care to engage in any high-risk sport or recreational activity if all of the following conditions are met:

(1) Written permission for the specific activity is obtained from the parent, legal guardian, or legal custodian of the child in foster care and from the child's child-placing agent.

(2) The licensee assesses the individual child-specific risk factors before giving permission. These factors shall include the age and maturity level of the child, behavior disorders, suicidal tendencies, developmental delays, thrill-seeking behavior, and difficulty with anger control.

(3) Protective safety gear is used, if required for the sport or activity.

(4) A safety plan is developed and followed. This plan shall include instruction on the

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activity and compliance with any manufacturer's specifications and general safety guidelines.

(5) Direct supervision by an individual 18 years of age and older is provided to ensure safe participation.

(j) The use of trampolines in home settings shall be prohibited for children in foster care. (Authorized by and implementing K.S.A. 2012 Supp. 65-508; effective March 28, 2008; amended P-_____.)

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K.A.R. 28-4-816. Transportation. Each licensee shall ensure that all of the following requirements are met: (a) If a vehicle used for transportation of a child in foster care is owned or leased by a foster family member or is driven by a child in foster care, the following requirements shall be met:

(1) ~~The driver shall be 18 years of age or older, except as allowed in subsection (e), and shall hold a valid driver's license of a type appropriate for the vehicle being used, a copy of which shall be provided to the sponsoring child-placing agency.~~

~~(2)~~ Trailers pulled by another vehicle, camper shells, and truck beds shall not be used for the transportation of children in foster care.

~~(3)~~ (2) The transporting vehicle shall be maintained in a safe operating condition.

~~(4)~~ (3) The transporting vehicle shall be covered by accident and liability insurance as required by the state of Kansas.

~~(5)~~ (4) A first-aid kit shall be in the transporting vehicle and shall include disposable nonporous gloves, a cleansing agent, scissors, bandages of assorted sizes, adhesive tape, a roll of gauze, one package of gauze squares at least four inches by four inches in size, and one elastic bandage.

(b) Each driver of any vehicle that is used to transport any child in foster care shall hold a valid driver's license appropriate for the type of vehicle being used.

(c) The use of seat belts and child safety seats shall include the following:

(1) Each individual shall be secured by the use of a seat belt or a child safety seat when the vehicle is in motion.

(2) No more than one individual shall be secured in any seat belt or child safety seat.

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(3) Each seat belt shall be properly anchored to the vehicle.

(4) When a child safety seat, including booster seat, is required, the seat shall meet the following requirements:

(A) Have current federal approval;

(B) be installed according to the manufacturer's instructions and vehicle owner's manual;

(C) be appropriate to the height, weight, and physical condition of the child, according to the manufacturer's instructions and ~~state~~ Kansas statutes and regulations;

(D) be ~~properly~~ maintained in a safe operating condition at all times;

(E) have a label with the date of manufacture and model number, for use in case of a product recall; and

(F) have no missing parts or cracks in the frame ~~or~~ and have not been in a crash.

~~(c)~~ (d) The health and safety of the children riding in the vehicle shall be protected as follows:

(1) All passenger doors shall be locked while the vehicle is in motion.

(2) Order shall be maintained at all times. The driver shall be responsible for ensuring that the vehicle is not in motion if the behavior of the occupants prevents safe operation of the vehicle.

(3) All parts of each child's body shall remain inside the vehicle at all times.

(4) Children shall neither enter nor exit from the vehicle from or into a lane of traffic.

(5) Children less than 10 years of age shall not be left in a vehicle unattended by an

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adult. When the vehicle is vacated, the driver shall make certain that no child is left in the vehicle.

(6) Smoking in the vehicle shall be prohibited when a child in foster care is in placement in a family foster home, whether or not the child in foster care is physically present in the vehicle.

(7) Medical and surgical consent forms and health assessment records shall be in the vehicle when a child in foster care is transported 60 miles or more from the family foster home.

~~(d)~~ (e) Before a child in foster care is allowed to drive, all of the following requirements shall be met:

(1) The ~~child~~ licensee, child-placing agent, or sponsoring child-placing agency shall obtain permission from the parent or legal guardian.

(2) The privilege of driving shall be included in the child's case plan.

(3) The child shall possess a valid driver's license that meets the requirements of the Kansas motor vehicle drivers' license act, K.S.A. 8-234a et seq. and amendments thereto.

~~(e)~~ (f) Any resident of the home who is at least 16 years of age but not yet 18 years of age may transport a child in foster care who attends middle school or junior high school ~~may be transported~~ to and from school without an accompanying adult ~~by a driver who is at least 16 years of age but not yet 18 years of age~~ if all of the following conditions are met:

(1) ~~The driver resides in the family foster home.~~ All of the requirements of subsections (a) through (e) are met.

(2) The driver has a valid driver's license and meets the requirements of ~~K.S.A. 8-235 or~~

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~~K.S.A. 8-237,~~ the Kansas motor vehicle drivers' license act, K.S.A. 8-234a et seq. and amendments thereto.

(3) The parent or legal guardian of the child in foster care and the child's child-placing agent give their written approval.

~~(f)~~ (g) Any child in foster care who attends high school may be transported to and from school, work, or social activities without an accompanying adult by a driver who is at least 16 years of age but not yet 18 years of age if ~~all~~ both of the following conditions are met:

(1) The driver has a valid driver's license and meets the requirements of the Kansas motor vehicle drivers' license act, K.S.A. ~~8-235 or K.S.A. 8-237,~~ 8-234a et seq. and amendments thereto.

(2) The parent or legal guardian of the child in foster care and the child's child-placing agent give their written approval.

~~(3) If transportation is to work or social activities, not more than one passenger is in the vehicle.~~

~~(g)~~ (h) Any child in foster care who is a parent and who meets the requirements of subsections (a) through ~~(d)~~ (e) may transport any child of that parent. (Authorized by and implementing K.S.A. 2012 Supp. 65-508; effective March 28, 2008; amended P-_____.)

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K.A.R. 28-4-820. General environmental requirements. Each licensee shall ensure that all of the requirements in this regulation are met. (a) Local requirements. Each family foster home shall meet the legal requirements of the community as to zoning, fire protection, water supply, and sewage disposal.

(b) Sewage disposal. If a private sewage disposal system is used, the system shall meet the requirements specified in K.A.R. 28-4-55.

(c) Use of private water supply. If a private water system is used, the system shall meet the requirements specified in K.A.R. 28-4-50. The water supply shall be safe for human consumption. Testing of the water supply shall be completed at the time of initial licensing and annually thereafter to document the nitrate and bacteria levels. Additional testing may be required if there is a change in environmental conditions that could affect the integrity of the water supply. If children less than 12 months of age receive care in a family foster home that uses private well water, then commercially bottled drinking water shall be used for these children until a laboratory test confirms that the nitrate content is not more than 10 milligrams per liter (10 mg/l) as nitrogen.

(d) Family foster home structural and furnishing requirements. The family foster home shall be constructed, arranged, and maintained to provide for the health, safety, and welfare of all occupants and shall meet the following requirements:

(1) The home shall contain sufficient furnishings and equipment to accommodate both the foster family and each child in foster care.

(2) The floors shall be covered, painted, or sealed in all living areas of the home, kept clean, and maintained in good repair.

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(3) The interior finish of all ceilings, stairs, and hallways shall meet generally accepted standards of building, including safety requirements.

(4) Each closet door shall be designed to be opened from the inside and shall be readily opened by a child.

(5) Each stairway with two or more stairs and a landing shall have a handrail and be guarded on each side if there is a drop-off of more than 21 inches from the stairs or landing to the floor or ground.

(6) If ~~the stairs are~~ any stairway is guarded by balusters and the family foster home is or is intended to be licensed for children in foster care less than six years of age, the space between balusters shall not exceed ~~3 1/2~~ four inches, except as specified in this paragraph. If the space between ~~the~~ balusters exceeds ~~3 1/2~~ four inches, the licensee shall make provisions necessary to prevent a child's head from becoming entrapped in the balusters or a child's body from falling through the balusters or becoming entrapped in them.

(7) When a child in foster care less than three years of age is present, each stairway with two or more stairs and a landing shall be gated to prevent unsupervised access by the child. Each gate shall have a latching device that an adult can open readily in an emergency. Accordion gates shall be prohibited throughout the premises, and pressure gates shall be prohibited for use at the top of any stairway.

(8) If the family foster home is or is intended to be licensed for children in foster care ~~under~~ less than six years of age, each electrical outlet shall be covered.

(9) At least one bathroom in the family foster home shall have at least one sink, one

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flush toilet, and one tub or shower. All fixtures shall be working at all times.

(10) Each bathroom shall have a ~~hinged,~~ solid door that affords privacy to the occupant and that can be opened from each side without the use of a key in case of an emergency.

(11) ~~Each floor used as living space shall have at least two means of escape.~~

~~(A) At least one means of escape shall be an unobstructed pathway leading to an exit door to the outside.~~

~~(B) Each exit door shall require no more than two motions to open the door from the inside.~~

~~(C) The second means of escape shall give direct access to the outside and may be an unobstructed door or an unobstructed, operable window with an opening measuring at least 821 square inches, with a minimum width of 20 inches and a minimum height of 24 inches.~~

~~(D) If the second exit is a window, the window shall be within 44 inches of the floor. If the window is screened, the screen shall be readily removed from the inside.~~

~~(12)~~ A working telephone shall be on the premises and available for use at all times. Emergency telephone numbers shall be readily accessible or be posted next to the telephone for the police, fire department, ambulance, hospital or hospitals, and poison control center. The name, address, and telephone number of the primary care physician used for each child in foster care shall be posted next to the telephone or readily accessible in case of an emergency.

~~(13)~~ (12) A working smoke detector shall be centrally installed on each level of the home and in each room used for sleeping by a child in foster care and by the licensee.

~~(14)~~ (13) One ~~operable~~ working carbon monoxide detector shall be installed according to

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the manufacturer's instructions in an area adjacent to each room used for sleeping by a child in foster care and by the licensee.

(e) Cleanliness. The interior of the family foster home shall be free from accumulation of visible dirt, any evidence of vermin infestation, and any objects or materials that ~~constitute a danger~~ could cause injury to children in foster care.

(f) Lighting and ventilation.

(1) All rooms used for living space shall be lighted, vented, heated, and plumbed pursuant to K.S.A. 65-508, and amendments thereto.

(2) Each window and door used for ventilation shall be screened to minimize the entry of insects.

(3) The family foster home shall have lighting of at least 10 foot-candles in all parts of each room, within each living area of the home. There shall be lighting of at least 30 foot-candles in each area used for reading, study, or other close work.

(g) Firearms and other weapons.

(1) No child in the home shall have unsupervised access to any of the following:

(A) Firearms, ammunition, and other weapons;

(B) air-powered guns, including BB guns, pellet guns, and paint ball guns;

(C) hunting and fishing knives; and

(D) any archery and martial arts equipment.

(2) All firearms, including air-powered guns, BB guns, pellet guns, and paint ball guns, shall be stored unloaded in a locked container, closet, or cabinet. If the locked container, closet,

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or cabinet is constructed in whole or in part of glass or plexiglass, each firearm shall be additionally secured with a hammer lock, barrel lock, or trigger guard.

(3) Ammunition shall be kept in a separate locked storage container or locked compartment designed for that purpose.

(4) All archery equipment, hunting and fishing knives, and other weapons shall be kept in a locked storage compartment.

(5) Each key to a locked storage container, closet, or compartment of guns, ammunition, and other weapons, and to gun locks shall be in the control of a licensee at all times.

(h) Storage of household chemicals, personal care products, tools, and sharp instruments. The following requirements shall apply when a child in foster care is in placement in the family foster home:

(1) All household cleaning supplies and all personal care products that have warning labels advising the consumer to keep those supplies and products out of reach of children or that contain alcohol shall be kept in locked storage or stored out of reach of children less than six years of age.

(2) All chemicals and household supplies with warning labels advising the consumer to keep those chemicals and supplies out of reach of children shall be kept in locked storage or stored out of reach of children less than 10 years of age.

(3) Sharp instruments shall be stored in drawers equipped with childproof devices to prevent access by children or stored out of reach of children less than six years of age.

(4) Tobacco, tobacco products, cigarette lighters, and matches shall be inaccessible to

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individuals less than 18 years of age.

(5) Tools shall be inaccessible to each child in foster care when the tools are not in use and shall be used by a child in foster care only with supervision by an individual 18 years of age and older.

(i) Heating appliances.

(1) Each heating appliance using combustible fuel, including a wood-burning stove or a fireplace, shall be vented to the outside.

(2) Each fireplace and each freestanding heating appliance using combustible fuel, including a wood-burning stove, shall stand on a noncombustible material according to the manufacturer's specifications, ~~state~~ Kansas statutes and regulations, and local ordinances.

(3) Each heating appliance designed by the manufacturer to be unvented shall be used according to the manufacturer's specifications, ~~state~~ Kansas statutes and regulations, and local ordinances.

(4) If a child in foster care less than three years of age is in placement in the family foster home, a protective barrier shall be provided for each fireplace and each freestanding heating appliance as necessary to protect from burns.

(5) If a propane heater is used, the heater shall be installed in accordance with the manufacturer's recommendations ~~and any state~~ , Kansas statutes and regulations, ~~or~~ and local ordinances.

(6) Each flue or chimney of any heating appliance that uses combustible fuel shall be checked annually and cleaned as recommended by a qualified chimney sweep.

(j) Clothes dryers. Each clothes dryer shall be vented to the outside or to a venting

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device installed and used according to the manufacturer's specifications, ~~state~~ Kansas statutes and regulations, and local ordinances.

(k) Play space. Each family foster home shall have a space for indoor play and access to an outdoor play space.

(l) Mobile home requirements. In addition to requirements specified in this regulation, if the family foster home is a mobile home, both of the following requirements shall be met:

(1) The mobile home shall have two exits that are located at least 20 feet apart, with one exit within 35 feet of each bedroom door.

(2) Each mobile home shall be skirted with latticed or solid skirting and securely anchored by cable to the ground.

(m) Special inspections. A special inspection of the family foster home by a fire, health, sanitation, or safety official may be required by the secretary or the sponsoring child-placing agency to assist in making a decision about the safety of the home for a child in foster care. (Authorized by and implementing K.S.A. 2012 Supp. 65-508; effective March 28, 2008; amended P- _____.)

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K.A.R. 28-4-821. Sleeping arrangements. (a) Each licensee shall ensure that sufficient space for sleeping is provided to accommodate the number of foster family members and each child in foster care. Sleeping space shall not include any of the following places:

(1) An unfinished attic;

(2) an unfinished basement;

(3) a hall;

(4) a closet;

(5) a laundry room;

(6) a garage;

(7) any living space that is normally used for other than sleeping arrangements; or

(8) any room that provides routine passage to a common use room, to another bedroom, or to the outdoors.

(b) Each licensee shall ensure that each bedroom used for sleeping by a child in foster care meets the following requirements:

(1) Each bedroom shall have at least 70 square feet.

(2) Each bedroom shall have at least 45 square feet for each individual sharing the room.

(3) The exit path from each bed to each outside exit shall have a minimum ceiling height of six feet eight inches.

(4) Each bedroom shall have a solid~~, hinged~~ door to ensure privacy.

(5) ~~Each bedroom shall have windows or doors that are readily opened and provide ready exit to the outside and access into the room by emergency personnel. If the exit is a sliding glass door, the door shall not be barred.~~ Each bedroom shall have at least two means of escape.

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Each means of escape shall be easily opened from the inside.

(A) At least one means of escape shall be an unobstructed pathway leading to an exit door to the outside.

(B) The second means of escape shall give direct access to the outside and shall be an unobstructed door or window that is able to be opened from the inside without the use of tools.

(C) For each window used as a means of escape, all of the following requirements shall be met:

(i) The window shall have a width of at least 20 inches and a height of at least 24 inches.

(ii) The window shall be within 44 inches of the floor or shall have permanent steps or another immovable fixture that brings the window to within 44 inches of the top of the steps or fixture.

(iii) If the window is screened, the screen shall be easily removed from the inside.

(iv) The licensee shall ensure that each occupant of the bedroom can easily exit through the window.

(D) If one means of escape is a sliding glass door, the door shall not be secured by any wooden dowel, metal rod, board, or other device that prevents the door from traveling freely in its track.

~~(6) (A) Except as specified in paragraph (b)(6)(B), each separately partitioned basement bedroom shall have a direct outside exit that meets the following requirements:~~

~~(i) Is within 44 inches of the floor;~~

~~(ii) has an opening of at least 821 square inches, a minimum width of 20 inches, and a~~

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~~minimum height of 24 inches; and~~

~~(iii) is free of any obstruction that would prevent egress.~~

~~(B) If a family foster home whose licensee was licensed before the effective date of this regulation has a basement bedroom used for a child in foster care, the basement bedroom shall have two exits. One exit shall lead directly to the outside, be able to be opened without use of tools, and be at least 20 inches in width and 24 inches in height. If the licensee adds any bedrooms or alters any existing bedrooms in the basement, then the licensee shall be required to meet the requirements specified in paragraph (b)(6)(A).~~

~~(7)~~ (6) All false ceilings, curtains, drapes, or fabric used in decoration for ceilings or walls in each room used for sleeping shall be made of fire-rated materials.

(c) ~~The bedrooms shall ensure~~ Privacy for the occupants of all bedrooms shall be ensured.

(d) Each child in foster care shall have a separate bed or crib that meets the following requirements:

(1) Is intact, fully functional, and in good repair to prevent injury or entrapment of the child;

(2) is of sufficient size to accommodate the size and weight of the child;

(3) has a mattress that is clean and has a waterproof covering, if needed; and

(4) has bedding adequate to the season and appropriate to the age of the child.

(e) Each bed that requires bed springs shall have springs in good condition.

(f) If ~~bunk beds are~~ a bunk bed is used~~,~~ by any child in foster care, the following requirements shall be met:

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(1) The upper bunk shall be protected on all sides with rails. ~~Head~~ Headboards and ~~foot boards~~ footboards may substitute for rails on the ends of the bed.

(2) ~~Only children six years of age or older shall use~~ Each child in foster care using the upper bunk shall be at least six years of age.

(g) No rollaway bed, hideaway bed, or other temporary bed shall be used, except when children in foster care are visiting in the family foster home for a social event or for short-term respite care.

(h) Each child in foster care less than 12 months of age shall sleep in a crib. For the purposes of a nap, the child may sleep in a playpen. Each crib and each playpen shall meet the following requirements:

(1) If a crib or playpen is slatted, the slats shall be spaced no more than 2 3/8 inches apart.

(2) Each crib shall have a firm mattress fitted so that no more than two fingers can fit between the mattress and the crib side when the mattress is set in the lowest position.

(3) The crib corner post extensions shall not exceed 1 1/16 inch.

(4) When the crib is in use, the drop side of the crib shall be secured in the up position.

(5) No pillow, quilt, comforter, blanket, bumpers, or other soft product that could cause suffocation shall be used in the crib or the playpen when a child who is less than 12 months of age is sleeping in the crib or playpen.

(i) Each child in foster care who is less than 12 months of age shall be put to sleep on the child's back unless ordered otherwise by the child's physician. If the child in foster care is

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able to turn over independently, that child shall be placed on the child's back but then shall be allowed to remain in a position preferred by the child.

(j) Each child in foster care 12 months and older may sleep in a crib until ~~the~~ that child is 18 months of age or until the child is of such height that the upper rail of the crib is at the child's breast level when the child is standing and the crib mattress is at the lowest level.

(k) Each child in foster care 18 months but not yet 30 months of age may sleep in a crib when prescribed by ~~the~~ that child's physician.

(l) At night each caregiver shall sleep within hearing distance of the child in foster care.

(m) When any child in foster care five years of age or older ~~in foster care~~ shares a room, the following requirements shall be met:

(1) The child shall share the room only with children of the same sex.

(2) The children sharing the room shall be age-mates, unless the following requirements have been met:

(A) The licensee shall notify the family foster home's sponsoring child-placing agency of the proposed sleeping arrangement.

(B) The licensee shall request that the sponsoring child-placing agency and the child's placing agent determine if the proposed sleeping arrangement is appropriate.

(C) ~~Each~~ The licensee shall maintain documentation of the approval of the sponsoring child-placing agency for the sleeping arrangement.

(3) A child who is known to be a sexual perpetrator or a sexual abuse victim shall not share a room until the following conditions are met:

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(A) The potential roommate arrangements are assessed by the child's placing agent, the home's sponsoring child-placing agency, and the licensee; and

(B) based on the assessment, a determination is made by the child's placing agency that it is unlikely that further sexual abuse will result from the child sharing a room.

(n) If any child in foster care under five years of age shares a room with any other child, all of the children sharing the room shall be age-mates or shall be under five years of age. The children sharing the room may be of the opposite sex if all of the children are under five years of age.

(o) A child in foster care who is a parent may share a room with the parent's own child or children. The room shall meet the requirements in paragraph (b)(2).

~~(o)~~ (p) A child in foster care ~~12 months of age or older shall not~~ may sleep in the bedroom of the licensee ~~except during~~ under any of the following circumstances:

(1) The child in foster care is less than 12 months of age.

(2) The ~~child's illness or due to~~ child in foster care is ill.

(3) The child in foster care has special developmental or medical needs requiring close supervision as documented by ~~the child's~~ a physician. ~~The bedroom shall have a minimum of 130 square feet.~~

(q) If a child in foster care sleeps in the licensee's bedroom, the bedroom shall have at least 130 square feet.

~~(p)~~ (r) Each licensee shall ensure that separate and accessible drawer space for personal

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belongings and closet space for clothing are available for each child in foster care. (Authorized by and implementing K.S.A. 2012 Supp. 65-508; effective March 28, 2008; amended P-_____.)

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