

FAMILY FOSTER HOME REGULATIONS

28-4-311 Definitions.

- (a) "Applicant" means the person or persons who have applied for a license to provide care for foster children.
- (b) "Child placing agent" means the person, child placing agency, or court possessing legal right to place a child.
- (c) "Exception" means a waiver of a licensing regulation granted by the Kansas department of health and environment.
- (d) "Family foster home" means a private home in which care is given for twenty-four (24) hours a day for a small number of children away from their parent or guardian.
- (e) "Foster child" means a child under sixteen (16) years who is living away from the child's parent or guardian with persons who are neither her or his relative nor legal guardian.
- (f) "Foster family" means all persons living in the family foster home other than foster children.
- (g) "Foster parent" means the licensee who is responsible for the care of foster children.
- (h) "Inconsequential care" means twenty-four (24) hour care provided for not more than one (1) calendar month, on a one (1) time basis, for a specific child or children in the temporary absence of the person with whom the child lives.
- (i) "Temporary license" means a document issued by the Kansas department of health and environment granting authority to a person, firm, corporation or association to operate and maintain a family foster home for a term less than one (1) year.

(Authorized by K.S.A. 65-508; implementing K.S.A. 65-501, 65-503, 65-504, 65-508; effective, E-81-22, Aug. 27, 1980; effective May 1, 1981.)

28-4-312 The license.

- (a) Any person desiring to conduct a family foster home shall apply for a license to do so on forms provided by the Kansas department of health and environment.
- (b) Inconsequential care shall not require a license.
- (c) A family foster home shall be licensed for a maximum of four foster children, not more than two of whom shall be under 18 months of age, with a total of six children in the home including the applicant's own children under 16 years of age. Approval may be granted to care for two additional foster children in order to meet the needs of sibling groups or other special needs of foster children.
- (d) Licenses shall not be issued concurrently for more than one type of child care or for child and adult care in the same family foster home.

- (e) A license shall be issued if the secretary finds that the applicant is in compliance with the requirements of K.S.A. 65-501 et seq. and amendments thereof and the rules and regulations promulgated pursuant to these statutes.
- (f) Exceptions.
 - (1) The applicant or licensee may request an exception to a regulation from the Kansas department of health and environment. Such exceptions may be allowed when it is in the best interest of a child or children and when the exception does not violate statutory requirements.
 - (2) Written notice from the Kansas state department of health and environment stating the nature of the exception and its duration shall be posted with the license.
- (g) The applicant may terminate the license by notifying the Kansas department of health and environment if the licensee no longer wishes to maintain a family foster home.
- (h) A copy of the "regulations for licensing family foster homes for children" shall be kept on the premises of the family foster home at all times.

(Authorized by K.S.A. 65-508; implementing K.S.A. 65-501, 65-503, 65-508, K.S.A. 1982 Supp. 65-504, 65-505; effective, E-81-22, Aug. 27, 1980; effective May 1, 1981; amended, T-83-24, Aug. 25, 1982; amended May 1, 1983.)

28-4-313 The foster family.

- (a) The applicant shall be at least eighteen (18) years of age at the time of application.
- (b) All adults shall have been members of the applicant's household for at least one (1) year prior to application.
- (c) The foster parent shall be in good physical and mental health and be free from physical handicaps, as verified by a health assessment, which would interfere with the care of the children.
- (d) The applicant shall provide evidence, as required by the department of social and rehabilitation services foster home assessment guide, of child care experience and knowledge of child care methods which will enable any child to develop his or her potential.
- (e) The applicant shall have sufficient income or resources to provide for the basic needs and financial obligations of the foster family.

(Authorized by K.S.A. 65-508; implementing K.S.A. 65- 508; effective, E-81-22, Aug. 27, 1980; effective May 1, 1981.)

28-4-314 Care of children.

- (a) A foster parent shall provide for the growth and development of each foster child by assuring:
 - (1) Opportunity for each child's contact with his or her natural family in accordance

with the social service plan prepared by the placing agent.

- (2) Sufficient time for recreation and for individual, school and community activities.
 - (3) Opportunity for privacy.
 - (4) Regular attendance in school or other instruction in accordance with the child's individual education plan.
- (b) The foster parent shall recognize and respect the child's cultural and religious heritage.
- (c) The foster parent shall provide a daily routine in accordance with the age and needs of each child which shall include:
- (1) Active and quiet play, both indoors and outdoors.
 - (2) Rest and sleep.
 - (3) Nutritious meals and snacks.
- (d) The foster parent shall provide an adequate supply of play equipment, materials and books which shall be:
- (1) Suitable to the developmental needs and interests of each child.
 - (2) Safe, clean and in good repair.
- (e) The foster parent shall use methods of discipline which are positive and encourage cooperation, self-direction and independence.
- (f) The foster parent or any person living in the home shall not use any of the following methods of punishment of a child:
- (1) Physical punishment, including hitting with the hand or any object, yanking arms or pulling hair.
 - (2) Restricting movement by tying or binding.
 - (3) Confining a child in a closet, box or locked area.
 - (4) Withholding food, rest or toilet use.
 - (5) Refusing a child access to the family foster home.
 - (6) Mental and emotional cruelty, including verbal abuse, derogatory remarks about a child or his family or threatening to expel a child from the home.
- (g) The foster parent shall cooperate with the foster child's placing agent regarding the overall plan for the care and training for each child.
- (h) The foster parent shall provide appropriate supervision for children when the foster parent is absent:

- (1) For less than six (6) hours, the person supervising the foster children shall be at least fourteen (14) years of age.
 - (2) For six (6) hours or more, the person supervising the foster children shall be at least eighteen (18) years of age.
- (i) The foster parent shall not disclose medical or social information relating to a foster child which is confidential without authorization from the child's placing agent.
 - (j) A file shall be maintained for each child which includes:
 - (1) Name, birthdate and name and address of placing agent.
 - (2) An agreement between the foster parents and the placing agent regarding the care of the foster child.
 - (3) Medical and surgical consents.
 - (4) Medical and dental records.
 - (5) Authorization regarding use of confidential information.

(Authorized by K.S.A. 65-508; implementing K.S.A. 65-507; effective, E-81-22, Aug. 27, 1980; effective May 1, 1981.)

28-4-315 The family foster home.

- (a) The family foster home shall meet the legal requirements of the community as to zoning, fire protection, water supply and sewage disposal. Private water and sewerage disposal systems shall comply with the requirements of K.A.R. 28-4-50 and K.A.R. 28-4-55.
- (b) The home shall be so constructed, arranged and maintained as to provide adequately for the health and safety of children in care.
- (c) Heating appliances using combustible fuel shall be vented to the outside.
- (d) When a family resides in a mobile home:
 - (1) There shall be two (2) exits, located at least twenty (20) feet apart, one (1) exit must be within thirty-five (35) feet of each bedroom door.
 - (2) The mobile home shall be skirted and securely anchored.
- (e) Basements used for child care shall have two (2) exits, one (1) of which leads directly to the outside and which can be opened without use of tools and is at least twenty (20) inches in width and twenty-four (24) inches in height. The exit route shall not pass by a heating appliance.
- (f) Smoke detectors shall be installed on each level of the home.

- (g) A refrigerator shall be provided for the storage of perishable foods.
- (h) All milk and dairy products shall be pasteurized.
- (i) If children under one (1) year of age receive care in a home which uses private well water, commercially bottled drinking water shall be used for all such children until a laboratory test confirms the nitrate content is not more than ten milligrams per liter (10 mg/l) as N. The water shall be boiled for five (5) minutes before being given to a child.
- (j) All medications, dangerous chemicals, household cleaning supplies and sharp instruments shall be stored safely out of the reach of children or placed in locked storage.
- (k) All guns shall be in locked storage or equipped with trigger locks.
- (l) Outdoor play space, fenced if necessary, shall be available and free from hazards which might be dangerous to the life or health of the child.
- (m) Swimming pools, and other bodies of water twelve inches (12") or more deep, shall be fenced to prevent chance access by children.
- (n) Bedrooms shall assure privacy for the occupants. Living, dining or other areas not commonly used for sleeping shall not be used for a bedroom.
 - (1) There shall be a minimum of forty-five (45) square feet per person in rooms used by more than one (1) person, and a minimum of seventy (70) square feet in a one (1) person room with a ceiling height of at least seven feet (7') over eighty percent (80%) of the room.
 - (2) If an infant shares the parents' bedroom, the room shall have a minimum of one hundred thirty (130) square feet.
 - (3) Bedrooms shall have windows which are easily opened and provide ready exit to the outside.
- (o) Each child shall have an individual bed.
 - (1) A crib shall be used for a child under two (2) years of age.
 - (2) Children six (6) years of age and over, who share a room, shall be of the same sex.
 - (3) Children over eighteen (18) months of age shall not share a bedroom with adults, except in case of illness or developmental disabilities requiring close supervision.

(Authorized by K.S.A. 65-508; implementing K.S.A. 65-508; effective, E-81-22, Aug. 27, 1980; effective May 1, 1981.)

28-4-316 Health care policies.

- (a) Medical and dental health of foster children.
 - (1) Each foster parent shall obtain emergency and on-going medical and dental care for foster children.

- (2) A record of the foster child's health assessment, conducted within the past year by a nurse approved to conduct assessments, or by a licensed physician, shall be on file within 30 days of the placement. The record shall be kept on forms supplied by the Kansas department of health and environment.
 - (3) Health assessments shall be obtained annually for each foster child under six years of age and every three years for each foster child who is six years of age and over.
 - (4) Children under 16 years of age shall not be required to have tuberculin tests unless they have been recently exposed to or exhibit symptoms compatible with tuberculosis.
 - (5) Immunizations for each foster child under 16 years of age shall be current or in process at the time the license is issued.
 - (6) Exemptions to immunizations shall be permitted if:
 - (A) Certification is obtained from a licensed physician, stating that the physical condition of the child is such that the immunization would endanger the child's life or health; or
 - (B) A written statement, signed by a parent or guardian, is obtained indicating that he or she is an adherent of a religious denomination whose teachings are opposed to immunizations for the child.
 - (7) An annual dental examination shall be obtained for each child who is three years of age or older. Follow-up care shall be provided.
 - (8) Each child's medical record shall be kept current. When the child leaves the home, the record shall be given to the placing agent to accompany the child.
- (b) Physical health of the foster family, under 16 years of age.
- (1) Each person under 16 years of age living in the home shall have a health assessment conducted by a licensed physician, or by a nurse approved to perform health assessments, within one year prior to the date of the application. The results shall be recorded on forms provided by the Kansas department of health and environment.
 - (2) Children who are under age 16 and are living in the home shall have current immunizations. Exemption shall be permitted only with certification from a licensed physician stating that the physical condition of the child is such that the immunization would endanger the child's life or health, or a written statement from the applicant that the applicant is an adherent of a religious denomination whose teachings are opposed to immunizations.

(Authorized by K.S.A. 65-508; implementing K.S.A. 65-507, 65-508, 65-510; effective, E-81-22, Aug. 27, 1980; effective May 1, 1981; amended, T-84-28, Oct. 19, 1983; amended May 1, 1984; amended May 1, 1986.)

28-4-317 Policies relating to illness and reporting of child abuse.

The requirements of K.A.R. 28-4-118, relating to procedures to be followed in case of illness and reporting of child abuse, except K.A.R. 28-4-118(b), are hereby adopted by reference.

(Authorized by and implementing K.S.A. 65-508; effective, E-81-22, Aug. 27, 1980; effective May 1, 1981; amended May 1, 1986.)

28-4-118 Policies relating to illness and reporting of child abuse.

- (a) Non-prescription medications shall be administered to children only with permission of the parent or guardian. A record shall be kept.
- (b) Prescription medications shall be administered only from a container labeled with the child's name, name of the medication, dosage, dosage intervals, name of the physician and the date the prescription was filled. The label shall be considered the order from the physician. A record of medications administered shall be kept.
- (c) Each child care provider, as required by law, shall report to the Kansas state department of social and rehabilitation services or the district court any evidence of suspected child abuse or neglect observed in children enrolled for care.

(Authorized by and implementing K.S.A. 65-508; effective, E-80-18, Oct. 17, 1979; effective May 1, 1980; amended May 1, 1981; amended May 1, 1983; amended May 1, 1986; amended Feb. 26, 1990.)