

**214-RICR-40-00-5**

## **TITLE 214 - DEPARTMENT OF CHILDREN, YOUTH, AND FAMILY**

### **CHAPTER 40 - LICENSING**

#### **SUBCHAPTER 00 - N/A**

##### **Part 5 - Child Placing Regulations**

### **5.1 GENERAL PROVISIONS**

#### **5.1.1 Legal Basis**

- A. These regulations for the licensing of child placing agencies are promulgated pursuant to the Licensing Act for the Placement and Care of Children.
- B. As defined in the Act, a "child placing agency" shall mean "any private or public agency which receives children for placement into independent living arrangements, supervised apartment living, residential group care facilities, family foster homes or adoptive homes."

#### **5.1.2 Philosophy**

- A. By its enabling legislation, the Rhode Island Department of Children, Youth and Families is "designated as the single authority to establish and provide a diversified and comprehensive program of services for the social well-being and development of children and their families."
- B. Further, the Department is required to set standards for social services and facilities for children, and by statute to establish regulations for the licensing of child placing agencies.
- C. Child placing agencies assist the Department in the implementation of its child care responsibilities. They thereby share in the duty to protect and safeguard the well-being and development of the children in their care, and, through a variety of placement options offering diversified care and treatment programs, to assist the child in finding a permanent, loving home. The primary goal of a child placing agency shall be to maintain and strengthen family integrity. Every effort shall be made to prevent the removal of a child from his/her own home.
- D. These regulations are written to assist the child placing agency in carrying out these responsibilities to the benefit of the children and families they serve. The regulations are to be interpreted in the best interest of the child.

#### **5.1.3 Definitions**

A. For purposes of these regulations, the following terms are defined:

1. "Act" means the Licensing Act for the Placement and Care of Children.
2. "Administrator" means the director of the licensing unit, or his/her designee.
3. "Agency" means a child placing agency.
4. "Alternative treatment program" means any community-based, non-residential program which provides care or treatment such as psychological services, recreational or educational services to an emotionally disturbed child in his/her own home.
5. "Applicant" means a child placing agency which has applied for a license to operate.
6. "Bedroom space" means the space in which a child sleeps.
7. "Case plan" means the comprehensive, goal-oriented, time-limited, individualized program of action for a child and his/her family, developed by the agency in cooperation with the family, whenever possible.
8. "Case record" means the unified, comprehensive collection of information concerning a child.
9. "Certify" means:
  - a. the process by which a foster care home, having demonstrated compliance with the Child Care regulations to a licensed child placing agency, is recommended to the Department for licensing;
  - b. the process of approving a foster care placement in a relative foster home; or
  - c. the process by which a family day care home is approved to operate.
10. "Chemical restraint" means the use of psychotropic agents as a means of controlling behavior.
11. "Child" and "Children" shall be used interchangeably herein to mean one or more children as defined in the Act.
12. "Child abuse or neglect" means the improper treatment of a child, as defined by law.
13. "Child day care center" means any person, firm, corporation, association, or agency who, on a regular or irregular basis, receives any child under

the age of sixteen (16) years, for the purpose of care and/or supervision, not in a home or residence, apart from his parent or guardian for any part of a twenty-four (24) hour day, irrespective of compensation or reward. It does not include nursery schools or other programs of educational services subject to approval by the commissioner of education.

14. "Comprehensive emergency services program" means a program of counseling and supportive services available to families and children within a given community where a child within a family has been designated as a victim or potential victim of physical or emotional abuse or neglect. These programs also have the capability to place children in licensed foster homes.
15. "Day treatment program" means any non-residential specialized program of care or treatment for emotionally disturbed children.
16. "Department" means the Rhode Island Department of Children, Youth and Families.
17. "Discipline policy" means written policies and procedures governing conduct, which prescribe consequences for violation of rules and positive responses to appropriate behavior.
18. "Emergency placement" means the placing of a child outside his/her natural home as the result of an unexpected occurrence which demands immediate attention.
19. "Facility" means the physical environment used by a program.
20. "Family day care home" means any home other than a child's natural, relative or adoptive home in which child day care in lieu of parental care or supervision is offered at the same time to four (4) or more children who are not related to the care giver.
21. "Foster parent" means a person or married couple who receives into his/her home for care or treatment one or more children unrelated to the care giver by blood, marriage or adoption and who receives compensation for child care costs.
22. "Governing body" means the association of persons who have the ultimate responsibility for conducting the affairs of a child care program or child placing agency.
23. "Group Home I" means a specialized facility for child care or treatment in a dwelling or apartment owned, rented or leased by a public or private child placing agency, an independent operator or private or public organization which receives not more than eight (8) children for twenty-four (24) care.

24. "Group Home II" means the same as a group home I (above), excepting that the number of children in care may not exceed twelve (12).
25. "Household" means those adults and children, if any, who reside regularly with the foster parent.
26. "Independent living program" means the placement of a child in his/her own residence under the regular supervision of a licensed child care program.
27. "Independent placement" means the direct arrangement between a parent or relative and a non-related foster family home or licensed family day care or respite care home.
28. "In home services program" means a program which provides care or treatment to a child in his/her natural or adoptive home.
29. "Isolation" means the confinement of a child in an unlocked room when there is no staff member physically present in the room.
30. "Licensing agency" means the Department.
31. "Licensing study" means the examination of compliance with the licensing regulations by the agency for the purpose of issuing or denying a license to operate.
32. "Living unit" means an integral living space used by a particular group of children for eating and sleeping.
33. "Mechanical restraint" means the restriction by mechanical means of a child's mobility or ability to use his/her hands, arms, or legs.
34. "On-grounds educational program" means a program of educational services approved by the State Department of Education and operated by the program.
35. "Parent" means the natural or adoptive mother or father, and shall be construed to mean both parents of a child when applicable.
36. "Passive physical restraint" means the least amount of direct physical contact required on the part of a staff member to prevent a child from harming him/her self or others, or to prevent destruction of property by a child.
37. "Program" means a child care program.
38. "Psychotropic medication" means a drug or substance which controls behavior.

39. "Re-placement" means the moving of a child from one foster home to another.
40. "Research" means the use of a child physically, emotionally or psychologically for purposes of investigation or experimentation of scientific data.
41. "Residential group care program" means any program serving thirteen (13) or more children, which provides 24 hour care, including room and board, recreational programs, social services, and may include educational or psychological services.
42. "Residential treatment program" means a program which provides on a 24 hour basis, care or treatment for emotionally disturbed children whose needs exceed the normal limits of care. Treatment can include, but is not limited to: psychiatric services, clinical social work, psychological services, special education, medical and consultative services.
43. "Respite care" means a program which provides full time care for a child for the purpose of temporary relief for the caretaker of child care responsibilities.
44. "Restraint" means the physical restriction of a child's freedom or freedom of movement.
45. "Secure care" means any program of residential care which employs locked doors or any other physical means to prevent a child from leaving the facility.
46. "Service plan" means a comprehensive, time - limited, goal oriented, individualized plan for the care, treatment and education of a child, developed and implemented by a child care program that has the child in its care. This plan shall be based upon and in conformity with the child's case plan.
47. "Shelter care program" means any program which provides temporary care in a group home or institution for a period not exceeding ninety (90) days.
48. "Social service supervisor" means the person who supervises the work of social service workers.
49. "Social service worker" means a staff member of a child placing agency who works directly with children, their families, and other relevant individuals, and who is primarily responsible for the development, implementation, and review of case plans for the child and family; or who studies and certifies private family homes for licensure and supervises

those homes; or who studies private family homes for adoptive placements.

50. "Staff" means all persons, individually or collectively who provide services within the program; including all employees, volunteers, student interns, and consulting professionals; or a person who is under contract to the agency to provide specific services.
51. "Supervised apartment living program" means a Program which places adolescents, apart from their parent or guardian, in apartments with other adolescents and provides routine supervision by a social service worker.
52. "Terms of the license" means those functions which are noted on the agency's license.
53. "Time-out procedure" means the isolation of a child in an unlocked room.
54. "Treatment modality" means a consistent program of services designed to meet special needs of children served by the program over and above the provision of basic care.
55. "Wilderness program" means a program designed to teach interpersonal and survival skills to a child in a wilderness setting.

## **5.2 THE LICENSING PROCESS**

### **A. Licensing Process**

1. The Administrator of Licensing may allow a variance to a rule upon the submission of written request and documentation, providing that the variance in no way jeopardizes the health, safety and well-being of the child(ren) in care.
2. An agency shall not operate unless it is licensed by the Department.
3. An applicant for a license shall be an individual or a corporation.
4. An applicant for a license shall:
  - a. maintain an office and operational program within the state;
  - b. submit a completed application form to the Department;
  - c. submit a description of the geographical area to be served by the agency, and an explanation of the specific services it provides or proposes to provide;

- d. submit to and assist in completing an inspection of all aspects of the agency and its programs by the Department; and
- e. provide evidence of substantial compliance with the regulations contained herein throughout the term of the license, as determined by the Department; OR
  - (1) submit satisfactory evidence that it meets the current standards of a national accrediting organization approved by the Department; and
  - (2) at the Administrator's request, provide the following additional written documentation, including, but not limited to:
    - (AA) the philosophy of the agency
    - (BB) clientele to be served
    - (CC) services offered
    - (DD) programmatic descriptions
    - (EE) a listing of personnel and job duties

B. Licensing Limitations

- 1. An agency license permits the agency to receive children for care, to assess the social needs of children and their families to determine the appropriate treatment and placement of children, and to supervise out-of-home placements for children.
- 2. A license is valid from the date of issue and expires one (1) year from the date of issuance, unless otherwise specified; or unless revoked or otherwise invalidated by the Department; or voluntarily surrendered by the agency. A grace period can extend the term of a license by ninety (90) days pending reevaluation.
- 3. An agency may be issued a provisional license for a period not to exceed six (6) months for a program, not previously licensed.
- 4. An agency may be issued a conditional license which places specific restrictions on the license.
- 5. An agency may be issued a probationary license which sets forth the terms of remediation and which shall not exceed a period of twelve (12) months.

6. The license may include a provision to certify foster homes.
7. The license may include a provision to place children in approved adoptive homes.
8. An agency shall not operate a child care program without obtaining an appropriate child care license.

C. Evidence of Ability to Comply with these Regulations

1. An agency, as an applicant or as a licensee, its corporation board members, its officers, agents and employees shall demonstrate an ability to offer placement or adoption services in substantial compliance with these regulations. Ascertainment of substantial compliance with these regulations shall include but is not limited to the following:
  - a. the status of any out-of-state child caring or placing licenses held by the agency;
  - b. the status of any other application by the agency for child placing licenses;
  - c. the status and nature of any administrative, civil or criminal action ever brought with respect to the provisions of child placing services by the agency, its officers, agents or employees;
  - d. the status and nature of any state or federal agency's investigation of the agency, its officers, agents, or employees with respect to the provision of child placing services;
  - e. the status and nature of any written communications expressing satisfaction or dissatisfaction with the agency as an applicant or as a licensee in its provision of child placing services;
  - f. whether an agency, its officers, agents or employees:
    - (1) are under indictment or have been convicted of any offense listed in 214-RICR-10-00-1§ 1.8; or
    - (2) have been fined or are subject to any agreement resulting from any administrative or civil action pertaining to their professional care of children; or
    - (3) have been denied or have had a license revoked pertaining to the professional care of children.



## **5.3 ADMINISTRATION AND ORGANIZATION**

### **A. Governing Body**

1. An agency shall be operated by an individual or a corporation.
2. An agency shall have a governing body which is responsible for its continual compliance with licensing requirements and conformity with the provisions of its charter.
3. The names of any and all members of the governing body shall be supplied to the licensing agency.
4. An agency shall apply for and maintain licenses for any child care program it operates.

### **B. Statement of Purpose**

1. The agency shall have and conform to a written statement of its child placing philosophy, purpose and program.
2. The statement shall contain:
  - a. types of children to be placed, and eligibility requirements for placement;
  - b. description of all services the agency provides to the child and family before, during and after placement; and
  - c. the methods of service delivery.
3. This statement shall be made available upon request.

### **C. Organizational Table**

1. The agency shall maintain a current organizational table which accurately reflects the structure of authority, responsibility and accountability within the program.

### **D. Operations**

1. The licensee shall
  - a. meet with the licensing authority upon request;
  - b. contact the Department prior to the establishment of a new agency or the changing of a licensed program;

- c. make such reports to the Department as may be required to demonstrate that the requirements for licensure are met;
  - d. provide written notification within thirty (30) days to the Department of changes in administrative and professional personnel, program direction, and admissions criteria; and
  - e. notify the licensing authority and the child's parent(s) or guardian(s) immediately in the event of the death of a child in its care.
2. The licensee shall provide a safe and suitable office facility, including space for privacy and a reasonable degree of comfort for the convenience of clients.
3. The agency shall make available to all employees a written code of ethics that prohibits employees from using their official position to secure privileges for themselves or others and from engaging in activities that constitute a conflict of interest.

E. Protection of Privacy

1. The privacy of the child and his/her family shall be protected.
2. The identity of a child used in any form of publicity shall be given only if a positive value accrues to the child.
3. The written consent of a parent or guardian, and the child, where applicable, shall be obtained prior to using a child or picture of a child in any form of publicity.

F. Research

1. An agency shall not use any child in any research without submitting a description of the proposed research and its purpose to the Department, and receiving the approval of the Department for such research.
2. Statistical research is permitted, provided that a child's identity is masked through all phases of research.
3. An agency shall establish a human rights committee to monitor and approve any research, if required by the Department.

G. Fundraising

1. Children shall not participate in fundraising activities without the express written prior permission of the Department.

H. Finances

1. Fees

- a. The agency, if it charges fees, shall have a written policy on fees and a rate chart explaining fees.
- b. The policy shall describe the relationship between fees and costs of services provided and the conditions under which fees are charged or waived.

2. Accountability

- a. The licensee shall develop and implement a plan of financing necessary for the operation of the agency in carrying out its programs, assuring proper care for children; and
- b. The licensee shall obtain an independent audit of all its financial accounts. Non-governmental agency audits shall be conducted annually by an independent certified public accountant who is not administratively related to the agency. Agencies operated by governmental units shall have audits conducted as required by statute.

I. Children's Records

- 1. A confidential record shall be maintained for each individual child placed or served by the agency.
- 2. A child's records shall be secure against loss, tampering and unauthorized use.
- 3. An agency shall ensure that its staff is aware of the need for protection of confidential information, whether written or oral.
- 4. An agency shall have a written policy regarding the release of information from the case record to the child, parent, guardian and their respective legal counsels.
- 5. An agency shall maintain a written record for each child, with uniform content and format and including but not limited to the following:
  - a. the name, sex, birth date and birthplace of the child;
  - b. the name, address, telephone number and marital status of the child's parent or guardian;
  - c. the name, address, telephone number, and relationship to the child of the person with whom the child was living prior to admission, when the child was not living with his/her parent;

- d. source of referral, referral documents, and placement date, as appropriate;
- e. current custody and legal guardianship status;
- f. written consent forms from the parents, guardian, or court authorizing placement and the provision of medical care;
- g. written intake study, agency case plan, where appropriate, service plans and reviews of service plans;
- h. social service notes on contacts with the child and family;
- i. summary of services to the child's family;
- j. summary of child/family relationships, where appropriate;
- k. cumulative health records, including known allergies and medical conditions of the child;
- l. educational records and reports;
- m. treatment or clinical records and reports;
- n. reports of special or critical incidents during placement or agency service; and
- o. date of discharge, reason for discharge, and the name, address, and telephone number of the person or agency to whom the child was discharged; and discharge summary including aftercare plans.

J. Notification Required

- 1. The agency shall notify the Department and the parent or guardian immediately in any of the following instances:
  - a. A serious injury or illness involving medical treatment of a child;
  - b. The death of a child;
  - c. When a child has been subjected to alleged abuse or neglect, or has been the alleged victim of assault or other physical or sexual abuse;
  - d. Any fire or other emergency requiring overnight evacuation of the premises

2. The agency shall have written procedures for its foster and pre-adoptive parents requiring them to notify the agency immediately in any of the following instances:
  - a. When a child has been subjected to alleged abuse or neglect, or has been the alleged victim of assault or other physical or sexual abuse;
  - b. A serious injury or illness involving medical treatment of a child;
  - c. Any actual suicidal or homicidal attempt;
  - d. The death of a child;
  - e. Unauthorized absence of the child from the home;
  - f. Removal of the child from the home by any person or agency other than the placing agency; or any attempts at such removal;
  - g. Any fire or other emergency requiring overnight evacuation of the premises;
  - h. Any exclusion of a child from school or involvement with police; and
  - i. A physician's order requiring a child to be force-fed or otherwise coerced to eat against his/her will.
3. The agency shall notify the Department by the end of the next working day of any fire requiring the services of a fire department within its facility or in any of its homes.

## **5.4 PERSONNEL**

### **A. Qualification of Employees**

1. Chief Administrator
  - a. The chief administrator of an agency shall hold an advanced degree from an accredited program of social work education; or an advanced degree from an accredited academic program in another field of human service, with progressively responsible supervisory and management experiences in direct services for individuals, families and children, or other field directly related to the service being provided by the agency.
  - b. The chief administrator shall also be qualified by training, experience and management skills to ensure effective utilization of

the agency's personnel and financial resources and coordination of the agency's program of service with other community services.

2. Social Service Supervisor - A social service supervisor, at the time of appointment to the position, shall possess one (1) of the following:
  - a. a master's degree in social work and one (1) year of experience as a social service worker;
  - b. a master's degree in sociology, psychology or guidance and counseling and two (2) years of experience as a social service worker;
  - c. a bachelor's degree in sociology, psychology, social work, or guidance and counseling and four (4) years of experience as a social service worker in a child care organization. Two (2) of the four (4) years of experience shall be in a child placing agency which provides in-service training.
3. Social Service Worker - A social service worker, at the time of appointment to the position shall possess at least a bachelor's degree with a major in sociology, psychology, social work, or guidance.
4. General qualifications
  - a. An agency shall have employment practices which attempt to ensure that employees and volunteers are of good moral character and emotional stability and of sufficient good health, ability, experience and education to perform the tasks assigned.
  - b. All staff shall be properly certified or licensed as required, and cleared for employment history and criminal record checks.
5. Employee qualifications as herein stipulated shall not be required of persons employed in these positions prior to the date these regulations become effective.

B. Staffing Ratio

1. The agency shall develop a staffing ratio based on a written workload formula to determine the number of administrative, supervisory, social service workers and other staff necessary to provide services in accordance with the agency's program statements for those areas of service in which the agency is licensed.
2. The formula shall include, at a minimum, all of the following:
  - a. type of children served, and their special needs;

- b. types of services to be provided;
- c. distances involved in provision of service; and
- d. other functions or responsibilities of the social service workers.

C. Job Descriptions

- 1. The agency shall have a job description for each position identifying duties, qualifications, education, training requirements, and lines of authority.
- 2. A copy of the job description shall be made available to the employee.
- 3. Practice shall conform to the job description.

D. Staff Training

- 1. An agency shall provide or make available orientation and in-service training programs for all professional staff on a regular basis.
- 2. An agency shall ensure that all professional staff participate in a minimum of eight (8) hours of staff training annually.
- 3. Training shall include but need not be limited to information regarding current child placing practices and the laws and regulations related to child placing in Rhode Island.
- 4. The agency shall keep a record of each staff member's participation in in-service training.

E. Personnel Policies

- 1. Personnel policies shall be in writing, and shall identify the rights and responsibilities of the organization and staff.
- 2. The policies shall specify hours of work, grievance procedures, sick leave, vacation, and all other fringe benefits.
- 3. Personnel policy shall include the prohibition of an employee or volunteer from performing duties if their ability is impaired by drugs or alcohol or both.

F. Employee Performance Evaluations

- 1. There shall be a written evaluation of the employee's performance within six (6) months after an employee's appointment, and annually thereafter.

G. Personnel Records

1. A confidential personnel record shall be maintained for each employee and volunteer.
2. The record shall contain all of the following:
  - a. the employee's name;
  - b. verification of the employee's education, where specified by rule;
  - c. the employee's work history;
  - d. record of any convictions, other than minor traffic violations; and
  - e. performance evaluations as required.
3. Personnel records shall be secured against loss, destruction, or unauthorized access.

## **5.5 SOCIAL SERVICES RELATED TO CHILD PLACING**

### **A. Intake Procedures and Practices**

1. At the time of referral or application for service, the agency shall assess the needs and strengths of the child's family.
2. Prior to accepting a child into its program, the agency shall document that alternatives to placement have been explored or used with the family.
3. Where social services have been provided to the child and his/her family, a description of their nature, scope, frequency, time frame and recommendations shall be indicated.
4. The agency shall make every effort to prevent the removal of the child from the home and to maintain the integrity of the family through the provision of counseling and education when the emotional, physical or psychological health of the child is not at risk.
5. When the need for placement is clearly documented and other alternatives have been utilized by the family or are counter indicated, the agency shall select the least restrictive setting for the child, commensurate with his/her needs, and also situated proximate to the child's home.
6. A written intake study shall be conducted by the agency at the time of referral or application, and completed within forty-five (45) days.
7. The intake study shall include:
  - a. the identification of the specific needs of the child and family which warrant consideration of removal and placement of the child;



- b. the family's strengths;
  - c. the involvement of the child's parent(s) in his/her care;
  - d. the available resources;
  - e. the stated goals of the family;
  - f. available social and medical history of the child and all family members; and
  - g. the child's legal status.
- 8. The agency shall keep a record of all requests for services, placements, and the reasons for acceptance and denial of services.
  - 9. The agency shall provide referral assistance to persons requesting services not provided by the agency.

B. Interstate Placements

- 1. The agency shall send written notice to the Administrator of the Interstate Compact on Placement of Children whenever an agency plans to place a child in another state or receives for placement a child from another state.
- 2. The agency shall provide documentation of compliance with the Interstate Compact on Placement of Children, with, at minimum, the signed approval of this state's Interstate Compact Officer.

C. Case Plan

- 1. The agency shall develop a written case plan upon completion of the intake study and prior to placement. In cases of emergency placements, the assessment and case plan shall be initiated within five (5) working days and completed within thirty (30) working days of placement. The plan shall include, but not be limited to, the following:
  - a. documentation of counseling services provided to the family and child;
  - b. the reasons for the selection of the type of care and how it meets the child's and family's needs;
  - c. projected duration of care;
  - d. pre-placement activities with child and family;
  - e. initial case goals for the child and family;

- f. specific steps to accomplish goals;
  - g. specific time schedule for goals;
  - h. expected outcomes of goals;
  - i. designation of responsibility for carrying out steps with the child, parent(s), foster parent(s), adoptive parent(s), and the court (when involved), including frequency of contacts;
  - j. visiting plans between the child, parent(s), and siblings, if appropriate;
  - k. date of first review of progress on steps and goals; and
  - l. description of the conditions under which the child shall be returned home or when termination of parental rights should be initiated.
- 2. The agency shall include the parent(s) and the child (when appropriate to age and understanding) in the development of placement and case plans.
  - 3. The agency, prior to accepting a child for placement, shall secure from the parent(s), guardian(s), or court, written authority to place the child.
  - 4. The agency, prior to accepting a child for placement, shall secure from the parent(s), guardian(s), or court, written authority to provide medical care.
  - 5. The agency shall help the parent(s) understand the legal rights and obligations that they retain and those delegated to the agency by the court. This information must be provided to the parent(s) in their own language if English is not readily understood.

D. Supervision and Review of the Case Plan

- 1. The agency shall complete a review of the case plan at least every six (6) months indicating progress toward goal achievement and changes made in the service plan.
- 2. The agency shall include in the review an assessment of the child in care, the progress of the growth and development of the child, the relationships between the child and caregivers, and the problems which may have occurred.

E. Selection of Placement

- 1. The agency shall select the most appropriate form of care for the child consistent with the child's and family's needs for in-home care, supervised apartment living, independent living arrangements, family foster care or

adoption. In choosing the type of care, the agency shall provide for any specialized services the child may need.

2. The agency, when selecting care, shall take into consideration a child's racial, cultural, ethnic, and religious heritage and preserve them to the extent possible without jeopardizing the child's care.
3. The agency shall select care that has the capacity to assist in the achievement of the steps and goals of the child's case plan and shall involve the parent(s) to the maximum extent possible.
4. The agency shall refer and place children only in licensed child care programs, licensed foster homes, or approved adoptive homes.

#### F. Placement Services

##### 1. Relationships with Child Care Programs

- a. The agency shall have written policies and procedures specifying the manner of information exchange and coordination of services with any child care program into which it places children.
- b. At a minimum, these policies and procedures shall include the orderly and regular transfer of information regarding the child and family, including the social history, reason for placement, anticipated length of placement, educational, medical and clinical reports, as well as service plans, updated service plans and discharge summaries with aftercare plans.

##### 2. Relationships with Families and Children

- a. The agency shall make its services accessible and available to parent(s).
- b. The agency shall make every reasonable effort to help the parent(s) assume or prepare them to resume their parental roles and responsibilities.
- c. The agency shall provide the family with or arrange for counseling services necessary to preserve and strengthen the family and to accomplish the case plan goals. While the child is in care, the agency shall assist parent(s) with the problems and needs that brought about the need for placement.
- d. The agency shall make counseling available to expectant parent(s) considering placement before the child is born and immediately thereafter.

- e. The agency shall encourage contacts between parent(s) and children after placement, in accordance with the case plan.
- f. The agency shall have a signed agreement with the parent(s) of the child in care which includes, but is not limited to, the expectations and responsibilities of the agency and the parent(s) for carrying out the steps to meet the case plan goals, the financial arrangements for the child in care, and visiting plans.

### 3. Pre-placement Preparation

- a. The agency shall formulate written policies and procedures regarding the nature and frequency of social services provided to a child awaiting placement and at the time of placement for an adoptive child, a foster child, or a child awaiting placement in other child care programs. These policies shall address the following:
  - (1) The social service worker for the child shall become acquainted with the child and family prior to placement, except when a child is placed on an emergency basis.
  - (2) The social service worker shall help the child understand the reasons for placement and prepare him/her for the new environment.
  - (3) The social service worker shall help the newly placed child with his/her feelings and reactions to the placement in order to assist his/her adjustment.
- b. The agency shall arrange a general medical examination by a licensed medical practitioner for each child within fifteen (15) days of admission, unless the child has been examined within twelve (12) months before admission and the agency has the results of that examination.
- c. The agency shall obtain and record a developmental history for each child.
- d. The agency shall arrange for a child over the age of four (4) years to receive a dental examination by a dentist within sixty (60) days of admission, unless the child has been examined within twelve (12) months prior to admission and the agency has the results of that examination.
- e. The agency shall obtain a written copy of each child's immunizations within thirty (30) days of admission to placement. If this is not available, the agency shall document any immunizations and record the process to be used to obtain the information.

#### 4. Services During Care

- a. The agency shall supervise care of the child and shall coordinate the planning and services for the child and family as stated in the case plan.
- b. The social service worker shall see a child as often as necessary to carry out the case plan, but at least once per month during the term of care.
- c. The social service worker shall meet with the parent(s) and children together on a regular basis to assess and work on the following:
  - (1) Progress in resolving problems which precipitated placement;
  - (2) Parent and child relationship difficulties;
  - (3) Adjustment to separation; and
  - (4) Achievement of case plan goals.
- d. The agency shall refer the parent(s) to other agencies in the community providing appropriate services when they require services which the agency does not offer. The agency shall maintain communication with the agency providing service when cooperative effort has been arranged.
- e. The agency shall assume primary responsibility in decisions regarding major medical and surgical interventions for foster children and shall note agency approval in the child's record.
- f. The agency shall make provisions for specialized services and health care services as stated in the case plan.

#### 5. Aftercare Services

- a. The agency shall make continuing supportive services available for children and families for at least six (6) months following an adoption or a child's return to his/her family in order to strengthen and support new or renewed family functioning.
- b. The agency shall offer supportive help and referral services to parent(s) who decide not to place their child after receiving agency services.

#### G. Grievances

1. An agency shall have written procedures for redressing concerns, disagreements, complaints and grievances of clientele to safeguard the legal rights of children served.
2. Agency practice shall conform to the written procedures.

## **5.6 FOSTER CARE**

- A. In order to obtain a license to operate a program of foster care services, an agency shall adhere to the regulations contained herein:
- B. Application for a License
  1. An agency shall submit an application to the Department for a license to operate a foster care program on forms approved by the Department and in a manner prescribed by the Department.
- C. Foster Home Recruitment
  1. An agency shall develop and maintain an ongoing recruitment program for foster homes based on the following factors:
    - a. types of foster care needed;
    - b. number of children expected to need foster care;
    - c. age of children accepted for care;
    - d. developmental needs of children;
    - e. racial identity;
    - f. sibling relationships; and
    - g. special needs.
- D. Application and Certification
  1. Foster Home License Application
    - a. The agency shall develop an application form(s) for prospective foster parent(s).
    - b. The form(s) shall be approved by the Administrator of Licensing.
  2. Foster Home Licensing Study

- a. The agency, in response to an application for a license, shall conduct a licensing study to determine compliance with the foster care regulations as promulgated by the Department.
- b. The agency shall assess the foster home for family dynamics, motivation, and suitability for care for specific types of children.

3. Certification

- a. An agency shall have written procedures approved by the Department for assessing and recommending foster homes for licensure and relative placements for certification.
- b. The agency shall submit a recommendation for licensing action to the Department on forms provided by and in a manner prescribed by the Administrator.
- c. When an agency recommends to the Department that a foster home application be denied or that a foster home license not be renewed, the agency shall conform to regulations set forth in the Foster Care Regulations (Part 3 of this Subchapter) promulgated by the Department.
- d. An agency shall document in the foster home record and forward to the Department the following information:
  - (1) completed application form;
  - (2) mandated clearances and record checks;
  - (3) health and safety inspections as required by statutes;
  - (4) availability of personal references;
  - (5) availability of medical references(s) and income stability;
  - (6) administratively approved home study and foster parent capabilities; and
  - (7) licensing recommendation made to the Department.

E. Monitoring

- 1. The agency shall monitor each licensed home at least once every six (6) months for licensing compliance.
- 2. The agency shall develop and maintain standard licensing monitoring forms, approved by the Administrator of Licensing.

3. The agency shall make the foster parent aware of the criteria for licensing compliance and shall provide the foster parent with completed monitoring forms.
4. The agency shall maintain all licensing monitoring records for three (3) calendar years from the expiration of the last issued license.

F. Foster Home Records

1. The agency shall keep a separate confidential record for each foster home which shall contain, but not be limited to the following:
  - a. Foster parents' written application for a license, as described in the Foster Care Regulations (Part 3 of this Subchapter) promulgated by the Department;
  - b. Clearances with the Department and criminal, record checks, as required by Rhode Island statutes;
  - c. Fire and health inspections, as required by Rhode Island statutes;
  - d. Family assessment and licensing study, as required in the Foster Care Regulations (Part 3 of this Subchapter) promulgated by the Department;
  - e. A written recommendation as to licensing action on approved Departmental forms in accordance with the Foster Care Regulations (Part 3 of this Subchapter) promulgated by the Department;
  - f. Monitoring reports, conducted semiannually, on standardized forms approved by the Department;
  - g. Documentation of annual licensing study and recommendation for licensing action;
  - h. Investigative actions and reports related to any complaints received regarding a foster home;
  - i. A summary of foster parents' participation in pre-service and annual in-service training;
  - j. A copy of the agreement between the foster parents and the agency;
  - k. A report from a foster parent(s) in compliance with agency notification as required in the Foster Home Regulations, (Part 3 of this Subchapter) promulgated by the Department.



- l. All correspondence concerning the foster family including any notification to foster parents regarding the availability of a foster child for adoption, and any application to adopt a foster child in the home; and
    - m. Termination summary for homes which are closed, including the reason(s) for closing.
  - 2. The agency shall maintain for each foster home file a list of all children placed in the foster home, including the name, ages, agency or parent making the placement, dates of placements, and dates and reasons for removal. This list shall be maintained for three (3) calendar years after the last child has left the home.

#### G. Renewal of a License

- 1. The agency shall establish criteria for the renewal of a license and shall maintain procedures which verify that all regulations are met prior to making recommendations for licensing to the Department.
- 2. The agency, at its discretion, may waive the requirements for a completed application form, personal references, and medical examinations.

#### H. Complaints in Licensed Foster Homes

- 1. When an agency receives a complaint regarding a foster home which relates to the direct care of a child placed in that home, the agency shall notify the CANTS unit of the Department in accordance with state law and the Administrator of Licensing within twenty-four (24) hours thereafter.
- 2. When an agency receives a complaint unrelated to direct child care but in possible violation of a foster home regulation in a licensed foster home, the agency shall initiate an investigation within five (5) working days.
  - a. The investigation shall be completed within thirty (30) calendar days.
  - b. The agency findings on rule compliance as well as licensing action recommendations shall be submitted in writing to the Administrator of Licensing within five (5) working days following the completion of the investigation.

#### I. Services to Foster Parents

- 1. Information for Foster Parents - At the time of placement, an agency shall provide foster parents with all of the following information:
  - a. The name of the child, agency, and social service worker;

- b. Information about the child's known behavioral characteristics, needs, and plans to meet those needs, as identified in the service plans for the child and family;
  - c. Written consent to obtain routine, non-surgical medical care and immunizations for each child placed in the foster home; and
  - d. A medical history of the child, including available medical insurance.
- 2. Orientation - The agency shall provide pre-service training, approved by the Department, to foster parents prior to placing a child in the home, in accordance with the Foster Care Regulations (Part 3 of this Subchapter) promulgated by the Department.
- 3. In-Service Training - The agency shall provide a licensed foster parent with a minimum of eight hours of in-service training annually, approved by the Department, during the term of the license, in accordance with the Foster Care Regulations (Part 3 of this Subchapter) promulgated by the Department.
- 4. Agreement - The agency shall have a signed written agreement outlining the rights and responsibilities of both the agency and the foster parents regarding placements. This agreement shall obtain the prior approval of the Department.
- 5. Assistance to Foster Parent
  - a. The agency shall be available to give foster parent(s) assistance, consultation, and emotional support with situations and problems encountered in fostering children on a twenty-four (24) hour basis.
  - b. The agency social service worker shall be available to provide social services in person to the foster parent at least monthly.
- 6. Payments
  - a. The agency shall have a written payment schedule and statement on payment procedures for maintenance costs to foster parents and child care programs. The schedule shall reflect the levels of the cost of care for children of differing ages and needs.
  - b. The agency shall provide the foster parent and child care programs with written notification of changes in the payment schedule at least sixty (60) days prior to any change.
- 7. Placement

- a. The agency shall place a child only in a licensed foster home within the terms of that foster home license and within the terms of the recommendation in the current family study.
- b. Upon written request, the Administrator may permit an exception to the above rule for a period not to exceed thirty (30) calendar days based on the recommendation of the agency.

## **5.7 ADOPTIVE SERVICES**

A. In order to obtain a license to operate a program of adoptive services, a program shall adhere to the regulations contained herein:

B. Application for a License

- 1. An agency shall submit an application to the Department for a license to operate an adoptive program on forms approved by the Department and in a manner prescribed by the Department.

C. Authority to Place a Child for Adoption

- 1. An agency licensed to place children for adoption may do so when it has a copy of the following applicable document(s) as proof of availability of the child(ren) for adoption:
  - a. a voluntary surrender signed by the birth parent(s) in accordance with the law of the country or state where the surrender is taken, or evidence thereof;
  - b. a certified copy of the state or foreign court order terminating the parental right(s) of the parent(s) of the child(ren), and the grounds for termination or evidence thereof;
  - c. the certified death certificate of the birth parent(s);
  - d. if a child is brought into the State from another state, or if a child is sent to another state from the State, verification of compliance with the Interstate Compact on the Placement of Children;
  - e. if a child is brought into the State from a foreign country, verification of compliance with the immigration laws of the U.S.

D. General Provisions

- 1. Registration with Adoption Resource Exchange - An agency shall register with an adoption resource exchange in the State any child(ren) considered "legal risk" or free for adoption but without a prospective family after sixty (60) days of surrender.

2. Notification of Foster Parents of Release for Adoption - When a foster child is freed for adoption, the agency shall notify the foster parents in writing.
3. Involvement of Children in Placement Planning - The agency shall counsel each child surrendered for adoption regarding the adoption process and shall involve the child in placement planning when appropriate to the age and ability of the child.
4. Interim Care
  - a. Care shall be provided or arranged for a child(ren) prior to adoptive placement by the adoptive agency.
  - b. Care shall also be provided or arranged by an adoptive agency when a child(ren) is removed from a prospective adoptive family.

E. Adoptive Home Recruitment

1. An agency shall develop and maintain an ongoing program to recruit adoptive families for children who are legally free and available for adoption. Recruitment shall be based on the following:
  - a. Ages and developmental needs of children available;
  - b. Racial and cultural identity of children available;
  - c. Sibling relationships; and
  - d. Special needs.
2. The agency shall provide information to prospective adoptive parent(s) about:
  - a. The adoption process;
  - b. Legal procedures and the approximate time the process will take;
  - c. Types of children available; and
  - d. Fee structure, and the availability, if any, of subsidy.

F. Adoptive Home Application

1. The agency shall have an application form(s) for prospective adoptive parent(s).
2. The form(s) shall be approved by the Administrator.

G. Adoptive Home Study

1. The agency, in response to an application for adoption, shall conduct a study to assess the applicant(s) appropriateness to be an adoptive parent(s).
2. The study process shall be summarized in a written report and shall include all of the following:
  - a. Motivation for adoption;
  - b. Three reference reports;
  - c. A current physical examination of the applicant, including a recommendation from the physician that he/she is physically capable of caring for a child;
  - d. Evidence that the household has sufficient income and appropriate fiscal management to maintain its stability and security without the need for reimbursement of the child's expenses;
  - e. Record of any convictions other than minor traffic violations;
  - f. Emotional stability and compatibility of the adoptive parent(s);
  - g. A discussion of the applicant's ability to have biological children;
  - h. Adjustment of own children, if any;
  - i. The family's attitude toward accepting an adoptive child, including the family's plans to discuss adoption with the adopted child;
  - j. Parenting ability;
  - k. Types of children desired; and
  - l. Recommendations as to the age, sex and characteristics, including special needs, of children best served by this family.
3. Physical Requirements for Adoptive Homes - The agency shall establish physical requirements for adoptive homes, which shall include, but not be limited to the following:
  - a. the adoptive home be clean, safe, free of obvious hazards, and of sufficient size to accommodate comfortably all members of the household;
  - b. the adoptive home have adequate lighting and ventilation, hot and cold water supply, plumbing, electricity, and heat;

- c. a report in the adoptive home file as to a finding of safety by the Health Department where well water is used by the adoptive family;
- d. a report in the adoptive home file as to findings of approval by the Health Department. where septic tanks and leach-fields are used by the adoptive family.

#### H. Notification Regarding Application

1. The agency shall notify the applicant(s) in writing within thirty (30) days of completion of the home study of the acceptance or denial of his/her application.
2. When the applicant(s) is not accepted, the agency shall offer services to the applicant(s) to assist the adjustment to such a decision.
3. The agency shall deny adoption to an applicant(s) if he/she:
  - a. has been convicted of, or is serving an active probationary sentence for, a disqualifying criminal offense; or
  - b. falsifies or omits facts on an application form(s) or during an adoptive home study; or
  - c. impedes an adoptive study; or
  - d. has a documented history of substantiated child abuse or neglect; or
  - e. has a past or current history of agency or departmental intervention deemed detrimental to the care of a child; or
  - f. has a documented history of chemical or alcohol related problems; or
  - g. would not provide satisfactory parenting for a child.

#### I. Adoptive Study Records

1. The agency shall keep separate confidential records for each adoptive family which shall contain, but not be limited to the following:
  - a. written application form of the pre-adoptive family;
  - b. report of adoptive home study;
  - c. three (3) reports of references;
  - d. current medical report(s) of the adoptive applicant(s);

- e. clearances with the Department and criminal record checks, as required by RI statutes;
- f. a copy of the information given to parent(s) concerning a child(ren) to be placed for adoption with them;
- g. all legal documents pertaining to the adoption;
- h. a copy of the agency's written policy regarding assistance rendered adoptive children in search of their birth parent(s);
- i. a summary of the placement decision;
- j. a summary of pre-placement and post-placement contacts with the adoptive family and the adoptive child(ren); and
- k. if an applicant is not approved, or a child not placed with an applicant, the agency shall document their reasons and the way in which the applicant was so informed.

J. Selection of Home

- 1. An agency shall not place a child in an adoptive home unless an evaluation of the child and the prospective adoptive family has been completed and recorded, and supervisory approval of the placement has been documented.
- 2. An agency shall give priority to placing children from the same family together. If this is not possible or is not in the best interest of the child, the reasons shall be documented in the child's record.
- 3. An agency shall give priority to placing children with families of the same racial and cultural identity. If this is not possible or is not in the best interest of the child, the reasons shall be documented in the child's record.

K. Services to Adoptive Parent(s)

- 1. The agency shall provide an orientation to prospective adoptive parents.
- 2. The agency shall discuss potential children with the adopting family.
- 3. The agency shall prepare the adoptive family for the placement of a particular child. Preparation shall include:
  - a. Information about the needs, characteristics, and expectations of the child and of the child's family;
  - b. Review of medical histories of the child and of the child's family;

- c. Visiting with the child prior to placement; and
  - d. Projected impact of the child's placement on the adoptive family.
- 4. The social service worker shall visit the adoptive family at least twice after the placement of a child and prior to the final decree. A summary of the observations made during the visits shall be recorded and used in making final recommendations as to the finalization of the adoption.
- 5. The agency shall make post-adoption services available to the adoptive parent(s), the birth parent(s), and the adoptee after the finalization of the adoption.
- 6. The agency shall have a written policy concerning the assistance it will provide to adopted children or to birth parents who are searching for information concerning birth parents or an adopted child.

## **5.8 CHILD CARE PROGRAMS OPERATED BY CHILD PLACING AGENCIES**

Child care programs operated by child placing agencies must obtain from the Department individual child care licenses for these programs. Additional regulations for specific child care programs, namely, day treatment, residential treatment, family day care center, group home(s) I and II, independent living, and supervised apartment living, residential group care, shelter, respite care, alternative treatment, and in-home services, can be found at the end of the Child Care Regulations (Part 1 of this Subchapter) promulgated by the Department.

## **5.9 ADDITIONAL REGULATIONS FOR ALTERNATIVE TREATMENT PROGRAMS**

- A. A program shall formulate and follow a written policy statement describing its philosophy of treatment, treatment goals and performance objectives for the children it purports to serve, as well as the geographic area to be served. The extent and mix of professional services utilized by a program shall correlate with its policy statement.
- B. Child care staff shall function as the provider of services or as the service coordinator for each child assigned to him/her in accordance with the treatment plan.
- C. Child care staff shall provide intensive supervision and support for no more than four (4) children at one time.
- D. Child care staff shall receive supervision from a credentialed clinical worker(s) a minimum of one (1) hour per week.



- E. Direct child care staff shall participate in the development of the initial service plan and in subsequent clinical reviews conducted quarterly.
- F. Child care staff shall receive in-service training in, at minimum, the following areas: interviewing, child and family counseling, psychological interventions, problem management, including techniques of passive physical restraint, the effects of psychotropic medications, group work techniques with children, and networking of mental health, educational and community resources. This training shall be at least twenty (20) hours annually and staff participation shall be documented.
- G. The following professionals shall be employed as staff or retained as consultants to the program: psychiatrist, clinical psychologist, clinical social worker, and education specialist. Professionals filling these positions shall meet national standards or state certification requirements. Program files shall contain the credentials of these staff and shall include written contracts for consultants, including itemized descriptions of services provided as well as actual service hours rendered on an annual basis by each consultant.
- H. Professional staff, as delineated in § 5.8(B)(7) of this Part above, shall participate in each child's service plan and in quarterly clinical reviews. Respective reports and recommendations of staff shall be documented in the child's case record.
- I. Where appropriate, and in accordance with the program's written philosophy and goals, professional staff, as delineated in § 5.8(B)(7) of this Part above, shall provide direct clinical or educational services to children in care.
- J. Professional clinical staff, as delineated in § 5.8(B)(7) of this Part above, shall provide not less than one (1) hour of supervision monthly for each clinical supervisor and child care supervisor.
- K. A program shall maintain a continuous written log of all staff, their respective job positions and staffing ratios.
- L. A purchase of service agreement shall be signed by both the program and the purchasing agency in which, at minimum, is included: the services to be provided by the program, the conditions of payment and the financial agreement between the parties.
- M. The program shall have written procedures concerning staff responsibilities in the event of a medical emergency.
- N. The program shall provide staff with knowledge of rudimentary first aid procedures and of appropriate medical resources in the community.

**214-RICR-40-00-5**

**TITLE 214 - DEPARTMENT OF CHILDREN, YOUTH, AND FAMILIES**

**CHAPTER 40 - LICENSING**

**SUBCHAPTER 00 - N/A**

**PART 5 - CHILD PLACING REGULATIONS (214-RICR-40-00-5)**

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