

DELCARE

REQUIREMENTS FOR CHILD PLACING AGENCIES

**State of Delaware
Department of Services for Children, Youth and Their Families**

FOREWORD

The need for protecting children receiving care outside their own homes was recognized by the Delaware General Assembly as early as 1915. Since 1953, Delaware has required child placing agencies to be licensed as authorized in the Delaware Code, Title 31, Subchapter II, Subsections 341 - 344. The licensing law defines the type of agencies that are to be regulated by the State, and gives the authority to "prescribe reasonable standards" and "license such agencies" to the Department of Services for Children, Youth and Their Families. The purpose of the law is to protect the health, safety and well-being of the children who receive services from child placing agencies. Licensing of these agencies is a preventive function which has as its purpose setting requirements which must be met in order for the agency to be able to operate.

In developing the current revision of child placing agency requirements, the Department sought the advice and assistance of knowledgeable persons representative of the field of child placement services. These new requirements, now entitled **Delacare: Requirements for Child Placing Agencies**, were primarily drawn from the **Suggested State Licensing Models for Placement and Care of Children** and licensing requirements from other states.

The requirements are divided into four distinct parts. The first part contains requirements which must be met by all child placing agencies in order to be licensed. The remaining three parts contain separate requirements for agencies providing foster care, adoption or supervised independent living. Through this design, the Department has attempted to define specific requirements rather than broad standards so that compliance can be measured more accurately and consistently.

The Department sincerely appreciates the contributions and efforts of the members of the work group who developed **Delacare: Requirements for Child Placing Agencies** and asks for their continued support in working together to provide better care and services to children in need of placement.

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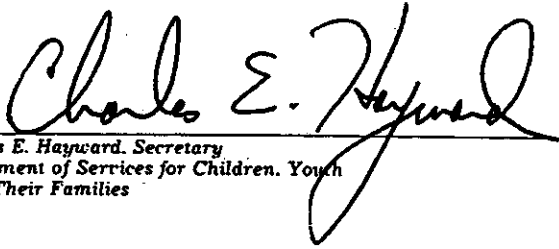
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NOTICE OF RESCISSION AND PROMULGATION

The Division of Program Planning and Productivity, Department of Services for Children, Youth and Their Families adopts and promulgates the following licensing requirements for child placing agencies as authorized in the Delaware Code, Title 31, Subchapter II, Subsections 341 - 344. All previous rules, regulations and standards pertaining to such agencies are null and void. These requirements shall take effect on May 1, 1986.



Charles E. Hayward, Secretary
Department of Services for Children, Youth
and Their Families

March 17, 1986
Date



Virginia D. Miller, Director
Division of Program Planning and Productivity

March 17, 1986
Date

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INTRODUCTION

LEGAL BASE

1. The legal base for these licensing requirements is in the Delaware Code, Title 31, Chapter 3, Subchapter II, Subsections 341 through 344. The laws pertaining to the placement of children for adoption are found in Title 13, Chapter 9, Subchapter 1 and 2, Subsections 901 through 956 and Title 13, Chapter 11, Subsections 1101 through 1113.

PURPOSE

2. The purpose of the requirements is to protect the rights of children in foster care, adoptive children, birth parents of these children, foster parents and adoptive parents and to ensure effective, humane placement, foster care and adoptive services.

PART I. GENERAL PROVISIONS

DEFINITION OF REGULATED SERVICE

3. A child placing agency is an organization established for the purpose of providing or arranging placement for children in foster homes, adoptive homes or supervised independent living situations.
4. The requirements are divided into the following parts:
 - Part I General Provisions
 - Part II Foster Care
 - Part III Adoption
 - Part IV Supervised Independent Living
5. To be licensed as a child placing agency, the General Provisions of Part I must be met. In addition, agencies must meet the following requirements before providing the following services:
 - A. To receive children for their placement in foster homes and/or investigate and approve foster homes, Agencies must also meet Part II requirements.
 - B. To receive children for their placement in private homes for adoption and/or investigate and approve adoptive homes, Agencies must also meet Part III requirements.
 - C. To place children in independent living situations, Agencies must also meet Part IV requirements.

DEFINITION OF TERMS

Key People and Organizations

6. "Adoptive home" means a household of one (1) or more persons, which has been approved by a licensed child placing agency to accept a child for adoption.
7. "Agency" means any child placing agency.
8. "Child" means a person who is a child according to State Law.
9. "Department" means the Department of Services for Children, Youth and Their Families.
10. "Division Director" means the Director of the Division of Program Planning and Productivity.
11. "Family" means biological or adoptive father, mother, brother and sister, but may be interpreted broadly to include any person, whether related to the child by blood or not, who resides in the child's home and takes part in the child's family life.
12. "Foster home" means a family of one (1) or more persons which provides continuing full-time care

for one (1) or more children who are unrelated to the adult members of the household by blood, marriage, guardianship or adoption.

13. "Foster parent(s)" means the individual(s) providing continuing full-time care for a child(ren) placed by the Agency.
14. "Parent(s)" means biological or adoptive mother and father of a child.
15. "Social Worker" means the person who works directly with children, their families, and other relevant individuals and who is primarily responsible for the development, implementation, and review of service plans for the child and family; or performs homefinding and assessment studies related to foster home and adoptive services.
16. "Supervised Independent Living Situation" means a placement of a child in an unlicensed house, apartment or other residence not requiring licensure by the Department when such placement is an alternative to or transition from an institutional setting or foster care with the goal of independent life in the community.

Other Terms

17. "Governing Body" means a person or persons with the ultimate responsibility for conducting the affairs of a child placing agency as, for example, a Board of Directors.
18. "License" means a written certification, issued by the Department, of an Agency's authorization to operate under State Law.
19. "Post-adoptive Services" means services provided after the adoption is finalized.
20. "Service plan" means a comprehensive individualized program of action for a child and his/her family developed by the Agency in cooperation with the family establishing specific goals and objectives and deadlines for meeting these goals and objectives based on the child's age, functioning level and perception of time and on the family's ability to understand and participate.

GENERAL REQUIREMENTS

21. An Agency shall not operate without licensure from the Department.
 - A. An Agency shall post any current license in a prominent place accessible to public view.
22. A license shall be issued only to the Agency for which application is made and for the address on the application and shall not be transferrable, assignable or subject to sale.
23. When an Agency is sold, leased or discontinued or the operation has moved to a new location or the license has been revoked, the current license immediately becomes null and void and shall be returned to the Department.
24. An Agency shall comply with the applicable provisions of Title VI and VII of the Civil Rights Act of 1964, the Rehabilitation Act of 1973, Executive Order No. 11246 of September 24, 1965, and any other Federal or State anti-discriminatory act, law, statute, regulation or policy, along with all amendments and revisions of such laws.
25. The Department may investigate or visit any Agency licensed, with or without notice, to examine the condition of the Agency. An Agency shall allow Department representatives access to any information reasonably related to compliance with applicable licensing requirements including but not limited to children's records, personnel files, and financial and administrative records.
 - A. An Agency shall admit representatives of the Department and furnish all reasonable facilities for thorough examination of its records and reports.
26. An investigation shall be made if a complaint is received by the Department. The Department shall notify the Agency that a complaint is being investigated. The results of the Department's investigation shall be reported in writing to the Agency investigated. If the complaint is substantiated or if any other violations are found as a result of the investigation, the Agency shall

be required to abate the violations and come into full compliance with the child placing agency laws and licensing requirements promulgated by the Department.

TYPES OF LICENSES

Annual

27. An annual license is issued when the Agency meets all the requirements set forth in the **Requirements for Child Placing Agencies**. An annual license is effective for one (1) year from the date of issue, unless it is revoked or surrendered sooner.

Provisional

28. A provisional license may be issued when the Department determines that:
- A. An applicant is temporarily unable to comply with all of the requirements in the **Requirements for Child Placing Agencies**.
 - B. The effect of non-compliance to any requirement does not present or will not present an unreasonable risk to the health, safety and well-being of the children or staff of the Agency; and
 - C. The Agency has a plan of correction that has been approved by the Department.
- A provisional license may also be issued when an Agency is initially licensed. A provisional license may be issued for up to one (1) year and may not be renewed.
29. A provisional license may be replaced with an annual license when all of the following conditions exist:
- A. An Agency corrects the deficiencies related to the requirements in advance of the expiration date of the provisional license and no additional areas of non-compliance exist.
 - B. Compliance with the requirements has been verified by an on-site observation by a Department representative or by written evidence provided by the Agency.
 - C. All other terms of the license remain the same.
30. A request to replace a provisional license and to issue an annual license must be made in writing by the Agency to the Division Director. If the request is approved, the effective date of the new annual license shall be determined by the Division Director.

PROCEDURES FOR INITIAL LICENSURE

31. An applicant must apply for a license on a form provided by the Department.
32. Within ninety (90) days after receipt of a completed application, a Department representative will make a reasonable effort to:
- A. Provide consultation to aid the applicant in complying with the **Requirements for Child Placing Agencies**.
 - B. Review the application, confer with the applicant, and inspect the premises for which the application is made.
 - C. Request appropriate authorities to verify compliance with applicable zoning ordinances and other state and local laws.
 - D. Make a recommendation to the Division Director regarding licensure. If licensure is granted, the Agency shall be issued a provisional license. If a license is denied, the applicant shall be notified by a letter stating the reason(s) for denial and setting forth the applicant's rights to an appeal of the decision.

ANNUAL LICENSING PROCESS

33. An Agency shall request from the Department a license application form at least ninety (90) days before the expiration of the Agency's current license.
34. An Agency shall submit the completed application to the Department at least sixty (60) days before expiration of the current license.

35. The Department may conduct a review, including an on-site visit of the Agency, no later than thirty (30) days before expiration of the current license.
36. The Department representative shall make a recommendation to the Division Director regarding licensure. An annual license shall be issued if the Agency meets all the requirements set forth in the **Requirements for Child Placing Agencies**. If a license is denied, the applicant shall be notified by a letter stating the reason(s) for denial and setting forth the applicant's rights to an appeal of the decision. If the Department cannot complete its review within the period set out in 32, the Division Director may extend the license for a period not to exceed thirty (30) days.

CHANGES AFFECTING LICENSE

37. An Agency shall notify the Department in writing at least ninety (90) days before any of the following:
 - A. A planned change of ownership and/or sponsorship;
 - B. A planned change of location;
 - C. A planned change in the name of the Agency;
 - D. A planned change in the Chief Administrator;
 - E. A substantial planned change in child placing services or population served.
 - F. The Agency shall give notice as soon as possible if any of the above changes occurs without prior planning.
38. The Department will then determine whether such changes require a modification of the current license or require the submission of an application for a new license. The Agency will be notified in writing within thirty (30) days as to whether the modification is approved by the Division Director or a new license is required.

DENIAL, REVOCATION OR SUSPENSION OF A LICENSE

39. The Department may revoke, suspend or deny a license for reasons which include but are not limited to:
 - A. Failure to comply with the provisions of State Law and the Department's rules and regulations; or
 - B. Violation of the terms and conditions of a license; or
 - C. Use of fraud or misrepresentation in obtaining a license or in the subsequent operation of the Agency; or
 - D. Refusal to furnish the Department with files, reports or records as required; or
 - E. Refusal to permit an authorized representative of the Department to gain admission to the Agency during operating hours; or
 - F. Any conduct or practice, engaged in or permitted, which adversely affects or presents a serious or imminent danger to the health, safety and well-being of any child served by the Agency; or
 - G. Any conduct or practice which is in violation of State Law related to abuse or neglect of children.
40. If the health or safety of children in care is in serious or imminent danger, the Department may immediately suspend the license upon the issuance of written notice.

APPEAL

41. Any person or Agency who has been denied a license or whose license has been revoked or suspended, shall be notified in writing of the reason(s) for such a decision and setting forth the person or agency's right to an appeal of the decision.
42. Any person or Agency who has been denied a license or whose license has been revoked or suspended by the Department, shall be entitled to a hearing and a review by a hearing officer, designated by the Secretary of the Department or his designee, who has no previous involvement in the matter.

43. The Department will give ten (10) days notice specifying reasons for proposed revocation or denial before a revocation or denial occurs. If a request for a hearing, either written or verbal, is received within the ten (10) day period, a hearing shall be held within thirty (30) days. Revocation or denial shall not occur until a written decision is rendered. If there is an immediate suspension, a hearing shall be held within ten (10) days of the written notice to the Agency.

VARIANCE

44. Upon written request by an Agency, the Department may grant a variance from a specific requirement(s) if there is documentation that the requested alternative complies with the intent of the requirement(s) for which variance is sought.
- A. The decision of the Department, including any qualification under which the variance is granted, shall be documented through a written agreement with the Department and a signed copy shall be sent to the Agency. A variance may remain in effect for as long as an Agency continues to comply with the intent of the requirement(s) or may be time-limited.
 - B. The agreement shall contain provisions for a regular review of the variance.
 - C. When an Agency fails to comply with a variance agreement in any particular, the agreement shall be subject to immediate cancellation.

ADMINISTRATION AND ORGANIZATION

DOCUMENTATION OF AUTHORITY TO OPERATE

45. An Agency shall have documentary evidence of its source of authority to operate.
- A. A privately-owned Agency shall have documents identifying the names and addresses of owners.
 - B. A corporation, partnership or association shall identify the names and addresses of its officers and directors and shall provide, when applicable, the charter, partnership agreement, constitution, articles of association and by-laws.

THE GOVERNING BODY

46. An Agency shall have an identifiable governing body with responsibility for and authority over the policies and activities of the Agency.
- A. An Agency shall have documents identifying all members of the governing body, their addresses, their terms of membership, if applicable, officers of the governing body, if applicable, and terms of office of all officers, if applicable.
 - B. When the governing body is composed of more than one (1) person, the governing body shall hold a formal meeting at least annually.
 - C. An Agency shall have written minutes of all governing body meetings.

Responsibilities of the Governing Body

47. The governing body of an Agency shall:
- A. Ensure the Agency's continual compliance and conformity with the provisions of the Agency's charter;
 - B. Ensure the Agency's continual compliance and conformity with all relevant laws and regulations, whether Federal, State or local, governing the operation of the Agency;
 - C. Ensure that the Agency is adequately funded and fiscally sound;
 - D. Review and approve the Agency's annual budget and program;
 - E. Appoint a Chief Administrator of the Agency, along with the delineation of the responsibilities of the position, and delegate sufficient authority to such person to manage the Agency;
 - F. Complete an annual written evaluation of the Chief Administrator, based on the job description and standards of performance;

- G. Meet with representatives of the Department whenever required to do so.

ACCESSIBILITY OF CHIEF ADMINISTRATOR

48. An Agency shall have a written policy to ensure the accessibility of either the Chief Administrator or a designated person with executive authority to both Agency staff and representatives of the Department at all times.

PROGRAM DESCRIPTION

49. An Agency shall have a written description of its philosophy, purpose and program. This description shall outline all services provided by the Agency and the methods of service delivery. This description shall be provided to referral sources and members of the public on request.

LOCATION AND OFFICE

50. An Agency shall have a permanently staffed office located within the State of Delaware.
51. An Agency shall have sufficient space, adequate facilities and necessary equipment to provide the services described in the Agency's Program Description and to ensure privacy for client interviews.
- A. The Agency shall have adequate storage space.
 - B. Records' storage shall provide controlled access and retrieval and protection of confidential information.
52. An Agency shall have an operating telephone listed in the public telephone directory.

ACCOUNTING

53. An Agency shall annually develop and implement a plan of financing to ensure continued operation of programs and services, proper care for children and fulfillment of applicable licensing requirements.
54. An Agency shall annually obtain an audit of all financial accounts. Non-governmental agency audits shall be conducted by an independent certified public accountant. Agencies operated by governmental units shall have audits conducted as required by statute.

RECORDS

55. An Agency shall maintain all records in a standardized order and format to facilitate reasonably easy access to information by Agency staff.
- A. The Agency shall have a written policy of the maintenance and disposal of records.

Confidentiality

56. An Agency must have written procedures for the maintenance and security of records specifying who shall supervise the maintenance of records, who shall have the custody of records, and to whom records may be released. Records shall be the property of the Agency and the Agency, as custodian, shall secure records against loss, tampering or unauthorized use.
57. An Agency shall maintain the confidentiality of client case records.
58. An Agency shall ensure that all Agency staff members and volunteers with access to client information, including clerical and administrative personnel, are aware of their responsibility to safeguard against the disclosure of client information to unauthorized persons.
59. An Agency shall not, without the voluntary, written consent of parent(s) or guardian, release any information concerning a child except to the child, his/her parent(s) or guardian, their respective legal consels or an authorized public official in the performance of mandated duties. This requirement is not to be interpreted to exclude the release of information necessary for the

purposes of adoption and foster care planning and recruitment or post-placement and post-adoption services.

60. An Agency shall, upon request, make available information in the case record to the child, his/her parent(s) or guardian and their respective legal counsel if the information being released does not contain material which violates the right of privacy of another individual and/or material that should be withheld from release according to other laws or by order of the court.
 - A. An Agency shall, at its own discretion, withhold from the child and the parent(s) or guardian any information considered potentially damaging to the child in the opinion of appropriate, informed professionals.
 - B. The Agency shall have a procedure whereby the child or parent(s) or guardian can appeal any decision to withhold information.
61. An Agency may use material from case records for teaching or research purposes, development of the governing body's understanding and knowledge of the Agency's services or similar educational purposes provided that names are deleted and other identifying information is disguised or deleted.

Administrative File

62. An Agency shall assemble an administrative file containing the following information and documents:
 - A. Governing structure including the charter, articles of incorporation;
 - B. By-laws, or other legal basis for its existence;
 - C. A flow chart of the Agency including names and positions of staff;
 - D. Name and position of persons authorized to sign agreements and submit official documentation to the appropriate government agency;
 - E. Board structure and composition with names and addresses and terms of membership;
 - F. Insurance coverage;
 - G. Procedure for notifying interested parties of changes in the Agency's policy and programs.

MISLEADING INFORMATION

63. An Agency shall not knowingly and intentionally use any document known to be false, make any statement known to be false or conceal any material fact in the process of placing a child.

FUND RAISING AND AGENCY PUBLICITY

64. An Agency shall have a written policy regarding the involvement of children in fund raising and public relations activities. This policy shall protect the child's rights to privacy and dignity.
 - A. Photographs, videotapes, films or recordings which would result in the child's identification shall not be used for research or Agency public relations purposes without the written consent of the child's parent(s) or guardian and notification of the child's custodian.

RESEARCH

65. An Agency shall have written policies regarding the participation of children in research projects. These policies shall conform to the **National Institute of Mental Health Standards on Protection of Human Subjects**.

INTERSTATE COMPACT

66. An Agency shall, when accepting for placement any child who resides in another state or placing a child in another state, comply, as appropriate, with the terms of the **Interstate Compact on Juveniles, Interstate Compact on the Placement of Children and Interstate Compact on Adoption and Medical Assistance**.

INTAKE

67. An Agency shall have a written policy for handling foster parent and adoptive parent applications, public inquiries and requests for service. This policy shall include:
- A. Procedures for referral assistance for persons requiring services not provided by the agency;
 - B. Procedures for documenting requests for service and reasons for acceptance or denial of services;
 - C. Procedures for documenting foster parent and adoptive parent applications and the disposition of such applications.

FEES

68. When fees are charged, an Agency shall have a policy, clearly written in common language, describing its fee structure. This policy shall include a description of all fees for services and of the conditions under which fees are charged, reduced, waived or refunded.
- A. The Agency shall make this policy available to any person accepted for a service for which fees are charged and to any member of the public on request.

COMPLAINT PROCEDURE

69. An Agency shall have a written complaint procedure for children, birth parent(s), adoptive parent(s), foster parent(s), adoptive parent applicants, foster care applicants and others significantly affected by Agency decisions. This policy shall ensure:
- A. That a complaint is not transmitted through or negotiated by the employee directly involved with the complainant;
 - B. That decisions are made within reasonable time and are communicated to complainants;
 - C. That all affected persons are informed of the complaint procedure;
 - D. That decisions on complaints are subject to an appeal process;
 - E. That the appeal process be to a higher administrative level than the initial complaint, and be completed within reasonable, specified time periods.

HUMAN RESOURCES

PERSONNEL POLICIES AND PRACTICES

General

70. An Agency shall have a written description of personnel policies and practices describing the Agency's approach to recruiting, screening, hiring, supervising, orienting, training, evaluating, promoting and developing staff members.
- A. This description shall include a clear, written grievance procedure for all employees and a written procedure for discipline, dismissal, suspension and lay-off of employees in accordance with applicable laws.
71. An Agency shall have a written job description for each job position within the Agency. Each job description shall specify the job's responsibilities, make reference to acceptable standards of performance and detail any qualifications required for the job.

Screening

72. An Agency shall have written references or written telephone notes on such references prior to employing any person to work directly with children,
73. Prior to employing any person working with children, an Agency shall have a written report on a general physical examination of the prospective employee completed within six (6) months prior to the date of employment. The examination shall include an accepted procedure for screening for tuberculosis.

- A. The Agency shall require an employee to provide written evidence of follow-up of any exposure to tuberculosis or any known medical problem affecting or potentially affecting the employee's job performance or the health or safety of children.

STAFF QUALIFICATIONS

- 74. An Agency shall ensure that the Chief Administrator of the Agency has:
 - A. At least a master's degree from an accredited program in social work or in another human services field;
 - B. At least four (4) years post-graduate experience in human services with at least two (2) years in administration;
 - C. When the Chief Administrator provides social work supervision in addition to administrative duties, the Administrator shall also meet the minimum qualifications for Social Work Supervisor.
- 75. An Agency shall ensure that the Social Work Supervisor has:
 - A. At least a master's degree from an accredited program in social work or in a field related to the Agency's program, and at least two (2) years of post-graduate experience in child welfare or a field related to the Agency's program.
- 76. An Agency shall ensure that a Social Worker performing intake services, direct services to children or families, or home-finding and assessment studies related to foster home or adoptive services has at least a bachelor's degree from an accredited program in social work or in a field related to the Agency's program;
 - A. Exception to the above requirement may be granted at the Agency's discretion when the Agency documents that the worker's background and experience would be beneficial to the Agency's program.
- 77. An employee appointed to a job position prior to the effective date of these requirements will be deemed qualified for that position if the employee's appointment to that position is in accordance with the requirements in force at the time of the appointment. A person appointed to a position after these requirements become effective shall meet the qualifications of these requirements for that position.
- 78. An Agency shall have evidence that all persons providing services directly to children are qualified, supervised, certified and/or licensed as appropriate to the nature of the service provided.
- 79. An Agency shall not employ or retain in any capacity an individual, including a foster parent(s), who has been convicted, indicted or involved in any criminal activity involving violence against a person; child abuse or neglect; possession, sale or distribution of illegal drugs; sexual misconduct; gross irresponsibility or disregard for the safety of others; or serious violations of accepted standards of honesty or ethical conduct.
 - A. The Agency may, at its own discretion, make exceptions to the above requirement when the Agency documents that the health, safety and well-being of children would not be endangered.
- 80. An Agency shall not employ or retain any person for whom there is documented evidence that the employee's health or behavior would endanger the health, safety and well-being of children.
 - A. The Agency may, at its own discretion, make exceptions to the above requirement when the Agency documents that the health, safety and well-being of children would not be endangered.
- 81. No employee of an Agency shall use or be under the effects of alcohol or illegal drugs during hours of work.
- 82. An Agency shall have a written statement establishing and justifying maximum caseload requirements for social workers. These requirements shall be based on actual workload and shall consider:

- A. The types of children served by the worker and their special needs;
 - B. Types of services to be provided;
 - C. Distances involved in the provision of services;
 - D. Other required functions and responsibilities of the worker.
83. An Agency shall employ or contract for a sufficient number of qualified staff to meet the Agency's maximum caseload requirement, to meet applicable licensing requirements and to provide the programs and services in the Agency's Program Description.

TRAINING

84. An Agency shall document that each new social work employee receives at least eight (8) hours of orientation training during the first month of employment focusing on the employee's job responsibilities.
85. An Agency shall document that each Social Work Supervisor and Social Worker receives thirty-two (32) hours of training activities annually, excluding activities related to orientation and routine supervision. Training shall include segments on:
- A. The principles and practices of the services provided by the Agency;
 - B. Agency philosophy, policy and procedure.
86. An Agency shall conduct a minimum of one (1) performance evaluation conference per year with each staff member. This conference shall result in a written evaluation report. A copy of the report shall be given to the staff member.

PERSONNEL FILE

87. An Agency shall have a personnel file for each employee which shall contain:
- A. The application for employment and/or resume;
 - B. Reference letters from former employer(s) and personal references or telephone notes on such references;
 - C. Any required medical examinations;
 - D. Applicable professional credentials/certifications;
 - E. Documentation of training provided;
 - F. Periodic performance evaluations;
 - G. Personnel actions, commendations, disciplinary reports and other appropriate materials, reports and notes relating to the individual's employment with the Agency;
 - H. Employee's starting and termination dates.

STAFF COMMUNICATIONS

88. An Agency shall establish written procedures to ensure adequate communication among staff with regard to policy, procedure and practice.
- A. All employees working with children shall have access to and knowledge of case record material as appropriate to the function performed by the employee.

VOLUNTEERS

89. An Agency which uses volunteers shall have a written plan for the orientation, training, supervision and use of volunteers.
- A. Volunteers shall have personal and professional qualifications commensurate with tasks performed.
 - B. Staff members shall be assigned to supervise volunteers.
 - C. The Agency shall have a written procedure for making background checks of volunteers.
 - D. A copy of the Agency's policy on confidentiality shall be given to each volunteer.

STUDENT FIELD PLACEMENT/INTERNSHIPS

90. An Agency which accepts students for field placements shall have a written plan describing their tasks and functions. Copies of the plan shall be provided to each student and school. The plan shall include:
- A. Statement of Purpose of a student's involvement, the student's role and responsibilities;
 - B. A procedure for making background checks on students;
 - C. A procedure for evaluating the student's performance;
 - D. A description of arrangements for supervision by a paid staff member;
 - E. Arrangements for orientation and training in the philosophy of the Agency, confidentiality, needs of the children and families and methods of meeting those needs;
 - F. Provision for the students to have input into the service plans for children and families with whom they are working and to be briefed on any special needs or problems.

CHILD ABUSE AND NEGLECT

91. An Agency shall inform employees of their legal responsibility to report any suspected or alleged incident of child abuse or neglect to the Division of Child Protective Services through the Child Abuse Reporting Number and shall cooperate fully in the investigation of any incident.

PART II. FOSTER CARE

GENERAL POLICIES AND PRACTICES

RECRUITMENT

92. An Agency shall have a written plan describing strategies for recruiting qualified foster parents. The plan shall be flexible in considering the types of foster care provided, ages of the children, developmental needs of children, racial identities of children, sibling relationships and special needs.

APPLICATION

93. An Agency shall utilize a standardized form for all foster home applications.

EVALUATION

94. An Agency shall have a written policy on the processing of foster care applications. This policy shall be routinely provided to applicants and shall state:
- A. An approach to involvement of applicants in a self-evaluation of their own strengths and weaknesses;
 - B. Selection criteria for foster parents including any criteria the Agency uses for rejection of applications;
 - C. Deadlines for Agency decision-making ensuring that any decision relative to foster parent applications is communicated to applicants within a reasonable amount of time, together with the reasons for such decisions;
 - D. Deadlines for the overall approval process ensuring that a final decision on the application is made within a reasonable amount of time;
 - E. An appeal process for applicants whose application has been denied.
95. An Agency shall conduct at least one (1) home visit and a face-to-face interview with each member of the household during the Agency's initial evaluation of foster care applicants.
- A. The Agency shall have for the foster parent(s) three (3) written references or telephone notes on such references. At least two (2) of these references shall not be related to foster parent(s) by blood or marriage.
96. An Agency shall complete a final written evaluation for applicant(s) which addresses:
- A. Motivation to become foster parent(s);
 - B. Willingness and ability to work with the Agency cooperatively as members of a treatment team;
 - C. Attitudes of members of the household towards accepting foster children;
 - D. Attitudes towards birth parents of foster children;
 - E. Emotional strengths and weaknesses of foster parent(s), how they see themselves and other members of the family;
 - F. Ability to communicate and solve problems; philosophies on child rearing, discipline, and parental roles; experience with children; and ways to coping with problems;
 - G. State of marital and family relations;
 - H. Family history including descriptions of early home life;
 - I. Information on medical or health conditions which might affect the foster parent(s)' ability to care for children;
 - J. Adjustments of children, if any, within the foster home;
 - K. Description of the home;
 - L. Type of children desired;
 - M. Experience in coping with special needs, if any;
 - N. Recommendations concerning types of children most suitable for placement in the home and types of children not suitable for placement;

- O. Assessment of training needs.
- P. The Agency shall have a signed statement from foster parent(s) indicating that they have read the written evaluation.

APPROVAL

- 97. An Agency shall not approve a foster home unless a final written evaluation, as required by 96, has been completed, including documentation that the foster home meets foster home requirements.
 - A. Exceptions to this requirement may be granted, at the discretion of the Agency, when the Agency documents an emergency requiring immediate placement and grants provisional approval to the home.
- 98. An Agency shall only grant provisional approval of a foster home when it is in the best interest of children needing placement. An Agency shall ensure that a preliminary written evaluation is completed within ten (10) working days after placement and that the foster home completes the approval process within six (6) months.

RECORDS

- 99. An Agency shall maintain a record on each approved foster home including:
 - A. The application, as required by 93;
 - B. The final evaluation report, as required by 96;
 - C. References from at least three sources, as required by 95A;
 - D. Medical reports, as required by 140, 141, 141A-141C;
 - E. Complaints and commendations, as required by 137;
 - F. Annual reports on mutual reviews, as required by 102C;
 - G. History of care given by the foster home including the names of children served, ages, Agency or parent making the placement, dates of placements, and dates and reasons for removal;
 - H. A termination summary for foster homes which are closed including the reasons for closing.
- 100. An Agency shall obtain the written permission of the foster parent(s) prior to releasing foster home records to any person not employed by the Agency except when such records are released to authorized personnel or such release is by court order.

FOSTER CARE PAYMENT SCHEDULE

- 101. An Agency shall have a current written payment schedule for foster care services. This schedule shall be routinely provided to applicants.

FOSTER PARENT ORIENTATION, TRAINING AND MUTUAL REVIEW

- 102. An Agency shall have a written plan for orienting and training foster parent(s).
 - A. Orientation training for each person in a parenting role shall include:
 - (1) The role of the foster parent as a member of the care and treatment team;
 - (2) The involvement of birth parent(s) and family in children's lives;
 - (3) Policy on religious participation and training;
 - (4) Behavior management policy;
 - (5) Confidentiality;
 - (6) Health care procedures;
 - (7) Emergency procedures;
 - (8) Foster care payment procedures;
 - (9) The Agency contact person.
 - B. The Agency shall ensure that each person involved in a parenting role in a foster home receives at least five (5) hours of training annually.
 - C. Foster parent(s) shall have an annual mutual review conference with Agency staff to assess strengths, weaknesses, and training needs of the foster home and to analyze the supportive

relationships of Agency staff. This conference will result in a brief written plan, including goals and target dates, provided by the Agency to all parties, to improve services and relationships.

BEHAVIOR MANAGEMENT

103. An Agency shall have a written policy on acceptable behavior management. This policy will be routinely provided to foster parent(s). This policy will stress positive concepts of child management and motivation, rather than punitive measures. The Agency shall prohibit the following:
- A. Punishments including any type of physical hitting or any type of physical punishment inflicted in any manner upon the body;
 - B. Requiring or forcing the child to take a painfully uncomfortable position, such as squatting or bending, or requiring or forcing the child to repeat physical movements when used solely as a means as punishment;
 - C. Punishment which subjects the child to verbal abuse, ridicule or humiliation;
 - D. Denial of elements of the service plan;
 - E. Delegation of discipline to any other person other than a responsible adult made known to the child;
 - F. Assignment of physically strenuous exercise or physically strenuous work solely as punishment;
 - G. Denial of visiting or communication privileges with family solely as a means of punishment;
 - H. Withholding of any meals;
 - I. Denial of sufficient sleep;
 - J. Requiring the child to remain silent or be isolated for long periods of time;
 - K. Denial of shelter, clothing or bedding;
 - L. Extensive withholding of emotional response or stimulation.

RELIGION

104. An Agency shall have a written policy on religious participation and training of children in care.

ALLOWANCE

105. An Agency shall have a written policy on children's allowances.
- A. If allowances are given, the policy shall address methods of paying and accounting for allowances.

EDUCATION

106. Within five (5) school days of initial placement, an Agency shall start to enroll a child of school age, as defined by State Law, into an appropriate educational program meeting State legal requirements.
107. An Agency shall ensure:
- A. That the school administration is notified in writing of the Agency's involvement and is given the name of an Agency contact person;
 - B. That the child's record contains the current grade placement, school, and type of school program;
 - C. That Agency personnel maintain ongoing communication and cooperation with the child's school.

CLOTHING

108. An Agency shall ensure that each child in care is provided with adequate, well-fitting, clean clothing appropriate to the season and to the child's age, sex, activities and individual needs. Clothing shall be in good repair.

HEALTH RECORD

109. An Agency shall maintain a health record for each child.

The health record shall include:

- A. Authorization for medical care;
- B. A medical history and copies of required physical examinations;
- C. A record of medical and dental care, treatment and prescribed medication, immunizations, accidents requiring medical treatment and hospitalizations. At the time of termination from foster care, this record shall be provided to the parents or to the next placement if other than parents.

AUTHORIZATION FOR MEDICAL CARE

110. Immediately upon initial placement, an Agency shall obtain written authorization to provide medical, dental, anesthesia, immunization, and emergency surgical treatment. Authorization shall be either from the parent(s) or guardian or by court order.

MEDICAL CARE

- 111. An Agency shall have a written procedure for handling medical emergencies on a 24-hour, 7-day-a-week basis. A copy of the procedure shall be routinely provided to foster parent(s).
- 112. Upon placement, an Agency shall have a written report on a physical examination of a child. The examination shall have been completed within three (3) months prior to planned placement. In documented emergency situations requiring immediate placement, a physical examination must be conducted within thirty (30) days after placement.
- 113. An Agency shall ensure that a child receives medical examinations in accordance with the standards of the American Academy of Pediatrics.
- 114. An Agency shall ensure that children receive timely, competent medical care when they are ill and that they continue to receive necessary follow-up medical care.
- 115. When a child has not received adequate immunizations as required for the child's age according to the recommendations of the Division of Public Health, an Agency shall obtain a written plan from a physician for bringing the child to the required level of immunization within a reasonable period of time.

DENTAL CARE

- 116. An Agency shall ensure that every child over three (3) years of age receives a dental examination in accordance with the guidelines of the Division of Public Health.
- 117. An Agency shall make every effort to ensure that a child receives necessary dental work.

THE PLACEMENT PROCESS

- 118. An Agency shall have a written placement policy describing:
 - A. What services are provided to maintain a child in the child's family home, whenever possible, or to place the child with a relative, whenever possible;
 - B. How the Agency ensures that no child is placed until a determination has been made that foster care is an appropriate resource for the child;
 - C. How the Agency matches children and foster homes to ensure that children's needs are met;
 - D. How the Agency addresses the needs of siblings to remain together;
 - E. How the Agency assures that a child is placed in the closest reasonable proximity to the family's home in accordance with the goals of the service plan.
 - F. How the Agency addresses the need of children to preserve their cultural, racial and religious identities.

PLACEMENT AGREEMENT

119. An Agency shall have a signed written agreement outlining the rights and responsibilities of both the Agency and the foster parent(s) regarding placement in an approved or provisionally approved foster home.

INFORMATION TO FOSTER PARENTS

120. At the time of placement, an Agency shall ensure that foster parent(s) are informed about the child in a manner consistent with their role as members of the care and treatment team. Information shall include:
- A. The name of the child, Agency and social service worker;
 - B. Available information about the child's known behavioral characteristics, needs, and current plans to meet those needs, as identified in the service plans for the child and family;
 - C. The plan for providing routine and emergency medical care for each child placed in the foster home.
121. An Agency shall have a procedure to ensure that foster parents are informed of the current physical examination and medical history when completed.

PLACEMENT PREPARATION

122. An Agency shall document the preparation for each child placed in foster care, replaced, or returned home. Preparation shall be appropriate to the child's age, individual needs, the circumstances necessitating placement, and the special problems presented.

AGENCY'S LEGAL RIGHT TO PROVIDE CARE

123. At the time of initial placement into foster care and continuously thereafter, the Agency shall maintain, in the child's case record, documentation of the Agency's legal right to provide care for the child.

INITIAL PLACEMENT OUTLINE

124. Within five (5) working days after an initial foster care placement, documentation of all of the following shall be entered in the child's case record:
- A. Date of custody, if applicable;
 - B. Name, birthdate, sex, race, and other significant identifying physical information;
 - C. Date of placement;
 - D. Name, address, and marital status of parent or parents and the name and address of the legal guardian, if any;
 - E. Names and whereabouts of siblings;
 - F. Religious preference;
 - G. Immediate and significant health needs;
 - H. The child's physical and emotional state at time of placement;
 - I. The circumstances leading to the need for foster care;
 - J. Known previous out-of-home placements;
 - K. The immediate needs of the child and parents and services to be provided to meet those needs;
 - L. If known, AFDC eligibility status of birth parents and SSI eligibility of child.

PARENT AND CHILD VISITS

125. An Agency shall make provisions for visits between parents and children except where the parental rights have been terminated or where it is documented that visits are detrimental to the child. The birth parents and the child shall be informed of the visitation plan in a manner consistent with their capacity to understand.

SERVICE PLANNING

126. An Agency shall develop an initial written service plan for each child within thirty (30) working days of placement. The plan shall be developed in consultation with the child, biological family, foster parent(s) and referral source, unless participation by any of these individuals is not possible or is not in the child's interest. When any of these agencies and persons do not participate, the Agency shall document the reason for non-participation.
- A. All persons participating in the development of a service plan shall sign the completed service plan.
 - B. Periodically, but not less than every six (6) months, the initial service plan shall be reviewed and updated as necessary. The contents of the review shall be documented in the service plan.

Content of Service Plan

127. The service plan shall consider social history information on the child's emotional and physical development, the family situation, and evaluation of the past experiences and problems of the child to determine the placement and services best suited to meet the child's needs. The plan shall include a projection of the expected length of stay in foster care and the anticipated next placement and shall identify the child's needs, specific goals, and projected time frames for meeting the goals. Time frames shall be developed with consideration for the child's perception of time. The service plan shall address the following areas, as appropriate to the individual case:
- A. Social services;
 - B. Family visitation;
 - C. Discipline and child-handling techniques;
 - D. Education;
 - E. Health;
 - F. Vocational training;
 - G. Psychological, psychiatric, and mental health services.
128. An Agency shall ensure that each child in care is personally visited by the assigned social worker at least once a month. If monthly visits are inappropriate, the specific reasons shall be documented in the plan, and the plan shall specify the frequency of worker visitation.
129. If the parental rights have not been terminated, an Agency shall ensure the service plan includes an assessment of the parent's or parents' role while the child is in placement, and goals in respect to return of the child and time frames for meeting the goals.
130. An Agency shall inform the parent(s) or guardian of the service plan and of their rights or responsibilities in the care of the child. Such information shall be provided to parent(s) in a manner consistent with their ability to understand.
131. For a child who is legally free and available for adoption, an Agency shall ensure that the plan includes specific services aimed at locating an adoptive placement.

REPLACEMENT

132. An Agency shall make every effort to maintain stable foster care placements for each child placed in foster care. When a child is replaced other than to parent(s) or relatives, an Agency shall document:
- A. The reason for replacement;
 - B. Evaluation of the appropriateness of continued foster care;
 - C. Replacement preparation appropriate to the child's capacity to understand;
 - D. Notification to the parent(s) and referral source of the replacement;
 - E. Information about the child shared with new caretakers including case plans;
 - F. The Agency shall maintain a cumulative list of replacement children.

DISCHARGE

133. When a child is discharged, an Agency shall have all of the following information in the child's record within 30 days:
- A. The reason for termination of the foster care and current location of the child;
 - B. A summary of the services provided during care;
 - C. An assessment of the child's and the parents' needs which remain to be met;
 - D. A statement that the termination plan has been explained to the child in a manner consistent with the child's capacity to understand;
 - E. Provisions for follow-up services, if any.

ILLNESS, ACCIDENT, DEATH

134. The Agency shall immediately notify, as appropriate, the child's parent(s), guardian and custodian of any serious illness, incident involving serious bodily injury or any severe psychiatric episode involving a child in care.
135. The Agency shall immediately notify the child's parent(s) and/or guardian, the Department and the medical examiner in the event of the death of a child in care.
136. An Agency shall have written procedures to ensure that a child is notified of deaths or serious illnesses in the child's family.

FOSTER HOME COMPLAINTS/COMMENDATIONS

137. An Agency shall have a written policy concerning investigations of foster home complaints. This policy shall provide:
- A. An immediate investigation of any potential danger to children;
 - B. Immediate action to protect any child found to be at risk;
 - C. Written reports including findings and recommendations;
 - D. Foster homes shall be commended by the Agency for outstanding performance.

REQUIREMENTS FOR FOSTER HOMES

MARITAL STATUS

138. Foster parent(s) shall be a married couple, an unmarried couple or a single person with a stable living arrangement.

AGE

139. Foster parent(s) shall be at least twenty-one (21) years of age and may be over sixty-five (65) years of age if Agency observation establishes the ability of the foster parent(s) to provide adequate care.
- A. The Agency may, at its own discretion, make exemptions to the above requirement when the Agency documents that the health, safety and well-being of children would not be endangered.

PHYSICAL EXAMINATION

140. During the time of application, foster parent(s) shall provide a written report from a licensed physician on a physical examination conducted within one (1) year prior to application.

HEALTH

141. Foster parent(s) shall, as required by the Agency, provide information on the physical and mental health history of every member of the household.
- A. Members of the household must be free of communicable diseases, specified illnesses or

disabilities which would either endanger the health of the children or interfere with the capability of the household to provide care for the child.

- B. Foster parent(s) shall, on request, provide a medical statement from a licensed physician verifying that household members are free of communicable diseases, specific illnesses or disabilities which would either endanger the health of the child or interfere with the capability of the household to provide adequate care for the child.
- C. Disabilities of foster parent(s) or household members are to be considered only as they affect the ability of the household to care for the child.

INCOME

- 142. Foster parent(s) shall have sufficient income to meet their needs and ensure the security and stability of the household independent of foster care maintenance payments.

EMPLOYMENT

- 143. A single foster parent or a foster parent couple who both work outside the home shall obtain approval for their plan for caring for children during their absence.
- 144. Foster parent(s) shall obtain approval from the Agency for a business conducted in the home, demonstrating the activities related to this business will not interfere with the care of the children.

PERSONAL CHARACTERISTICS

- 145. Foster parent(s) shall demonstrate emotional stability, good character, a responsible adult lifestyle, freedom from excessive use of alcohol or use of illegal drugs and the ability to provide nurturing care, appropriate supervision, reasonable discipline and a home-like environment for the children.
- 146. Foster parent(s) shall demonstrate a capacity for setting realistic expectations for behavior and performance based on the age, abilities and special needs of the children.
- 147. Foster parent(s) shall demonstrate a willingness and ability to discuss and deal appropriately with their own feelings of anger, frustration, sorrow, conflict and affection and those of others.

CRIMINAL RECORD

- 148. Foster parent(s) and all other members of the household 18 years of age or older shall be free of convictions, indictment or substantial evidence of involvement in any criminal activity involving violence against a person, child abuse or neglect, sexual misconduct, possession, sale or distribution of illegal drugs, gross irresponsibility or disregard for the safety of others or serious violations of accepted standards of honesty or ethical conduct.
 - A. The Agency may, at its own discretion, make exceptions to the above requirement when the Agency documents that the health, safety and well-being of children would not be endangered.

REFERENCES

- 149. Foster parent(s) shall provide the names, addresses and telephone numbers of three (3) persons who may be contacted by the Agency as personal references.
 - A. At least two (2) of the required references shall be persons not related to the foster parent(s) by blood or marriage.

INFORMED CONSENT OF HOUSEHOLD

- 150. Foster parent(s) shall ensure that all members of the household are informed of and agree to the acceptance of the child into the home.
 - A. Exceptions to the above requirement shall be made, at the discretion of the placing agency,

when the household member involved is incapable of communication or informed decision-making and poses no threat to the health, safety or well-being of the child.

RELATIONSHIP WITH THE PLACING AGENCY

151. Foster parent(s) shall cooperate with the Agency staff in evaluation and in the ongoing supervision of the foster home.
 - A. Foster parent(s) shall provide the Agency any information reasonably related to compliance with these requirements and shall allow representatives of the Agency access to any member of the household and into all rooms within the home.
152. Foster parent(s) shall notify the Agency in writing prior to allowing any person to take up residence for more than two (2) weeks in the foster home.
153. Foster parent(s) shall notify the Agency within twelve (12) hours of the occurrence in any of the following circumstances:
 - A. A serious injury or illness involving medical treatment of the child;
 - B. The death of a child;
 - C. Extended and unauthorized absence of the child from the home, as defined by Agency policy;
 - D. Removal of the child from the home by any person or agency other than the placing agency; or attempts at such removal;
 - E. Any fire or other emergency requiring evacuation of the home;
 - F. Extended lack of heat, water or electricity;
 - G. Any involvement of a child with the legal authorities.
154. Foster parent(s) shall inform the Agency as soon as possible in any of the following circumstances:
 - A. Any serious illness or death in the household;
 - B. The departure of any member of the household;
 - C. Any other circumstances or incident seriously affecting children or child care.
155. Foster parent(s) shall inform the Agency at least four (4) weeks prior to a planned move of the family home.

Annual Mutual Review

156. Foster parent(s) will participate in an annual mutual review with the Agency to evaluate the strengths and weaknesses of the foster home and of the relationships of Agency representatives with foster parent(s).

Training

157. Foster parent(s) and other persons in a foster parenting role within the home will participate in training activities, as required by the Agency.

The Care and Treatment Team

158. Foster parent(s) shall work cooperatively with Agency representatives as members of a treatment team responsible for planning, providing and discussing the total care and services provided to each child.
 - A. Foster parent(s) shall fully disclose all information related to a child's problems or progress to Agency representatives.
159. Foster parent(s) shall treat any personal information about a child or the child's family in a confidential manner.

SUPPORT SYSTEM

160. Foster parent(s) shall have an adequate support system for supervising and providing care for

children on an ongoing basis while allowing foster parent(s) opportunities for enjoying occasional breaks from the responsibility for caring for children.

- A. Any person given the responsibility for a child on a regular basis must be identified to and approved by the Agency.

THE CHILD'S FAMILY

- 161. Foster parent(s) shall maintain a working relationship with the child's family in accordance with the service plan and in cooperation with Agency staff. In such circumstances, the foster parent(s) will participate in planning for and providing visits by the child with family and friends.
- 162. Foster parent(s) shall allow the child's family to communicate with the child by mail and by telephone in accordance with the child's service plan.

EXPLOITATION AND CHILD RIGHTS

- 163. Foster parent(s) shall not subject children to exploitation in any form and shall ensure children are allowed to enjoy the normal rights, freedoms and responsibilities of community life subject only to reasonable household rules, age appropriate restrictions and restrictions in accordance with the child's service plan.

HOUSEHOLD TASKS

- 164. Foster parent(s) shall only expect a child to perform household tasks which are within the child's abilities, are reasonable for the child's age and are similar to those expected of other household members of comparable age and ability.
- 165. Foster parent(s) shall, as appropriate, instruct the child in the tasks and skills required for independent life in the community.

FOOD AND NUTRITION

- 166. Foster parent(s) shall ensure that each child is provided with three (3) nutritionally balanced meals a day and shall, in accordance with the child's service plan or on the advice of a licensed physician, provide for special dietary needs of a child.

CLOTHING

- 167. Foster parent(s) shall ensure that each child is provided with adequate, well-fitting, clean clothing appropriate to the season and to the child's age, sex, activities and individual needs. Clothing shall be in good repair.

PERSONAL BELONGINGS

- 168. Foster parent(s) shall allow the child to bring, possess and acquire personal belongings subject only to reasonable household rules and the child's service plan.
 - A. Personal belongings shall be sent with the child when the child leaves the home.

RELIGION

- 169. Foster parent(s) shall follow the Agency's policy on religious participation and training of children.

DISCIPLINE AND CONTROL

- 170. Foster parent(s) shall provide loving and humane discipline and control for a child as appropriate to the child's age and understanding and in accordance with Agency policy.
 - A. Methods of control shall stress praise and encouragement for good behavior, rather than punishments for bad behavior.

171. Foster parent(s) shall not allow the child to be subjected to verbal abuse, derogatory remarks about themselves or their families or threats of removal from the foster home.

PHYSICAL ENVIRONMENT

172. A foster home shall be reasonably safe, in good repair and comparable in appearance and maintenance to other family homes in the community.
173. The home and the exterior around the home shall be free from objects, materials and conditions which constitute a danger to the children served.
- A. A foster home shall be in compliance with state and local standards, ordinances and regulations for residential use.

Fire Safety

174. A foster home shall be reasonably free from fire hazards.
- A. Foster parent(s) shall, at the request of the Agency, submit their home to inspection by a fire safety expert.
175. A foster home shall be equipped with the appropriate number of operating smoke alarms, as required by the Agency.
176. Foster parent(s) shall ensure that each child, as appropriate to age and developmental level, knows how to evacuate from the home in the event of a fire and shall conduct periodic evacuation drills.

Health and Sanitation

177. Foster parent(s) shall keep the home clean and free of hazards to the health and physical well-being of the family.
178. The home shall have a continuous supply of drinking water approved by local health authorities.

PART III. ADOPTION

GENERAL POLICIES AND PRACTICES

SERVICES FOR CHILDREN AND RELINQUISHING PARENT(S)

Information on Alternatives

179. An Agency shall not accept relinquishment of any child without providing relinquishing parents with information regarding alternative plans for their child, the legal result of relinquishing their child and the procedures involved in relinquishing their child for adoption, or without providing relinquishing parents with the assistance to reach an informed decision regarding termination of their parental rights.

Interim Care

180. An Agency shall, as appropriate, have interim care arrangements with approved foster homes to ensure appropriate care for a child between the time of relinquishment and the time of placement.

Relinquishing Parents' Right to Request Information

181. An Agency shall inform relinquishing parent(s) of their right to receive, on request, the following information prior to relinquishment:
- A. A description of the adoption Agency's criteria used in selecting adoptive parent applicants if prospective adoptive parents for the child have yet to be identified;
 - B. Non-identifying background information on prospective adoptive parent(s) if prospective adoptive parents have been identified.
182. An Agency shall, prior to adoptive placement of a child, have documentation on the physical, emotional, social, developmental and educational factors relevant to the child's background and current situation. This evaluation shall include:
- A. Full names, ages, address and telephone number of relinquishing parent(s);
 - B. Attitudes of relinquishing parent(s) and child, if appropriate, towards adoption;
 - C. Reasons for relinquishing the child;
 - D. Names, ages and addresses of siblings and other available family members including grandparents;
 - E. Social, physical and mental history of the birth parent(s), grandparents and other family members;
 - F. Name, birthdate, sex, religion, race, nationality, height, weight, hair color, eye color and identifying marks of the child;
 - G. Physical, medical, mental and educational history of the child;
 - H. A written report on a medical examination of the child performed within eight (8) weeks prior to placement.
183. An Agency shall ensure the availability of medical, counseling and social services to the prospective relinquishing parent(s) or legal guardian(s) of the child(ren) to be adopted. Such services shall include:
- A. Counseling in arriving at a plan that is best for them and the child;
 - B. Counseling in resolving any problems relating to the relinquishment of the child;
 - C. Referral for hospitalization, maternity home care or other community resources, as needed;
 - D. If appropriate, preparation of the child and the parent(s) for the separation.
184. An Agency shall ensure that services provided to or for prospective relinquishing parents are not contingent upon a decision to place the child for adoption.

Continuing Contact with Agency

185. An Agency shall inform relinquishing parents of their right and responsibility to maintain current

information on how they may be contacted and to report to the Agency any hereditary medical condition which may affect the child's health.

ADOPTIVE HOME RECRUITMENT

186. An Agency shall have a written plan describing strategies for recruiting or registering qualified adoptive parent(s) for children legally free for adoption. The plan shall consider the ages of the children, developmental needs of children, racial identities of children, sibling relationships and special needs.

APPLICATION

187. An Agency shall utilize a standardized application form for adoptive parent applicants.

EVALUATION

188. An Agency shall have a written policy on the processing and evaluation of adoption applications. This policy shall be routinely provided to applicants and shall state:
- A. An approach to involvement of applicants in self-evaluation of their own strengths and weaknesses;
 - B. Selection criteria for adoptive parent(s) including any criteria the Agency uses for rejection of applications;
 - C. Procedure for denying an application if adoptive parent(s) or other members of the household have convictions, current indictment or substantial evidence of involvement in any criminal activity involving violence against a person, child abuse or neglect, serious sexual misconduct, gross irresponsibility or disregard for the safety of others or serious violations of accepted standards of honesty or ethical conduct.
 - (1) The Agency may, at its own discretion, make exemptions to the above requirement when the Agency documents that the health, safety and well-being of children would not be endangered.
 - D. Deadlines for Agency decision-making ensuring that any decision relative to adoptive parent applications is communicated to applicants immediately, together with reasons for such decisions;
 - E. Deadlines for the overall approval process ensuring that a final decision on approval of the adoptive applicant is made within a reasonable amount of time;
 - F. An appeal process for applicants whose application has been denied.
189. An Agency shall have for the adoptive parent(s) three (3) written references or telephone notes on such references. At least two (2) of these references shall be persons not related to the adoptive parent(s) by blood or marriage.
190. An Agency shall document that adoptive parent(s) have sufficient income to meet the needs of the family.
191. An Agency shall obtain information on the physical and mental health history of the adoptive parent(s) and all other members of the household.
- A. Members of the household must be free of communicable diseases, specific illnesses or disabilities which would either endanger the health of the children or interfere with the capability of the household to provide care for the child.
 - B. An Agency shall obtain a written report from a licensed physician of a current physical examination of adoptive parent(s).
 - C. If appropriate, the Agency shall obtain a written report from a licensed physician verifying that other household members are free of communicable diseases, specific illnesses or disabilities which would either endanger the health of the child or interfere with the capability of the household to provide adequate care for the child.
 - D. Disabilities of adoptive parent(s) or household members are to be considered only as they affect the ability of the household to care for the child.

192. An Agency shall conduct at least one (1) home visit and meet with each person who lives in the adoptive home.
193. An Agency shall require that a single adoptive parent or an adoptive parent couple who both work outside the home have a plan for caring for children during their absence.
194. An Agency shall require that adoptive parent(s) who conduct a business in their home demonstrate that the activities related to this business will not interfere with the care of the children.
195. An Agency shall require that an adoptive home is reasonably safe, in good repair and at least comparable in appearance and maintenance to other family homes in the community.
196. An Agency shall require that the home and the exterior around the home are free from objects, materials and conditions which constitute a danger to the children served.
 - A. An adoptive home shall be in compliance with state and local standards, ordinances and regulations for residential use.
197. An Agency shall complete a final written evaluation of the applicant(s) which addresses:
 - A. Motivation for adoption;
 - B. Family's attitude toward accepting an adoptive child, and plan for discussing adoption with the child;
 - C. The attitude of extended family and significant other people involved with the family;
 - D. Attitudes towards relinquishing parent(s) of adoptive children;
 - E. Emotional strengths and weaknesses of applicants, how they see themselves and other members of their family;
 - F. Ability to communicate and solve problems; philosophies on child rearing, discipline, and parental roles; experience with children; and ways of coping with problems;
 - G. Marital relationship;
 - H. Family history including descriptions of early home life;
 - I. Information on medical or health conditions which might affect the adoptive parents' ability to care for children;
 - J. Adjustments of children, if any, within the adoptive home;
 - K. Description of the home;
 - L. Type of children desired;
 - M. Experience in coping with special needs, if applicable;
 - N. Recommendations concerning types of children most suitable for adoption in the home and types of children not suitable for adoption in the home;
 - O. Attitudes toward eventual contact between child and birth parents.
198. An Agency shall document that a copy of the final written evaluation has been provided to adoptive parent(s).
199. An Agency shall not approve an adoptive home unless a final written evaluation, as required by 197 has been completed.
 - A. The Agency shall not place a child in a home without a current written evaluation completed within one (1) year prior to the date of placement.

THE PLACEMENT PROCESS

200. An Agency shall have a written placement policy describing:
 - A. How the Agency ensures that no child is placed in an adoptive home until a determination has been made that adoption is an appropriate resource for the child;
 - B. How the Agency matches children with adoptive parents to ensure that children's needs are met;
 - C. How the Agency addresses the need of siblings to remain together;

- D. How the Agency addresses the need of children to preserve their cultural, racial and religious identities.
- 201. An Agency shall ensure that all members of the adoptive household are informed of and agree to the acceptance of the child into the home.
 - A. Exceptions to the above requirement shall be made, at the discretion of the Agency, when the household member involved is incapable of communication or informed decision-making and poses no threat to the health, safety or well-being of the child.
- 202. An Agency shall ensure that adoptive parent(s) are aware that any personal information about a child or the child's family must be held in a confidential manner.

PREPARATION FOR ADOPTION

Information Given to Adoptive Parent(s)

- 203. When a child has been selected for an adoptive home, an Agency shall provide the adoptive parent(s) all available information about that child's history, including developmental and medical history, personality and temperament, family medical and social history and reasons for relinquishment. If the child has special needs, the applicant shall be given an assessment of the child's current and long-term needs and referral to appropriate resources.

Preparation of Child

- 204. An Agency shall have a written description of how the Agency prepares the children in its care or supervision for adoption. This description shall include measures to prevent the emotional trauma associated with a sudden separation from familiar surroundings.

POST-PLACEMENT SERVICES

- 205. An Agency shall provide the following services to adoptive parent(s) after the adoptive child has been placed with them:
 - A. An Agency shall assign a social worker to each adoptive family. The social worker shall be responsible for providing direct services to the adoptive family until the adoption is finalized.
 - B. An Agency shall assist adoptive parents to integrate the child into the family by giving casework assistance on a continuing basis during the post-placement period.
 - C. An Agency shall assist adoptive parents and the child with any problems relating to adoption for which the adoptive family or the child seek help. Such assistance shall include offering services provided by the Agency and/or help in applying for other services.
 - D. An Agency shall arrange regular visits to the adoptive family, including home or office contacts. The initial visit shall occur within the first four (4) weeks of placement and a minimum of two (2) subsequent visits shall be made. Each member of the household shall be interviewed during the period of supervision.

POST-ADOPTION SERVICES

- 206. An Agency shall have a written plan for services to be provided to birth parent(s) and the child after the adoption has been finalized. These services shall include:
 - A. Referral to counselling services and support groups;
 - B. Search services for both birth parent(s) and adoptee(s).

ADOPTIVE RECORDS

- 207. An Agency shall maintain a record on each adoptive family including:
 - A. Application;
 - B. Written evaluation(s) of the home;
 - C. A copy of the information about the child provided to the adoptive family;

- D. Summaries of services, contacts and follow-up;
 - E. All legal documents related to adoption;
 - F. Written documentation on references;
 - G. Required medical information.
208. An Agency shall maintain records on each adoptive child and the relinquishing parents including:
- A. The information, as required by 182;
 - B. Updated information, if available, on the whereabouts of the child and family;
 - C. Summary of any services provided to the child and family.
209. An Agency shall have a written policy on the maintenance and security of records assuring the continued accessibility of necessary information through the lifetime of the adoptive child. This policy shall address the disposition of records if the Agency should cease operation.

PART IV. SUPERVISED INDEPENDENT LIVING

GENERAL POLICIES AND PRACTICES

PROGRAM DESCRIPTION

210. An Agency shall have a written statement describing:
- A. The Agency's philosophy on and approach to supervised independent living situations;
 - B. The criteria used to select children for supervised independent living placement;
 - C. The approach used to assess the appropriateness of supervised independent living placement;
 - D. The nature and frequency of supervision provided to supervised independent living children;
 - E. Ongoing programs available to the child during placement;
 - F. Any living environments provided by the Agency;
 - G. A crisis response system ensuring that children have 24-hour access to Agency personnel.

LIFE SKILLS ASSESSMENT

211. An Agency shall develop a written assessment of the child's life skills prior to placing the child in a supervised independent living situation. This assessment shall address the following areas, identifying any potential areas of risk to the child associated with independent life in the community:
- A. Money management, consumer awareness;
 - B. Food management;
 - C. Personal appearance, health and hygiene;
 - D. Housekeeping and personal belongings;
 - E. Housing search skills;
 - F. Skills in using transportation;
 - G. Educational planning, if appropriate;
 - H. Job seeking skills;
 - I. Skills in emergency situations;
 - J. Drug use;
 - K. Sexuality;
 - L. Interpersonal skills;
 - M. Community involvement, knowledge of resources;
 - N. Legal issues, knowledge of legal rights.

Supervision and Support

212. An Agency shall ensure regular contact between Agency personnel and each child as specified in the child's service agreement, as required by 215.
213. An Agency shall, through routine visits to the living situation, document that:
- A. There is no reasonable cause for believing that the child's mode of life or living situation presents any unacceptable risks to the child's health or safety;
 - B. The living situation is maintained in a reasonably safe condition;
 - C. The child is receiving any necessary medical care;
 - D. The current program plan provides appropriate and sufficient services to the child.

Emergency Procedures

214. An Agency shall document that all children are trained in emergency procedures within one week of admission. Such training shall include:
- A. Instruction in evacuation from the living situation;
 - B. Instruction in contacting police, fire and other emergency services;
 - C. Instruction in fire and accident prevention.

SERVICE AGREEMENT

215. An Agency shall ensure that a written service agreement is completed prior to placement. The service agreement shall include:
- A. A delineation of the respective roles and responsibilities of the Agency, the child and other involved parties;
 - B. Specification of all services to be provided or arranged by the Agency including the plan for contact between the child and Agency staff;
 - C. The Agency's expectations concerning the child;
 - D. Specification of any financial arrangements related to the placement;
 - E. The service agreement shall be signed by the child and a representative of the Agency.

AGE

216. An Agency shall not place a child under sixteen (16) years of age in a supervised independent living situation.

APPENDIX

DELAWARE LICENSING LAW

Title 31, Chapter 3, Paragraphs 341 through 344, Delaware Code

§341. Definition of "boarding home."

For the purpose of interpreting the meaning of the words "boarding home," any person, association, agency, or organization is the keeper of a boarding home for children if, for hire, he or it:

- (1) Advertises or holds himself or itself out as conducting such a boarding home;
- (2) Has in custody or control one child or more under the age of 18, unattended by parents or guardian, for the purpose of providing such child or children with care, food or clothing for compensation.

Homes in which children have been placed by any child placement agency, properly licensed to place children in this State, shall not be regarded as "boarding homes."

§342. Powers of Division with respect to boarding homes for children.

Any person or association conducting a boarding home for children and all institutions, agencies, associations or organizations, receiving and placing or caring for the dependent, neglected or delinquent minors, including organizations providing care of children whether dependent or otherwise, in lieu of the care and supervision ordinarily provided by parents in their own homes for periods of less than 24 hours a day, must accord the Division or its authorized agents, right of entrance, privilege of inspection and access to its accounts and reports.

A person or association conducting a boarding home for children and all institutions, agencies, associations, or organizations, caring for dependent, neglected and delinquent children shall make reports at such time as is required by the Division, as to conditions of such boarding home, institution, agency, association, or organization, the manner and way in which children are taken care of, former addresses and such other information as will show the social status of the child, how and to whom dismissed, the extent and source of its income, the cost of maintenance, and such other reasonable information as will enable the Division to promote the general welfare of the children and to work out a general program for their care and protection.

The Division may prescribe reasonable standards for the conduct of such boarding home, institutions, agencies, associations or organizations and may license such of these as conform to such standards.

§343. Boarding home licenses; investigation; requirements.

- (a) Any person conducting a boarding home for children and all such institutions, agencies, associations or organizations must obtain licenses annually from the Division; except, however, those institutions, agencies, associations, or organizations under state ownership and control and maternity wards of general hospitals. In the case of a person conducting a boarding home for children, such licenses shall not be issued to such person until the Division has made a thorough investigation and has determined in accordance with reasonable standards:
 - (1) the good character and intention of the applicant or applicants;
 - (2) that the individual home meets the physical, social, moral, mental, educational and religious needs of the average child.
- (b) In the case of institutions, agencies, associations or organizations, before such license is issued, the Division shall make a thorough investigation and favorably pass upon:
 - (1) the good character and intention of the applicant or applicants;
 - (2) the present and prospective need of the service rendered;
 - (3) the employment of capable, trained, and experienced workers;
 - (4) sufficient financial backing to ensure effective work;

- (5) the probability of the service being continued for a reasonable period of time;
- (6) whether the methods used and the disposition made of the children served will be to their best interests and that of society.

§344. Penalties for violations of subchapter.

Whoever violates a provision of this subchapter shall be fined not more than \$100 or imprisoned not more than 3 months, or both.

AN ACT TO AMEND TITLE 16, DELAWARE CODE, CHAPTER 9 RELATING TO REPORTING OF CASES OF ABUSE OF CHILDREN

Section 1. Chapter 9, Title 16, Delaware Code, is amended by a new Chapter 9 to read as follows:

CHAPTER 9. ABUSE OF CHILDREN

901. PURPOSE

It is the purpose of this Chapter to provide for comprehensive protective services for abused and neglected children found in the State by requiring that reports of such abused and neglected children be made to the appropriate authorities in an effort to prevent further abuse or neglect and to assist those children and their parents or those persons legally responsible for them, in their own home to aid in overcoming the problems leading to abuse and neglect, thereby strengthening parental care and supervision and enhancing such children's welfare and preserving the family life whenever feasible.

902. DEFINITION OF CHILD ABUSE AND NEGLECT

For purposes of this chapter the term "child abuse and neglect" means the physical injury by other than accidental means, injury resulting in a mental or emotional condition which is a result of abuse or neglect, negligent treatment, sexual abuse, maltreatment, mistreatment, nontreatment, exploitation or abandonment, of a child under the age of 18 or of an individual who appears to be mentally retarded.

903. REPORTS REQUIRED

Any physician, and any other person in the healing arts including any person licensed to render services in medicine, osteopathy, dentistry, any intern, resident, nurse, school employee, social worker, psychologist, medical examiner or any other person who knows or reasonably suspects child abuse or neglect shall make a report in accordance with 904 of this Chapter.

904. NATURE AND CONTENT OF REPORT: TO WHOM MADE

Any report required to be made under this Chapter shall be made to the Division of Child Protective Services, Department of Services for Children, Youth and Their Families. An immediate oral report shall be made by telephone or otherwise. Reports and the contents thereof including a written report, if requested, shall be made in accordance with the rules and regulations of the Division of Child Protective Services, or in accordance with the rules and regulations adopted by the Division.

905. DUTIES OF THE RECEIVING AGENCY

(a) Upon receipt of a report submitted pursuant to this Chapter, the Division of Child Protective Services shall immediately investigate and take necessary action and shall offer protective social services toward preventing further child abuse or neglect as defined in 902 of this Chapter, safeguarding and enhancing the welfare of the abused and neglected person and preserving family life whenever possible. In performing any of these duties, the Division may utilize the facilities of any State or private agency and, whenever removal of the abused or neglected person appears necessary shall file an appropriate petition seeking removal of such person from the custody of his parent, guardian or other adult with whom he is living, an authorization to place such child in a suitable facility. If the injury or abuse is so serious that criminal prosecution is indicated, the Division shall, in addition to taking such action under this section as it deems necessary, report its findings to the Department of Justice and the Family Court, and/or the police.

(b) The Division shall establish in each county a registry of child protection for the purpose of maintaining a registry of information concerning each case of abuse or neglect required to be reported in said county by this chapter. The files shall be confidential subject to the rules and regulations adopted by the Division.

(c) The Division shall keep in the manner prescribed and on forms furnished by it such information as shall be necessary in order to maintain a statewide central registry of all reports made in the State.

906. IMMUNITY FROM LIABILITY

Anyone participating in good faith in the making of a report pursuant to this chapter shall have immunity from any liability, civil or criminal, that otherwise exist and such immunity shall extend to participation in any judicial proceeding resulting from such report.

907. CHILD UNDER TREATMENT BY SPIRITUAL MEANS NOT NEGLECTED

No child who in good faith in under treatment solely by spiritual means through prayer in accordance with the tenets and practices of a recognized church or religious denomination by a duly accredited practitioner thereof shall for that reason alone be considered a neglected child for purposes of this chapter.

908. EVIDENCE NOT PRIVILEGED

The physician-patient privilege, husband-wife privilege or any privilege except the attorney-client privilege, provided for by professions such as social work or nursing, covered by law or a code of ethics regarding practitioner-client confidences, both as they relate to the competency of the witness and to the exclusion of evidence, shall not pertain in any civil or criminal litigation in which a person's neglect, abuse, dependency, exploitation or abandonment is in issue not in any judicial proceeding resulting from a report submitted pursuant to this chapter.

909. PENALTY

Whoever knowingly and willfully violates this chapter shall be fined not more than \$100, shall be imprisoned not more than 15 days or both.

To report Child Abuse/Neglect in Delaware, Call Toll-free: 1 - 800 - 292 - 9582.