

IN THE SENATE

SENATE BILL NO. 1034, As Amended

BY HEALTH AND WELFARE COMMITTEE

AN ACT

1 RELATING TO FOSTER HOMES; AMENDING CHAPTER 12, TITLE 39, IDAHO CODE, BY THE
2 ADDITION OF A NEW SECTION 39-1211B, IDAHO CODE, TO ESTABLISH PROVISIONS
3 REGARDING FOSTER HOME HEALTH AND SAFETY REQUIREMENTS; AMENDING CHAPTER
4 12, TITLE 39, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 39-1211C,
5 IDAHO CODE, TO ESTABLISH PROVISIONS REGARDING FOSTER PARENT TRAIN-
6 ING; PROVIDING THAT CERTAIN ADMINISTRATIVE RULES CONTAINED IN IDAPA
7 16.06.02 SHALL BE NULL, VOID, AND OF NO FORCE AND EFFECT; AND DECLARING
8 AN EMERGENCY.
9

10 Be It Enacted by the Legislature of the State of Idaho:

11 SECTION 1. That Chapter 12, Title 39, Idaho Code, be, and the same is
12 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
13 ignated as Section 39-1211B, Idaho Code, and to read as follows:

14 39-1211B. FOSTER HOME HEALTH AND SAFETY REQUIREMENTS. (1) Foster
15 homes licensed by the department shall meet the health and safety require-
16 ments described in this section, except as provided by section 39-1211A,
17 Idaho Code.

18 (2) The living space of a home licensed by the department must have:

19 (a) An adequate supply of safe drinking water. In cases of non-munici-
20 pal water, the department may test for safety;

21 (b) A properly operating kitchen with a sink, refrigerator, stove, and
22 oven;

23 (c) At least one (1) toilet, sink, and tub or shower in operating condi-
24 tion;

25 (d) Heating and cooling as required by the geographic area, consistent
26 with accepted community standards and in safe operating condition; and

27 (e) A working phone or access to a working phone in close walking prox-
28 imity.

29 (3) The applicant's home, grounds, and all structures on the grounds of
30 the property must be properly maintained in a clean, safe, and sanitary con-
31 dition and in a reasonable state of repair within community standards. The
32 interior and exterior must be free from dangerous objects, conditions, and
33 hazardous materials.

34 (4) The home shall have adequate lighting and ventilation, proper trash
35 disposal, and, if recycling is available, proper recycling disposal.

36 (5) The home shall be free from rodent and insect infestation.

37 (6) The home shall have proper water heater temperature.

38 (7) Medications, poisonous materials, cleaning supplies, other haz-
39 ardous materials, and alcoholic beverages in the home shall be stored such
40 that they are not accessible by a child.

41 (8) Any pet or domestic animal that is suspected or known to be danger-
42 ous shall be kept in an area inaccessible to children. Dogs shall be vac-

1 cinated for rabies and comply with the provisions of section 25-2810, Idaho
2 Code.

3 (9) Swimming pools, hot tubs, and spas shall meet all state, tribal, and
4 local safety requirements. Additionally:

5 (a) Swimming pools shall have a barrier on all sides;

6 (b) Swimming pools shall have their methods of access through the bar-
7 rier equipped with a safety device, such as a bolt lock;

8 (c) Swimming pools shall be equipped with a life saving device, such as
9 a ring buoy;

10 (d) If a swimming pool cannot be emptied after each use, it shall have a
11 working pump and filtering system; and

12 (e) Hot tubs and spas shall have safety covers that are locked when not
13 in use.

14 (10) The home shall have at least one (1) functioning smoke detector on
15 each level of occupancy of the home and at least one (1) functioning smoke
16 detector near all sleeping areas.

17 (11) The home shall have at least one (1) functioning carbon monoxide
18 detector on each level of occupancy of the home and at least one (1) function-
19 ing carbon monoxide detector near all sleeping areas. A living space that
20 does not have equipment that produces carbon monoxide or does not have an at-
21 tached garage is exempt from this requirement.

22 (12) The home shall:

23 (a) Have at least one (1) operable fire extinguisher that is readily ac-
24 cessible;

25 (b) Be free of obvious fire hazards such as defective heating equipment
26 or improperly stored flammable materials;

27 (c) Have a written fire emergency evacuation plan posted in a prominent
28 place in the home and reviewed with children placed for foster care;

29 (d) Maintain a comprehensive list of emergency telephone numbers, in-
30 cluding poison control, posted in a prominent place in the home; and

31 (e) Maintain first aid supplies.

32 (13) The home shall provide a safe sleeping space, including sleeping
33 supplies such as a mattress and linens or appropriate cribs for each individ-
34 ual child, as appropriate for the child's needs and age and similar to other
35 household members. Foster parents may not co-sleep or bed-share with in-
36 fants.

37 SECTION 2. That Chapter 12, Title 39, Idaho Code, be, and the same is
38 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
39 ignated as Section 39-1211C, Idaho Code, and to read as follows:

40 39-1211C. FOSTER PARENT TRAINING. (1) Each caregiver, unless ex-
41 empted, shall complete training on knowledge and skills relating to the
42 reasonable and prudent parent standard as set forth in chapter 16, title 16,
43 Idaho Code.

44 (2) The department shall make training available on an ongoing basis on
45 the following topics: rights, roles, and responsibilities of foster par-
46 ents; laws and regulations; the impact of childhood trauma; managing child
47 behaviors; first aid and medication administration; gun safety in foster
48 homes; and the importance of maintaining meaningful connections between the
49 child and parents, including regular visitation.

1 SECTION 3. The rules contained in IDAPA 16.06.02, Department of Health
2 and Welfare, relating to Foster Care Licensing, Section 010., Subsections
3 12. and 13.; Section 102., Subsection 03.; Section 206.; Section 230.; Sec-
4 tion 232.; and Section 233. shall be null, void, and of no force and effect on
5 and after the effective date of this act.

6 SECTION 4. An emergency existing therefor, which emergency is hereby
7 declared to exist, this act shall be in full force and effect on and after its
8 passage and approval.