

Dear Senators VANORDEN, Wintrow, and
Representatives VANDER WOUDE, Erickson, Rubel:

The Legislative Services Office, Research and Legislation, has received the enclosed rules of the Department of Health and Welfare:

IDAPA 16.06.02 - Foster Care Licensing (Chapter Repeal) - Temporary and Proposed Rule (Docket No. 16-0602-2401);

IDAPA 16.06.02 - Foster Care Licensing (Chapter Rewrite) - Temporary and Proposed Rule (Docket No. 16-0602-2402).

Pursuant to Section 67-454, Idaho Code, a meeting on the enclosed rules may be called by the cochairmen or by two (2) or more members of the subcommittee giving oral or written notice to Research and Legislation no later than fourteen (14) days after receipt of the rules' analysis from Legislative Services. The final date to call a meeting on the enclosed rules is no later than 08/07/2024. If a meeting is called, the subcommittee must hold the meeting within forty-two (42) days of receipt of the rules' analysis from Legislative Services. The final date to hold a meeting on the enclosed rules is 09/04/2024.

The germane joint subcommittee may request a statement of economic impact with respect to a proposed rule by notifying Research and Legislation. There is no time limit on requesting this statement, and it may be requested whether or not a meeting on the proposed rule is called or after a meeting has been held.

To notify Research and Legislation, call 334-4854, or send a written request to the address on the memorandum attached below.



Terri Kondoff
Director

Legislative Services Office

Idaho State Legislature

Serving Idaho's Citizen Legislature

MEMORANDUM

TO: Rules Review Subcommittee of the Senate Health & Welfare Committee and the House Health & Welfare Committee

FROM: Legislative Drafter - Kyle Slominski

DATE: July 23, 2024

SUBJECT: Department of Health and Welfare

IDAPA 16.06.02 - Foster Care Licensing (Chapter Repeal) - Temporary and Proposed Rule (Docket No. 16-0602-2401)

IDAPA 16.06.02 - Foster Care Licensing (Chapter Rewrite) - Temporary and Proposed Rule (Docket No. 16-0602-2402)

Summary and Stated Reasons for the Rule

Docket No. 16-0602-2401: This temporary and proposed rule is a chapter repeal of IDAPA 16.06.02, Foster Care Licensing.

Docket No. 16-0602-2402: This temporary and proposed rule is a chapter rewrite of IDAPA 16.06.02, Foster Care Licensing. The rulemaking changes the timeframe in which completed foster family applications must have action initiated from thirty (30) days to one (1) business day. The rulemaking also allows for the agency to facilitate applications by fast-tracking applications from candidates with a successful history of serving as a foster home in other states as well as covering reasonable expenses to ensure homes meet necessary requirements. Additionally, the agency states that the rulemaking moves closer to kin-specific licensure standards by defaulting to Administration for Children and Families standards where appropriate, and deferring to the foster parent where appropriate.

The Governor finds that temporary adoption of the rule is appropriate due to identified challenges with the current child welfare system necessitating changes to protect public health, safety, and welfare and to increase the number and types of foster homes available.

Negotiated Rulemaking / Fiscal Impact

Negotiated rulemaking was not conducted for either docket. The agency states that the shortage of foster homes is at a level which requires urgent action. The agency further notes that the major changes are part of a national model act developed in partnership with several organizations and that the changes were reviewed during this process. No negative fiscal impact is anticipated.

Paul Headlee, Deputy Director Legislative Services Office	Matt Drake, Manager Research & Legislation	Keith Bybee, Manager Budget & Policy Analysis	April Renfro, Manager Legislative Audits	Norma Clark, Manager Information Technology
--	---	--	---	--

Statehouse, P.O. Box 83720
Boise, Idaho 83720-0054

Tel: 208-334-2475
legislature.idaho.gov

Statutory Authority

The rulemaking appears to be authorized pursuant to sections 39-1211, 39-1213, 56-1003, 56-1004, 56-1004A, and 56-1005, Idaho Code.

cc: Department of Health and Welfare
Adam Jones
Jared Larsen

***** PLEASE NOTE *****

Per the Idaho Constitution, all administrative rules may be reviewed by the Legislature during the next legislative session. The Legislature has 3 options with this rulemaking docket: **1)** Approve the docket in its entirety; **2)** Reject the docket in its entirety; or **3)** Reject the docket in part.

IDAPA 16 – DEPARTMENT OF HEALTH AND WELFARE

16.06.02 – FOSTER CARE LICENSING

DOCKET NO. 16-0602-2401 (CHAPTER REPEAL)

NOTICE OF RULEMAKING – TEMPORARY AND PROPOSED RULE

EFFECTIVE DATE: The effective date of the temporary rule is July 1, 2024.

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed regular rulemaking procedures have been initiated. This rule chapter is promulgated pursuant to Sections 39-1211, 39-1213, 56-1003, 56-1004A, and 56-1005(8), Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than July 17, 2024.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is the required finding and concise statement of its supporting reasons for adopting a temporary rule and a nontechnical explanation of the substance and purpose of the proposed rulemaking:

The current chapter is being repealed and is replaced in Docket No. 16-0602-2402 which is also published in this bulletin.

TEMPORARY RULE JUSTIFICATION: Pursuant to Sections 67-5226(1)(a) and (c), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons:

OPE and the Child Protection Oversight Committee have highlighted significant challenges with the current child welfare system and these changes are necessary to protect public health, safety, and welfare and to increase the number and types of foster homes available to serve Idaho youth.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased: N/A

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year: N/A

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because the shortage of foster homes is at a level in which urgent action is needed. Because the major substantive changes are part of a national model act developed in partnership with many organizations, the major changes have been vetted.

INCORPORATION BY REFERENCE: Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule: N/A

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the temporary and proposed rule, contact Alex Adams, Director, 208-334-5500.

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before July 24, 2024.

DATED this 6th day of June, 2024.

Alex J. Adams, PharmD, MPH
Director
Idaho Department of Health & Welfare
450 W. State Street, 10th Floor
P.O. Box 83720
Boise, ID 83720-0036
(208) 334-5500 phone; (208) 334-6558 fax
Alex.Adams@dhw.idaho.gov

IDAPA 16.06.02 IS BEING RPEALED IN ITS ENTIRETY

IDAPA 16 – DEPARTMENT OF HEALTH AND WELFARE

16.06.02 – FOSTER CARE LICENSING

DOCKET NO. 16-0602-2402 (CHAPTER REWRITE)

NOTICE OF RULEMAKING – TEMPORARY AND PROPOSED RULE

EFFECTIVE DATE: The effective date of the temporary rule is July 1, 2024.

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed regular rulemaking procedures have been initiated. This rule chapter is promulgated pursuant to Sections 39-1211, 39-1213, 56-1003, 56-1004A, and 56-1005(8), Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than July 17, 2024.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is the required finding and concise statement of its supporting reasons for adopting a temporary rule and a nontechnical explanation of the substance and purpose of the proposed rulemaking:

This rule makes three primary changes:

1. It expedites action on completed foster family applications from 30-days (current rule) to 1 business day.
2. It makes more evident that the Department will fund, within its appropriation, reasonable modifications necessary to meet home health and safety standards for foster homes to “license in” versus “licensing out.” For example, if a family does not have a required fire extinguisher, the Department may provide one to the family rather than excluding them from licensure.
3. It moves closer to kin-specific licensure standards by defaulting to the ACF national model where appropriate, and deferring to the foster parent where appropriate.

TEMPORARY RULE JUSTIFICATION: Pursuant to Sections 67-5226(1)(a) and (c), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons:

OPE and the Child Protection Oversight Committee have highlighted significant challenges with the current child welfare system and these changes are necessary to protect public health, safety, and welfare and to increase the number and types of foster homes available to serve Idaho youth.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased: N/A

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year: N/A

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not conducted because the shortage of foster homes is at a level in which urgent action is needed. Because the major substantive changes are part of a national model act developed in partnership with many organizations, the major changes have been vetted.

INCORPORATION BY REFERENCE: Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule: N/A

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the temporary and proposed rule, contact Alex Adams, Director, 208-334-5500.

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before July 24, 2024.

DATED this 6th day of June, 2024.

Alex J. Adams, PharmD, MPH
Director
Idaho Department of Health & Welfare
450 W. State Street, 10th Floor
P.O. Box 83720
Boise, ID 83720-0036
(208) 334-5500 phone; (208) 334-6558 fax
Alex.Adams@dhw.idaho.gov

**THE FOLLOWING IS THE TEMPORARY RULE AND THE PROPOSED TEXT
OF DOCKET NO. 16-0602-2402
(Chapter Rewrite)**

16.06.02 – FOSTER CARE LICENSING

000. LEGAL AUTHORITY.

Sections 39-1211, 39-1213, 56-1003, 56-1004A, and 56-1005(8) Idaho Code, authorize the Department and the Board to adopt and enforce rules for licensing foster homes. (7-1-24)T

001. -- 009. (RESERVED)

010. DEFINITIONS.

In addition to those terms used in Title 39, Chapter 12, the following apply: (7-1-24)T

01. Caregiver. A foster parent with whom a child in foster care has been placed or a designated official for a child care institution in which a child in foster care has been placed. (7-1-24)T

02. Child. Includes individuals age eighteen (18) to twenty-one (21) who are ordered into or voluntarily entered Extended Foster Care through the Department. (7-1-24)T

03. Department. The Idaho Department of Health and Welfare or its authorized representatives. (7-1-24)T

04. Foster Home. Includes both foster homes and relative foster homes as set forth in Idaho Code. (7-1-24)T

05. Foster Parent. A person(s) residing in a private home under their direct control to whom a foster care license has been issued. (7-1-24)T

06. Household Member. Any person, other than a foster child, who resides in, or on the property of, a foster home. (7-1-24)T

07. Medical Professionals. Persons who have received a degree in nursing or medicine and are licensed as a registered nurse, nurse practitioner, physician's assistant, or medical doctor. (7-1-24)T

08. Noncompliance. Violation of, or inability to meet, the requirements of these rules or terms of licensure. (7-1-24)T

09. Plan of Correction. The detailed procedures and activities developed between the Department and caregiver required to bring a foster family into conformity with these rules. (7-1-24)T

10. Restraint. Physical interventions to control the range and motion of a child. (7-1-24)T

11. Supervision. Is defined as being within sight and normal hearing range of the child or children being cared for. (7-1-24)T

12. Variance. A temporary non-application of a foster care licensing rule that is resolved within six (6) months of approval. (7-1-24)T

13. Waiver. The permanent non-application of a foster care licensing rule, if in the Department's judgment, the health and safety of the child is not compromised. (7-1-24)T

011. -- 101. (RESERVED)

102. DISPOSITION OF APPLICATIONS.

The Department will expeditiously initiate action on each completed application within one (1) business day after receipt that addresses each requirement for the specific type of home. (7-1-24)T

01. Approval of Application. The Department will issue a license to any foster home complying with these rules. (7-1-24)T

02. Regular License. The Department will issue a regular license to any foster home complying with these rules and will specify the terms of licensure, such as: (7-1-24)T

a. The number of children who may receive care at any one (1) time; and (7-1-24)T

b. Age range and sex if there are conditions in the foster home making such limitations necessary; (7-1-24)T

c. The regular license for a foster home is in effect for one (1) year from the date of issuance unless suspended or revoked earlier; (7-1-24)T

d. If the license for a foster home is for a specific child, the name of that child will be shown on the foster home license. (7-1-24)T

03. Waiver or Variance. A regular license may be issued to the foster home who has received a waiver or variance of licensing rules provided: (7-1-24)T

a. The approval is considered on an individual case basis; (7-1-24)T

b. The approval will, in the judgement of the Department, maintain the safety of the child(ren); (7-1-24)T

c. All other licensing requirements have been met; (7-1-24)T

d. The Department will document a description of the reasons for issuing a waiver or variance, the rules involved, and assurance that the waiver or variance will not compromise the child's safety; and (7-1-24)T

e. The approved waiver or variance must be reviewed for continued need and approved annually. (7-1-24)T

04. Limited License. May be issued for the care of a specific child in a home which may not meet the

requirements for a license, provided: (7-1-24)T

a. The child is already in the home and has formed strong emotional ties with the foster parents; and (7-1-24)T

b. It can be shown that the child's continued placement in the home would be more conducive to their welfare than removal to another home. (7-1-24)T

05. Denial of Application. If an application is denied, a signed letter will be sent directly to the applicant by registered or certified mail, advising the applicant of the denial and stating the basis for such denial. An applicant whose application has been denied may not reapply until one (1) year after the date on the denial of application. (7-1-24)T

06. Failure to Complete Application Process. Failure to complete the application process within six (6) months from the original date of application will result in vacation of the application. (7-1-24)T

07. Facilitating Applications. (7-1-24)T

a. The Department may, within its appropriation, cover reasonable expenses to ensure homes meet the requirements of these rules including the home health and safety requirements and sleeping arrangements. (7-1-24)T

b. The Department will establish procedures to fast-track applications from candidates who have a successful track record of serving as a foster home in other states. (7-1-24)T

103. RESTRICTIONS ON APPLICABILITY AND NONTRANSFER.

01. Department-Issued License. Applies only to the foster home or the person and premises designated. Each license is issued in the individual's name, and to the address specified on the application. A license issued in the name of a foster parent applies to the period and services specified in the license. Any change in address renders the license null and void, and the foster parent must immediately return the license to the Department. (7-1-24)T

02. Nontransferable. A license is nontransferable from one (1) individual to another or from one (1) location to another. (7-1-24)T

03. Change in Location. When there is a change in foster home location, the foster home parent must reapply for a license. (7-1-24)T

104. (RESERVED)

105. REVISIT AND RELICENSE.

Revisit and relicense studies will document how the foster home continues to meet licensing standards. Consideration must be given to each standard, including a review of the previous study and original application to determine what changes have occurred. A renewal application must be made by the foster home on the Department-furnished form and filled out prior to the expiration date of the license in effect. The existing license will, unless officially revoked, remain effective until the Department has acted on the application for renewal. (7-1-24)T

106. COMPLAINTS.

01. Investigation. The Department will investigate complaints regarding foster homes. The investigation may include further contact with the complainant, scheduled or unannounced visits to the foster home, collateral contacts including interviews with the victim, parents or guardian, consultants, children in care, other persons who may have knowledge of the complaint, and inspections by fire or health officials. (7-1-24)T

02. Informed of Action. If an initial preliminary investigation indicates that a more complete investigation must be made, the foster parents will be informed of the investigation, and any action to be taken, including referral for civil or criminal action. (7-1-24)T

107. SUSPENSION FOR CIRCUMSTANCES BEYOND CONTROL OF FOSTER PARENT.

When circumstances occur over which the foster parent has no control including illness, epidemics, fire, flood, or contamination, which temporarily place the operation of the foster home out of compliance with these rules, the license must be suspended until the nonconformity is remedied. (7-1-24)T

108. (RESERVED)

109. ENFORCEMENT REMEDY OF SUMMARY SUSPENSION AND TRANSFER OF CHILDREN.

The Department may summarily suspend a foster home license. Children in a foster home require the program to transfer children when the Department has determined a child's health and safety are in immediate jeopardy. (7-1-24)T

110. ENFORCEMENT REMEDY REVOCATION OF LICENSE AND TRANSFER OF CHILDREN.

The Department may revoke the license of a foster home when the Department determines the home is not in compliance with these rules. Revocation and transfer of children may occur under the following circumstances: (7-1-24)T

01. Endangers Health or Safety. Any condition that endangers the health or safety of any child. (7-1-24)T

02. Not in Substantial Compliance. A foster home is not in substantial compliance with these rules. (7-1-24)T

03. No Progress to Meet Plan of Correction. A foster home has made little or no progress in correcting deficiencies within thirty (30) days from the date the Department accepted a plan of correction. (7-1-24)T

04. Repeat Violations. Repeat violations of these rules or of Title 39, Chapters 11 and 12, Idaho Code. (7-1-24)T

05. Misrepresented or Omitted Information. A foster home has knowingly misrepresented or omitted information on the application or other documents pertinent to obtaining a license. (7-1-24)T

06. Refusal to Allow Access. Refusal to allow Department representatives full access to the foster home and its grounds, facilities, and records. (7-1-24)T

07. Violation of Terms of Provisional License. A foster home, that has violated any of the terms of a provisional license. (7-1-24)T

111. EFFECT OF PREVIOUS REVOCATION OR DENIAL OF A LICENSE.

An organization cannot apply and the Department will not accept an application from any person, corporation, or partnership, including any owner with a ten percent (10%) or more interest, who has had a license denied or revoked, until five (5) years has elapsed from the date of denial, revocation, or conclusion of a final appeal, whichever occurred last. (7-1-24)T

112. -- 199. (RESERVED)

200. LICENSING PROVISIONS RELATED TO THE INDIAN CHILD WELFARE ACT.

These rules do not supersede the licensing authority of Indian tribes under the Indian Child Welfare Act, P.L. 95-608, 25 USC, Sections 1901 – 1963. (7-1-24)T

201. FOSTER PARENT QUALIFICATIONS AND SUITABILITY.

An applicant for licensure as a foster parent must meet the following: (7-1-24)T

01. Age. Be eighteen (18) years old or older. (7-1-24)T

02. Communication. Be able to communicate with the child, the children's agency, and health care

and other service providers. (7-1-24)T

03. Income and Resources. Have a defined and sufficient source of income and be capable of managing that income to meet the needs of the foster family without relying on the payment made for the care of a foster child. (7-1-24)T

04. Literacy. At least one (1) adult caretaker in the home must have functional literacy, such as the ability to read medication labels. (7-1-24)T

202. BACKGROUND CHECKS.

All applicants for a foster care license and other adult members of the household must comply with IDAPA 16.05.06, "Criminal History and Background Checks," and the following: (7-1-24)T

01. Change in Household Membership. By the next working day after another adult begins residing in a foster home, a foster parent must notify the children's agency of the change in household membership and assure that the new adult household member will complete a background check within fifteen (15) days of residence in the foster home. (7-1-24)T

02. Foster Parent's Child Turns Eighteen. A foster parent's child who turns eighteen (18) and lives continuously in the home is not required to have a background check except as specified in this rule. (7-1-24)T

a. After turning eighteen (18) years old, if the foster parent's adult child no longer lives in the foster parent's home and subsequently resumes living in the foster home, they will be considered an adult household member and must complete a background check within fifteen (15) days from the date they became an adult household member. (7-1-24)T

b. If the adult child leaves the foster home for the purpose of higher education or military service, and periodically returns to the home for less than ninety (90) days, they are not considered to be an adult household member and are not required to complete a background check. While in the home, they cannot have any unsupervised direct care responsibilities for any foster children in the home. Should they remain in the foster home for more than ninety (90) days, they will immediately be considered an adult household member and must complete a background check within fifteen (15) days from the date they became an adult household member. (7-1-24)T

c. If the adult child continues to live in their parent's foster home or on the same property, they must complete a background check within fifteen (15) days of turning twenty-one (21). This requirement is not necessary if the adult child has completed a background check between the ages of eighteen (18) and twenty-one (21). (7-1-24)T

03. Background Check at Any Time. The Department retains the authority to require a background check at any time on individuals who are residing in a foster home or on the foster parent's property. (7-1-24)T

04. Emergency Placement of Children. An emergency occurs when a child enters or experiences an unplanned placement change in foster care. The Department may request that a criminal justice agency perform a Federal Interstate Identification Index name-based criminal history record check of each adult residing in the home. This refers to those limited instances when placing a child in the home of relatives or kin, as a result of a sudden unavailability of the child's parent or caretaker. (7-1-24)T

a. All adult household members will submit fingerprints to the Department's Background Check Unit within ten (10) calendar days and follow requirements outlined in IDAPA 16.05.06, "Criminal History and Background Checks." The Department forwards the fingerprints to the State Central Record Repository for submission to the FBI within fifteen (15) calendar days from the date the name search was conducted. The Department's background check unit will positively identify the individual that is being considered to receive the child in an emergency situation as their fingerprints are submitted. (7-1-24)T

b. When placement of a child in a home is denied as a result of the Department review of the name-based criminal history record check of any adult household member, all adults must still comply with Subsection 202.05.a. of this rule and IDAPA 16.05.06, "Criminal History and Background Checks." (7-1-24)T

c. The child will be removed from the home immediately if any adult household member fails to provide written permission to perform a federal criminal history record check, submit fingerprints, or any adult household member is denied a Department background check clearance. (7-1-24)T

05. Exceptions to Background Checks. Background checks are optional for certain youth in foster care who reach the age of eighteen (18) but are less than twenty-one (21) years of age and continue to reside in the same licensed foster home. (7-1-24)T

203. INITIAL AND ONGOING EVALUATION.

An applicant must participate in the process and tasks to complete an initial evaluation for foster care licensure. (7-1-24)T

01. Applicant Participation. The applicant must do all the following: (7-1-24)T

a. Cooperate with and allow the children's agency to determine compliance with these rules to conduct an initial foster home study; (7-1-24)T

b. Inform the children's agency if the applicant is currently licensed or has been previously licensed as a foster parent or the applicant has been involved in the care and supervision of children or adults; (7-1-24)T

c. All household members must disclose current mental health and/or substance abuse issues. (7-1-24)T

d. All household members must provide information on their physical and mental health history, including any history of drug or alcohol abuse or treatment. (7-1-24)T

e. Provide two (2) satisfactory references, one (1) of which may be from a person related to the applicant(s). An applicant will provide additional references upon the request of the children's agency. (7-1-24)T

02. Disclosure of Information and Assurances. An applicant must provide the children's agency with the following or any additional information the children's agency deems necessary to complete the initial family home study: (7-1-24)T

a. Names, including maiden or other names used, and ages of the applicant(s); (7-1-24)T

b. Social Security Number; (7-1-24)T

c. Education; (7-1-24)T

d. Verification of marriages and divorces; (7-1-24)T

e. Religious and cultural practices of the applicant including their willingness and ability to accommodate or provide care to a foster child of a different race, religion, or culture; (7-1-24)T

f. Statement of income and financial resources and the family's management of these resources; (7-1-24)T

g. Reasons for applying to be a foster parent; (7-1-24)T

h. Report any prior arrest, investigation, or other official action regarding a sexual offense or impropriety. (7-1-24)T

i. Provide and abide by the following written assurances: (7-1-24)T

i. Applicants will not use corporal or degrading punishment. (7-1-24)T

ii. Applicants will not use any illegal substances, abuse alcohol by consuming it in excess amounts, or abuse legal prescription and/or nonprescription drugs by consuming them in excess amounts or using them contrary to as indicated. (7-1-24)T

iii. Applicants and their guests will not smoke in the foster family home, in any vehicle used to transport the child, or in the presence of the child in foster care. (7-1-24)T

iv. Applicants will adhere to the Department's reasonable and prudent parent standard. (7-1-24)T

03. Home Study. The applicant must complete an agency home study, which is a written comprehensive family assessment to include the following elements: (7-1-24)T

a. At least one scheduled on-site visit to assess the home to ensure that it meets the standards set forth in these rules; (7-1-24)T

b. At least one scheduled in-home interview for each household member to observe family functioning and assess the family's capacity to meet the needs of a child or children in foster care; (7-1-24)T

c. The Department has discretion on whether to interview or observe each household member based on his or her age and development. (7-1-24)T

204. SUBSEQUENT EVALUATIONS. A foster parent must comply with the following: (7-1-24)T

01. Reasonable Access. A foster parent will allow the children's agency reasonable access to the foster home, including interviewing each foster parent, each foster child, and any household member to determine compliance with these rules, for child supervision purposes, and to conduct a relicensure study. (7-1-24)T

02. Update Information. Provide all changes to the information in the initial evaluation and subsequent evaluations. (7-1-24)T

03. Family Functioning. Provide information on changes in family functioning and inter-relationships. (7-1-24)T

04. Other Circumstances. Provide the children's agency with any information regarding circumstances within the family that may adversely impact the foster child. (7-1-24)T

05. Plan of Correction. Cooperate with the children's agency in developing and carrying out a written plan required to correct any rule noncompliance identified by any evaluation conducted by the children's agency. (7-1-24)T

205. FOSTER PARENT DUTIES. A foster parent must do the following: (7-1-24)T

01. Case Plan Implementation. Cooperate with, and assist the children's agency with implementation of the case plan for children and their families. (7-1-24)T

02. Reporting Progress and Problems. Promptly and fully disclose to the children's agency information concerning a child's progress and problems. (7-1-24)T

03. Termination of Placement. Provide notification to the children's agency of the need for a child to be moved from the foster home not less than fourteen (14) days before the move, except when a delay would jeopardize the child's care or safety, or the safety of members of the foster family. (7-1-24)T

206. FOSTER PARENT TRAINING.

01. Reasonable and Prudent Parent Standard. Each caregiver will complete training on knowledge

and skills relating to the reasonable and prudent parent standard for the participation of the child in age or developmentally appropriate activities. (7-1-24)T

02. Additional Training. The department will make available training on the following topics: rights, roles, responsibilities and expectations of foster parents; laws and regulations; the impact of childhood trauma; managing child behaviors; first aid and medication administration; and the importance of maintaining meaningful connections between the child and parents, including regular visitation. The department will also make available ongoing training to receive instruction to support their parental roles and ensure the parent is up to date with agency requirements. Further, this training may also include child-specific training and/or may address issues relevant to the general population of children in foster care. (7-1-24)T

207. -- 229. (RESERVED)

230. HOME HEALTH AND SAFETY REQUIREMENTS.

01. Living Space. The living space or structure of a foster home will be a house, mobile home (as defined under Title 39, Chapter 41, Idaho Code), housing unit, or apartment occupied by an individual or family. The home must have: (7-1-24)T

- a.** An adequate supply of safe drinking water. In cases of non-municipal water, the department may test for safety; (7-1-24)T
- b.** A properly operating kitchen with a sink, refrigerator, stove, and oven; (7-1-24)T
- c.** At least one toilet, sink and tub or shower in operating condition; (7-1-24)T
- d.** Heating and/or cooling as required by the geographic area, consistent with accepted community standards and in safe operating condition; and (7-1-24)T
- e.** A working phone or access to a working phone in close walking proximity. (7-1-24)T

02. Condition of the Home. The applicant's home, grounds, and all structures on the grounds of the property must be properly maintained in a clean, safe, and sanitary condition and in a reasonable state of repair within community standards. The interior and exterior must be free from dangerous objects and conditions, and from hazardous materials. The home must meet the following requirements: (7-1-24)T

- a.** Have adequate lighting, ventilation and proper trash and recycling disposal, if recycling is available; (7-1-24)T
- b.** Be free from rodents and insect infestation. (7-1-24)T
- c.** Proper water heater temperature; (7-1-24)T
- d.** Weapons and ammunition (separately) stored, locked, unloaded, and inaccessible to children; (7-1-24)T
- e.** Have conditions that prevent the child's access, as appropriate for his or her age and development, to all medications, poisonous materials, cleaning supplies, other hazardous materials, and alcoholic beverages; (7-1-24)T
- f.** Any pet or domestic animal that is suspected or known to be dangerous must be kept in an area inaccessible to children. Dogs must be vaccinated for rabies and comply with Section 25-2810, Idaho Code. (7-1-24)T
- g.** Swimming pools, hot tubs, and spas must meet the following to ensure they are safe and hazard free (and additionally must meet all state, tribal and/or local safety requirements): (7-1-24)T

- i. Swimming pools must have a barrier on all sides. (7-1-24)T
- ii. Swimming pools must have their methods of access through the barrier equipped with a safety device, such as a bolt lock. (7-1-24)T
- iii. Swimming pools must be equipped with a life saving device, such as a ring buoy. (7-1-24)T
- iv. If the swimming pool cannot be emptied after each use, the pool must have a working pump and filtering system. (7-1-24)T
- v. Hot tubs and spas must have safety covers that are locked when not in use. (7-1-24)T

231. (RESERVED)

232. FIRE SAFETY, EMERGENCY PLANNING, AND EVACUATION PLAN.

Each foster home must meet the following: (7-1-24)T

01. Smoke Detectors. Have at least one smoke detector on each level of occupancy of the home and at least one near all sleeping areas. (7-1-24)T

02. Carbon Monoxide Detectors. Have at least one carbon monoxide detector on each level of occupancy of the home and at least one near all sleeping areas. Living space that does not have equipment that produces carbon monoxide or does not have an attached garage is exempt from this requirement. (7-1-24)T

03. Additional Fire Safety Requirements. To be within the structure of the home: (7-1-24)T

a. Have at least one (1) operable fire extinguisher that is readily accessible; (7-1-24)T

b. Be free of obvious fire hazards such as defective heating equipment or improperly stored flammable materials; (7-1-24)T

c. Have a written emergency evacuation plan posted in a prominent place in the home and reviewed with children placed for foster care; (7-1-24)T

d. Maintain a comprehensive list of emergency telephone numbers including poison control and posted in a prominent place in the home; and (7-1-24)T

e. Maintain first aid supplies. (7-1-24)T

233. SLEEPING ARRANGEMENTS.

Applicants must provide a safe sleeping space including sleeping supplies, such as a mattress and linens or appropriate cribs for each individual child, as appropriate for the child's needs and age and similar to other household members. Foster parents must not co-sleep or bed-share with infants. (7-1-24)T

234. -- 238. (RESERVED)

239. TRANSPORTATION.

Applicants must ensure that the family has reliable, legal and safe transportation. Reliable transportation includes a properly maintained vehicle or access to reliable public transportation; if a privately-owned vehicle owned by the applicant's family or friends is used to transport the child in foster care, legal transportation includes having a valid driving license, insurance and registration; and safe transportation includes safety restraints as appropriate for the child. (7-1-24)T

240. -- 241. (RESERVED)

242. CHILD PLACEMENT REQUIREMENTS.

A foster family may mutually accept the placement of children into the home within the terms of the foster home

license and the children's agency placement agreement. The following provisions will be considered for determining placement: (7-1-24)T

01. Determining Factors. The number and the age group of children placed in a foster home will be determined by the following: (7-1-24)T

- a. The accessibility, accommodations, and the space in the home; (7-1-24)T
- b. The interest of the foster family; and (7-1-24)T
- c. The experience, training, or skill of the foster family. (7-1-24)T

02. Maximum Number of Children. Except as specified, the maximum number of children in care at any time, including the foster family's own children, or daycare children, will be limited to not more than six (6) children. (7-1-24)T

03. Children Under Two Years Old. Except as specified in Subsection 242.04 of this rule, the maximum number of children under two (2) years old, including those of the foster family, will be limited to two (2) children or less. (7-1-24)T

04. Special Circumstances Regarding Maximum Numbers of Children. The maximum number of children in care at any time may be based on the children's agency assessment and at a minimum one (1) of the following: (7-1-24)T

- a. To allow siblings to remain together; (7-1-24)T
- b. To allow a child who has an established, meaningful relationship with the family to remain with the family; (7-1-24)T
- c. To allow a family with special training or skills to provide care for a child who has a severe disability; or (7-1-24)T
- d. To allow a parenting youth in foster care to remain with the child of the parenting youth. (7-1-24)T

05. Continued Care. A foster child who reaches the age of eighteen (18) may continue in foster care placement until the age of twenty-one (21) if the safety, health, and well-being of other foster children residing in the home is not jeopardized. (7-1-24)T

243. INTERAGENCY PLACEMENT OF CHILDREN.

A foster family must only accept for placement children referred from the children's agency that licenses the foster home. A foster family may accept for placement a foster child from another children's agency only if that children's agency and the foster family have received prior approval for the placement of a child from the children's agency that licensed the home. (7-1-24)T

244. SUBSTITUTE CARE PLACEMENT AND CHILDREN'S AGENCY NOTIFICATION.

A foster parent must: (7-1-24)T

01. Substitute Care. Place a child in substitute care only with the prior knowledge and consent of the children's agency; and (7-1-24)T

02. Notification to Agency. Notify the children's agency before the beginning of any planned absence that requires substitute care of a child for a period of twenty-four (24) hours or more. (7-1-24)T

245. (RESERVED)

246. BEHAVIOR MANAGEMENT AND DISCIPLINE.

Methods of behavior management and discipline for children must be positive and consistent. These methods must be

based on each child's needs, stage of development, and behavior. Discipline is to promote self-control, self-esteem, and independence. (7-1-24)T

- 01. Prohibitions.** The following types of punishment of a foster child are prohibited: (7-1-24)T
 - a.** Physical force or any kind of punishment inflicted on the body, including spanking; (7-1-24)T
 - b.** Cruel and unusual physical exercise or forcing a child to take an uncomfortable position; (7-1-24)T
 - c.** Use of excessive physical labor with no benefit other than for punishment; (7-1-24)T
 - d.** Mechanical, medical, or chemical restraint; (7-1-24)T
 - e.** Locking a child in a room or area of the home; (7-1-24)T
 - f.** Denying necessary food, clothing, bedding, rest, toilet use, bathing facilities, or entrance to the foster home; (7-1-24)T
 - g.** Mental or emotional cruelty; (7-1-24)T
 - h.** Verbal abuse, ridicule, humiliation, profanity, threats, or other forms of degradation directed at a child or a child's family; (7-1-24)T
 - i.** Threats of removal from the foster home; (7-1-24)T
 - j.** Denial of visits or communication with a child's family unless authorized by a children's agency in its service plan for the child and family; and (7-1-24)T
 - k.** Denial of necessary educational, medical, counseling, or social services. (7-1-24)T
- 02. Restraint.** A foster parent who has received specific training in the use of child restraint may use reasonable restraint methods, approved by the children's agency, to prevent a child from harming themselves, other persons or property, or to allow a child to gain control of themselves. (7-1-24)T

03. Authority. The authority for the discipline of a foster child must not be delegated by a foster parent to other members of the household. (7-1-24)T

04. Agency Consultation. A foster parent must consult with the children's agency prior to using any behavior management or discipline technique that exceeds the scope of these rules. (7-1-24)T

247. MEDICAL AND DENTAL CARE.

01. Health Care Services. A foster parent must follow and carry out the health or dental care plan for a child as directed by a medical professional. (7-1-24)T

02. Child Injury and Illness. Follow the children's agency approved policies for medical care of a child who is injured or ill. (7-1-24)T

03. Dispensing of Medications. Provide prescription medication as directed by a medical professional. A foster parent must not discontinue or in any way change the medication provided to a child unless directed to do so by a medical professional. (7-1-24)T

248. -- 253. (RESERVED)

254. RELIGIOUS AND CULTURAL PRACTICES.

A foster parent must provide a child in care with opportunity for spiritual development and cultural practices according to the wishes of the child and the child's parent or tribe. (7-1-24)T

255. -- 256. (RESERVED)

257. REASONABLE AND PRUDENT PARENT STANDARD.

A caregiver must follow the reasonable and prudent parent standard. (7-1-24)T

01. Reasonable and Prudent Parent Standard Defined. “Age or developmentally appropriate” means the following: (7-1-24)T

a. Activities or items that are generally accepted as suitable for children of the same chronological age or level of maturity or that are determined to be developmentally appropriate for a child, based on the development of cognitive, emotional, physical, and behavioral capacities that are typical for an age or age group; and (7-1-24)T

b. In the case of a specific child, activities or items that are suitable for the child based on the developmental stages attained by the child with respect to the cognitive, emotional, physical, and behavioral capacities of the child. (7-1-24)T

c. The foster parents will seek approval from the children’s agency before altering a child’s physical appearance including haircuts, body piercing, and tattooing. (7-1-24)T

258. -- 269. (RESERVED)

270. RECORD MANAGEMENT AND REPORTING REQUIREMENTS.

A foster parent must maintain a record for each child in the home that will include all written material provided to the foster home by the children's agency and additional information gathered by the foster parent that includes the following: (7-1-24)T

01. Personal Data. The child's name, sex, date of birth, religion, race, and tribe, if applicable; (7-1-24)T

02. Any Known History of Abuse and Neglect of the Child. (7-1-24)T

03. Any Known Emotional and Psychological Needs of the Child. (7-1-24)T

04. Any Information Known about the Child’s Health. (7-1-24)T

05. Any Known Behavioral Problems of the Child. (7-1-24)T

271. REPORTING FOSTER HOME CHANGES.

A foster parent must report to the children's agency any significant change in the foster home by the next working day from the time a foster parent becomes aware of a change, including the following: (7-1-24)T

01. Serious Illness Including Physical or Mental Health, Injury, or Death of a Foster Parent or Household Member. (7-1-24)T

02. Arrests, Citations, Withheld Judgments, or Criminal Convictions of a Foster Parent or Household Member. (7-1-24)T

03. Initiation of Court-Ordered Parole or Probation of a Foster Parent or Household Member. (7-1-24)T

04. Admission or Release From Facilities. Admission to, or release from, a correctional facility, a hospital, or an institution for the treatment of an emotional, mental health, or substance abuse issue of a foster parent or household member. (7-1-24)T

05. Change of Employment Status of a Foster Parent. (7-1-24)T

06. Counseling, Treatment, or Therapy. Counseling or other methods of therapeutic treatment on an outpatient basis for an emotional, mental, or substance abuse issue of a foster parent or household member. (7-1-24)T

07. Change of Residence. A foster parent will inform the children's agency of any planned change in residence and apply for licensure at the new address not less than two (2) weeks prior to a change in residence. (7-1-24)T

08. Household Members. Inform the children's agency of changes in household members including minor children. (7-1-24)T

09. Additional Licensing Application. A foster parent will notify the children's agency within five (5) days after filing an application for a certified family home, daycare, or group daycare license. (7-1-24)T

272. CONFIDENTIALITY.

A foster parent must maintain the confidentiality of any information and records regarding a foster child and the child's parents and relatives. A foster parent will release information about the foster child only to persons authorized by the children's agency responsible for the foster child. Foster parents will follow the Department's policies for the use of social media and posting of pictures of children in foster care. (7-1-24)T

273. CRITICAL INCIDENT NOTIFICATION.

The foster parent must immediately notify the responsible children's agency of any of the following incidents: (7-1-24)T

01. Death. Death or near death of a child in care. (7-1-24)T

02. Suicide. Suicidal ideation, threats, or attempts to commit suicide by the foster child. (7-1-24)T

03. Missing. When a foster child is missing from a foster home. (7-1-24)T

04. Illness. Any illness or injury that requires medical treatment of hospitalization of a foster child. (7-1-24)T

05. Law Enforcement Authorities. A foster child's detainment, arrest, or other involvement with law enforcement authorities. (7-1-24)T

06. Removal of Child. Attempted removal or removal of a foster child from the foster home by any person who is not authorized by the children's agency. (7-1-24)T

274. -- 999. (RESERVED)