

DEPARTMENT OF SOCIAL SERVICES

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LOCAL COMMISSIONERS MEMORANDUM

Transmittal No: 92 LCM-97

Date: June 25, 1992

Division: Family and Children
Services

TO: Local District Commissioners

SUBJECT: Request for Pre-Clearance Review of Proposed Resource Family
Regulations

ATTACHMENTS: (1) Background and Summary of Resource Family Regulations

(2) Proposed Resource Family Regulations, Annotated

Both attachments are available on-line.

The attached set of proposed regulations is being sent to you for your informal review, reaction, and comment prior to entry into the formal clearance process. We are asking for this extraordinary pre-clearance review to solicit your insights and concerns as we develop the "resource family" concept.

These proposed regulations provide a design for implementation of one component of the Department's Adoption Option initiative. They represent a major innovation in merging the application, training and assessment procedures for certifying prospective foster and adoptive parents in a new "resource parent" category. Since a high percentage of public adoptions in New York State are by the child's foster parents, the proposed regulations are expected to shorten the administrative process and reduce the lag time in completing adoptions. Duplicative and obsolete regulations in sections 421, 443 and 444 of Department regulations would be repealed.

Applicants for certification as resource parents would include those who wish to become foster parents or adoptive parents or both, or who are

Date June 25, 1992


Trans. No. 92 LCM-97

Page No. 2

undecided, but would like to explore the possibility of caring for a child who needs out-of-home placement. By providing a common application, pre-service training modeled after the Model Approach to Partnerships in Parenting (MAPP), and assessments of the family and of the home environment, the resource family regulations are expected to eliminate duplication of pre-service requirements and make the process more efficient and effective prior to the actual placement of a child. **This "resource family" component would not apply to approved relative (kinship) placements which are generally expedited and are often direct, court-ordered placements with relatives.**

Please find attached a more detailed description of the regulatory requirements, as well as an annotated version of the proposed regulations. The regulations have been reviewed by Regional Office Directors and members of the Department's Adoption Option workgroup and have been revised substantially in response to their concerns. Because of the innovative nature of the resource family concept, we are now seeking your comments and discussion prior to a formal clearance process.

Please send your thoughts and concerns regarding these proposed regulations in writing by August 1 to the attention of the writer, Jean Felt, Policy Planning, Family and Children Services [user ID 0fb130]. Thank you for your contribution to this developing concept.



Joseph Semidei
Deputy Commissioner
Division of Family
& Children Services

BACKGROUND AND SUMMARY OF RESOURCE FAMILY REGULATIONS

With the issuance of the Adoption Option concept paper in December 1991, the Department documented its recognition that profound changes have occurred in child welfare during the past decade.

There are currently 65,000 New York children in foster care, 16,500 of whom have a goal of adoption. More than three fourths of these children have been removed from their homes for child protective reasons. In addition, the recently-issued report, "Families in the Child Welfare System: Foster Care and Preventive Services in the Nineties," indicates that serious parent problems are resulting in increased need for services for children and families. Many of these problems are related to poverty, drug and substance abuse, or the AIDS epidemic, all of which may contribute to family dysfunction and ultimately result in the removal of children from their homes. Further, an increasing number of such families have infants who are born with severe disabilities, drug exposure or addiction, or HIV infection.

For all of these reasons, the Department, through the Adoption Option concept, is seeking to initiate critical policy and program revisions. Implementation of Adoption Option proposals is expected to redirect reduced resources in order to support changing demographics in permanency planning and to meet the increased need for families who are better prepared to care for today's (and tomorrow's) foster and adoptive children.

One of the five major challenges in the Adoption Option initiative is to promote an effective interface between systems providing foster care and adoption services. The proposed resource family regulations (attached) have been developed in response to this component of the Department's commitment to the Adoption Option concept. The term "resource family" is used to describe the many families who are considering foster care and/or adoption. This concept supports a generic process of application, preparation and training, personal and home assessments prior to decisions regarding actual placement of a child. The proposed regulatory changes are intended not only to increase efficiency of process; they are also designed to enhance services and support for families considering foster care and/or adoption, and to assist them in making informed choices through preparation, training, and assessment, including self-assessment. The most important benefits accruing from an integrated process are expected to be improved preparation and ability to care for the increasing numbers of disabled and hard-to-place children by their foster and adoptive parents, as well as a substantial reduction in the number of disrupted placements.

A review of the current regulatory requirements for application, training, agency study and approval processes for the adoption and foster care systems clearly indicates similar or identical parallel tracks up to the actual placement of a child. Moreover, in order to meet legal and regulatory requirements now in place, unnecessary duplication of effort is expended when a foster parent chooses also to become an adoptive parent.

Since about 80 percent of public agency adoptions are by the child's foster parents, an integrated process will reduce duplication of resources, training, services, paperwork, and staff time, and therefore reduce current delays in completing the adoption process for children.

Since the proposed regulations incorporate and merge many of the present requirements, duplicative foster care and adoption regulations now in place would be repealed. In addition, there are a number of significant changes. For example, the current regulatory requirement of maintaining a three-tiered system for adoption home studies would be replaced by the pre-service preparation and assessment, with the personal assessment, including self-assessment, to be correlated with training. Home environment inspection and assessment would be scheduled following successful conclusion of all other preparation, training, and assessments.

For the first time, all prospective foster and adoptive parents would be required to participate in preparation and training, covering specific topics listed in the regulations. The training standards incorporate many current regulatory requirements, as well as using the MAPP model as a guide. The 30 hour MAPP training piloted in 7 social services districts and 13 voluntary agencies has become a highly regarded, pre-service program for prospective foster and adoptive parents. The training will now be expanded and adapted for statewide use to prepare interested families by providing them with information, helping them develop or improve parenting skills, and using the group process for support and assessment, including self-assessment.

Another change requires home assessment and inspection standards to be met by both foster and adoptive homes. Some specific physical environment requirements have been revised to eliminate those considered to be expendable without reducing safety protections for children. In addition, a common application would reduce paperwork and staff time and eliminate duplicative procedures for families wishing to move from foster care status to adoption or vice versa.

A fork in the process occurs at the point of decision-making regarding child placement, with current regulations specific to foster care and adoption applicable after that point. Before placement of a child, some current requirements specific to adoptive parents will be retained: e.g., the prospective adoptive parent registry (PAPR).

One major segment of the foster care system is not included in the current proposal -- approved relative (kinship) homes. One reason for this exclusion is the statutory requirement that relatives be considered as the preferred placement resource when a child is removed from his or her home for protection. The family court must require the social services official to conduct an expedited review to determine whether a relative placement is possible and to report back to the court within a limited and specific timeframe. Since the court has authority to place the child directly with relatives as foster parents, the resource family concept is not applicable. We plan to revisit kinship foster care as a separate issue.

Attachment

Resource Families for Foster Care and Adoption

(With introductory notes to each section)

436.1 Definitions.

[NOTE: The definitions set the parameters for a new category of pre-service applicants who are interested in becoming foster and/or adoptive parents. Two major changes from previous regulations include (1) the age change from 18 years of age to 21 years of age for adoptive parents to be consistent with the foster parent requirement of age 21 and (2) the training requirement for all prospective foster and adoptive parents.]

(a) Resource parent. A resource parent is a person at least 21 years of age who:

(1) completes an application to become a caregiver for one or more children who need out-of-home placement in foster care and/or adoption; and

(2) provides to the authorized agency an acceptable medical report signed by a physician on the health of the applicant and all other members of the household;

(2) completes a minimum of 30 hours of preparation and training provided or arranged by the authorized agency, including personal and home assessment, prior to placement of a child; and

(3) meets all other requirements of a resource family program as defined in this Part for acceptance as a certified foster parent or an approved prospective adoptive parent.

(b) Resource family program. A resource family program is a specific plan by an authorized agency to implement the provisions of this Part for establishing resource family homes available for placement of foster or adoptive children. The plan must ensure that a resource parent meets all requirements for application, preparation and training, including personal and home assessment, and all other requirements for acceptance as a certified foster parent or an approved prospective adoptive parent.

436.2. Recruiting and community relations.

[NOTE: This section integrates current foster care and adoption recruitment regulations in sections 421.10 and 443.2 of 18NYCRR and adds language to include the new resource family program, as well as the need for homes for sibling groups.]

Authorized agencies operating resource family programs must:

(a) seek to recruit persons with the ability and motivation to care for children who need a foster or adoptive family home;

(b) carry out recruiting efforts specifically directed to communities of populations which have ethnic, racial, religious or cultural characteristics similar to those of the children identified annually by the department as composing the largest number of children needing out-of-home placement in foster or adoptive homes;

(c) seek to recruit persons with the ability and motivation to care for sibling groups of two or more in foster or adoptive family homes;

(d) keep the community informed about the development and progress of the program and the needs of children who require out-of-home care; and

(e) provide information about the resource family program, the need for resource families, and the availability of adoption subsidy or foster care maintenance payments for such families to organizations, agencies, media representatives and other persons who may be referral sources in the community.

436.3. Inquiries from persons interested in becoming resource families.

[NOTE: This section integrates regulations in sections 421.11 and 443.3 of 18NYCRR, requiring agencies to respond to inquiries from prospective resource families within ten business days to be consistent with current foster care regulations.]

Authorized agencies operating resource family programs must:

(a) respond in writing within ten business days to inquiries from persons at least 21 years of age who are interested in becoming foster or adoptive parents for children needing out-of-home placement;

b) offer an invitation to an individual or group orientation meeting to take place within 30 days of receipt of the inquiry;

(c) conduct such orientation during hours convenient to the interested persons, such as evenings or weekends;

(d) contact persons who have expressed interest in becoming resource parents, have been invited to an individual or group orientation meeting but have failed to attend, and within ten days of such meeting offer a second invitation to a scheduled individual or group meeting;

(e) provide the basic demographic application, State Central Register (SCR) inquiry and medical report forms at the initial individual or group orientation meeting to persons who express an interest in becoming resource families for foster and/or adoptive children;

(f) inform persons who are interested in completing an application to become a resource family that the agency will inquire of the department whether the applicant or any person 18 years or older in the applicant's household is the subject of an indicated child abuse or maltreatment report on file with the State Central Register of Child Abuse and Maltreatment.

436.4. Application to become a resource family for children needing foster or adoptive family homes.

[NOTE: This section integrates foster care regulations in section 443.3 of 18NYCRR and adoption regulations in sections 421.12 and 421.13 of 18NYCRR. It eliminates the requirement in section 421.13 for a three-tiered priority system for accepting applications.]

Authorized agencies operating resource family programs must:

(a) provide the required department demographic application form and medical form at the initial individual or group orientation meeting to all persons interested in becoming resource families;

(b) require a joint application to be submitted by married individuals living in the same household;

(c) acknowledge in writing within 10 business days the receipt of a completed application;

(d) elicit information concerning the applicant(s) on the department's demographic application form or equivalent form approved by the department, including, but not limited to, the following:

(1) name, address, age, sex, race, and religion of the applicant(s);

(2) name, age, sex, and relationship of all other members of the household;

(3) marital status and employment status of the applicant(s);

(4) health and physical functioning of all members of the household;

(5) income of the applicant(s);

(6) summary of the applicant's employment history with names, addresses and telephone numbers of employers, to the extent available;

(7) sworn statement indicating whether the applicant has ever been convicted of a crime in New York State or any other jurisdiction;

(8) names, addresses and telephone numbers of four personal references other than relatives who can attest to the applicant's character, reputation and personal qualifications;

(9) whether the applicant has ever been previously accepted or rejected as a foster or adoptive parent and the agency which made such decision;

(e) consider an application withdrawn which has not been completed by the applicant within two months and require submittal of a new application;

(f) reject an application only on the basis of incomplete information on the application, or information that does not meet the requirements of this Part regarding the medical report, personal and home assessments, and report on the inquiry to the State Central Register of Child Abuse and Maltreatment;

(g) inform the applicant in writing of the reasons for rejection and of his or her rights to a fair hearing in accordance with sections 22 and 372-e of the Social Services Law and Section 444.4 of department regulations.

436.5. Preparation and training for prospective resource families.

[NOTE: This section integrates training and assessment portions of current department foster care regulations in section 443.3 and adoption regulations in sections 421.15, 421.16, and 421.19. Without using the acronym MAPP, this preparation and training section establishes a major new requirement for pre-service training of prospective foster and adoptive parents based on the department's experience in conducting MAPP pilot training programs in 20 local district and voluntary agencies across the state. The intent of this initiative is to use training and assessment tools, including self-assessment, to give prospective resource families preparation and support needed to care for children placed with them for foster care or adoption.

With the increasing numbers of disabled and special needs children entering care, the department considers expanded training and assessment essential for the welfare of both the children and their caregivers. The topics listed provide basic and necessary information; agencies and trainers may add to the list at their discretion.]

(a) Authorized agencies must provide a minimum of 30 hours of preparation and training in correlation with required family and home assessments for all prospective resource families who have satisfactorily completed the demographic application form.

(b) No child shall be placed in a resource family home, whether for foster care or adoption, until all training and assessment requirements have been met. A written report filed in the case record must document that the resource family and conditions of the home are in compliance with all requirements of applicable law, department regulations, and rules of local departments of social services.

(c) Preparation and training must provide resource family applicants with skills needed in parenting and child care in addition to information regarding requirements and responsibilities. The training must include, but is not limited to, the following topics:

(1) social, family and personal problems that can lead to family breakdown and the need for placement of children;

(2) understanding the requirement for permanency planning goals for children entering care, including reunification with the child's birth family unless the child is freed for adoption or is eligible for the independent living program;

(3) understanding placement requirements, including:

(i) the requirement for siblings to be placed together unless such placement would be contrary to the health, safety or welfare of one or more of the children;

(ii) the requirement for a child to be placed with a family who can provide cultural continuity for the child in regard to race, religious and ethnic background unless the child's best interests indicate otherwise;

(iii) the requirement for an adoptive child to be placed with a family of the same religious background;

(4) supporting family connections, including:

(i) the requirements for facilitating visitation and communication with the family and extended family, including siblings placed separately;

(ii) respecting and reinforcing a child's cultural and family heritage;

(5) developing partnerships with children, agency and community, including:

(i) relationships and responsibilities of the resource family to the child, the birth parents and agency staff;

(ii) relationship and responsibility of the agency staff, including social workers, to resource families and to the children placed in their care;

(iii) community services available to assist resource families, including resources to assist families providing care for children with special and exceptional needs;

(6) recognizing the needs of a child to be placed with the resource family, including:

(i) providing a safe and healthful environment for a child placed in care;

(ii) impact of separation and grief on children removed from their birth families and development of skills to help children and resource families manage loss and attachment;

(iii) identifying a child's needs in developmental stages;

(iv) setting limits and using acceptable methods of discipline to effect positive change in a child's behaviour;

(v) communicating effectively with a child who is angry or sad;

(vii) listening techniques to use with children;

(viii) building self-esteem;

(7) differences and similarities between foster and adoptive parenting roles and responsibilities, including:

(i) relationships and supports needed in planning for a child to be placed in the home;

(ii) the impact on family relationships of bringing a foster or adoptive child into the home;

(iii) the requirement for resource families who become foster parents to sign an agreement indicating acceptance of the listed requirements and responsibilities in caring for a foster child in accordance with section 444.5 (c) of department regulations, and the contents of that agreement;

(iv) characteristics and needs of children available for adoption;

(iv) specific criteria and procedures required for adoption of a child after a prospective adoptive parent has met requirements to become a resource family;

(v) maintenance and special payments available to resource families who become foster parents; subsidy payments available to resource families who adopt hard-to-place children;

(8) legal issues, including:

(i) authority and relationship between social services districts, the department and the Family Court;

(ii) rights and responsibilities of resource families, whether fostering or adopting;

(iii) procedures for obtaining redress of grievances regarding agency action.

436.6 Personal and Family Assessment.

[NOTE: This section is a corollary to the previous section and, insofar as feasible, the required assessment may be in conjunction with the 30 hours of preparation and training. It is important, however, to make a distinction between the requirements in section 436.7 for providing necessary information and skills training and the responsibility of the authorized agency for documenting an assessment of the family's suitability to become a resource family. Included in this personal assessment are many of the current requirements for a home study, including exploration of motivation and ability, character, health, marital status, family composition, etc. This section also contains specific prohibitions against discrimination in paragraph (f). These regulations integrate applicable portions of foster care regulations in section 443.3 and adoption regulations in sections 421.11, 421.12, 421.13, and 421.19.]

The authorized agency is responsible for completing and documenting a personal and family assessment through any combination of staff observations, participation in the preparation and training process, and personal face-to-face interviews. The assessment must include, but is not limited to, an exploration of the following characteristics:

(a) Motivation and Ability:

(1) reasons the applicant seeks to become a resource parent, i. e., a foster or adoptive parent;

(2) the applicant's self-assessment regarding his/her capacity to provide a child with a stable and meaningful relationship;

(3) the applicant's readiness and ability to provide for a child's physical and emotional needs, including the capacity to give and receive affection;

(4) the attitudes of each member of the household regarding the placement of the child in the home;

(5) interaction and stability of relationships among members of the applicant's household and their relationship to others in the community;

(6) the family's awareness of the impact that the child's placement will have upon family life, relationships and current lifestyle;

(7) the family's ability to budget and manage financial resources;

(8) the family's experience and practice in child care;

(9) the applicant's understanding of principles related to development and discipline of children, including the need of each child for respect, guidance, support, stability, and the opportunity to develop a value system that is socially constructive;

(10) the applicant's ability to cope with problems, stress and frustration related to the care of children and family;

(11) the applicant's ability to be flexible and to have realistic expectations and goals;

(12) the applicant's willingness and ability to access community resources available for strengthening and supporting families;

(13) as a conclusion to the applicant's participation in the preparation, training and assessment process, the type of child placement sought by the applicant, whether a foster child or an adoptive child, or both, and the characteristics of such child(ren), including, but not limited to, age, sex, health and development.

(b) Character:

(1) The agency must obtain signed statements from the references provided in the application attesting to the applicant's moral character, mature judgment, ability to manage financial resources and capacity for developing a meaningful relationship with children. Face-to-face interviews must be held with at least two of these persons to verify the statements.

(2) An application must be rejected if the personal assessment of the applicant reveals a felony conviction for an offense under Titles H or O of the Penal Law.

(3) An application must be rejected if the personal assessment of the applicant substantiates current alcohol or substance abuse. A past history of alcohol or substance abuse with documented evidence of treatment and recovery may not be used as a reason for rejection.

(4) If the applicant or any member of the applicant's household over the age of 18 is found to be the subject of an indicated report following the required inquiry to the State Central Register of Child Abuse and Maltreatment, the agency must make a determination based on the information it has available and in accordance with department guidelines whether the indicated report is reason for rejection of the application.

(i) If the agency concludes the application process should be continued, the agency must record the specific reasons why the person who is the subject of an indicated report is not disqualified to receive the placement of a child.

(ii) If the agency rejects the application on the basis of the indicated report, the applicant must be informed in writing of the reasons for the decision and that:

(a) the applicant has a right to a fair hearing under section 424-a of the Social Services Law regarding the record in the State Central Register record;

(b) a request for such a hearing must be made within 90 days of the receipt of the notice of rejection when the indicated report is given as a reason in whole or in part for the rejection; and

(c) the sole issue at any such hearing will be whether the applicant has been shown by a fair preponderance of the evidence to have committed the child abuse or maltreatment resulting in the indicated report.

(iii) If in such a hearing the department fails to find that a preponderance of the evidence supports the indicated report, the department will notify the agency which made the inquiry that a decision made on the basis of the indicated report should be reviewed and reconsidered without regard to the indicated report.

(c) Health: The applicant must be in good physical and mental health and have the energy and emotional stability necessary to fulfill responsibilities for the care of the child placed in the home. All other members of the household must be free of communicable diseases and in such physical and mental condition as to cause no detriment to the health, safety or welfare of the child.

(1) Completion and approval of the personal and family assessment required in section 436.6 of this Part is conditional upon submission of an acceptable medical report signed by a physician. The medical report must be received and accepted prior to the home inspection and assessment described in section 436.7 of this Part. The report must include the following:

(i) confirmation that a complete physical examination of the applicant(s) was completed within one year preceding the date of the demographic application. The physical examination report must include the result of a tuberculin skin test and other laboratory tests where medically indicated for diagnosis of current diseases.

(ii) a statement regarding the general health status of all other members of the household;

(iii) a statement affirming the absence of communicable disease, infection, illness or any physical conditions which might affect negatively the care of the child placed in the home.

(2) A past history of psychiatric illness or treatment with recovery documented may not be used as a reason for rejecting an application unless factors are present which would negatively affect the applicant's ability to care for a child.

(3) If the application to become a resource family is not accepted based on the required medical report, the applicant must be informed in writing of the reasons for the rejection within 15 days of receipt of the report.

(4) If the applicant disagrees with the agency's negative decision based on the medical report, the applicant may seek a second medical opinion. The second medical report must incorporate all requirements in accordance with section 436.6 (c) (1) of this Part and must be submitted by the applicant within 60 days of the rejection notice in section 436.6(c) (3) above. A final decision by the agency to continue or to stop the application process based on the medical report must be pended until receipt of the second medical opinion.

(d) Marital status: An applicant's marital status may not be considered as a condition for acceptance of an application to become a resource parent, except that an applicant who is separated from his or her spouse without legal documentation must have been separated for at least three continuous years in order to qualify for placement of an adoptive child, as required by section 110 of Domestic Relations Law.

(e) Family Composition:

(1) Family size may be considered in the personal assessment of the applicant to be a resource family only as it relates to the ability of the family to provide quality of care for a child and, in the case of foster care placements, to meet other statutory and regulatory requirements as set forth in sections 378.4 and 398.6 of Social Services Law and sections 444.5 and 427.2(d) of this Title.

(2) Such requirements limit the number of children in the household to six, including all children under the age of 13 residing in the home, except that two additional children are permitted in order to place siblings together. Another exception permits the placement of a child returning to care in the same home as he or she was previously placed, regardless of the number of children currently residing in that home.

(3) Applicants should be advised that, generally, resource families will not be approved to receive more than two children under two years of age, although upon request for an exception, a specific study will be made of the ability of a family to care for a greater number of infants.

(f) Prohibitions against discrimination. In determining through the personal assessment process the suitability of an applicant for certification as a resource family, the following factors must not be used as reasons for rejection:

(1) Sexual preference and matching. Exploration of sexual preference and practices of applicants, where considered necessary and appropriate for the best interests of children, must be carried out openly with a clear explanation to the applicant of the basis for, and relevance of, the inquiry.

(2) Employment and education. Employment, level of education, and volunteer activities must not be used as a basis for rejection.

(3) Religion and race. Race, religion and ethnic background must not be used as a basis for rejection.

(4) Income. Level of income, including receipt of income maintenance payments, must not be used as a basis for rejection. However, the ability to manage resources and budget is a valid factor in assessment, as indicated in paragraph (a) of this section.

(5) Changes in employment and residence. Such changes must not in themselves be considered a basis for rejection. However, it may be appropriate to examine frequent changes in employment or residence to determine their significance and whether such changes indicate an inability to provide a stable environment for a child placed in the home.

(6) Fertility. The capacity of an applicant to have biological children must not be used as a basis for rejection.

436.7. Home inspection and assessment.

[NOTE: This section replaces the current foster care regulations in section 444.5 18NYCRR, modifying some of the previous criteria for approval of the physical environment of the family. For the first time, the same physical standards are applicable to prospective foster and adoptive homes, since such standards are considered necessary for the safety of the child(ren).]

(a) An on-site inspection and review of the physical environment of the resource family home in which the child will be placed must ensure that the following standards are met:

(1) Physical facilities of the home must be in good repair and in a sufficiently clean and sanitary condition as to present no hazard to the health and safety of children.

(2) The home must be in substantial compliance with all applicable provisions of State and local laws, ordinances, rules and regulations.

(3) The home must be located in an area with access to community resources adequate to meet a child's social, educational, recreational and religious needs.

(4) The home's heating apparatus must be safe and adequate for the health and comfort of the children.

(5) The home must be free of fire hazards and equipped with at least one smoke detector.

(6) The home must be screened against flies and other insects.

(7) The home must have an adequate and safe water supply for drinking and household use. Water from wells, springs, or other private sources must be tested for safety and protected against contamination. There must be provision for warm water for washing and bathing.

(8) The home must have adequate bathing, toilet and lavatory facilities in sanitary condition.

(9) The home must have separate bedrooms for children of the opposite sex over four years of age.

(10) No child above the age of three years shall sleep in the same room with an adult of the opposite sex.

(11) No bed for a child shall be located in any unfinished attic, basement, stairhall or room commonly used for purposes other than sleeping.

(12) Every sleeping room occupied by children must have adequate natural light and ventilation with one or more windows opening directly to outside air.

(13) Each bed or crib must be of adequate size to ensure comfort of the child, must have a clean mattress with adequate support and with waterproof covering if necessary, and must provide coverings adequate to the season.

(14) Each child must have adequate space to store personal clothing and possessions. A minimum of two feet of clearance space between each piece of furniture is required for safe passage.

436.8. Certification and Notice.

[NOTE: This section integrates those portions of sections 421.15 and 421.19 of adoption regulations and section 444.5 of foster care regulations applicable to approval and certification of the family as a resource family.]

(a) Following the completion of the preparation, training, family and home assessments, with documentation in the case record, a written notice in a form approved by the department must be provided to the applicant indicating:

(1) certification of the applicant as a resource parent for placement of a child, whether a foster or adoptive placement; or

(2) rejection of the applicant as a resource family for placement of a child with a statement affirming the right to request a redress of grievances through a conference with the local social services official and/or a fair hearing.

436.9 Decision by a Certified Resource Parent Regarding Foster Care or Adoptive Placement.

[NOTE: This section recognizes that , following the parent's certification and decision to become either a foster or adoptive parent, there are federal and state requirements specific to each type of placement which must be met. This is the fork in the road. It must be noted, however, that if the resource family wishes to adopt at the present time, but may be interested in accepting a foster child in the future, the basic requirements for both types of placements have been met, subject to annual review.]

(a) If a certified resource parent makes a decision to provide a foster family boarding home, such person(s) must then comply with all other statutory and regulatory requirements applicable to placement of a foster child in that home, including the signing of an agreement as set forth in section 444.5 of this Title.

(b) If a certified resource parent makes a decision to become an adoptive parent, such person(s) must then comply with all other statutory and regulatory requirements applicable to the adoption of a specific child.

436.10 Documentation and Recordkeeping.

[NOTE: This section incorporates applicable portions of sections 444.4 and 443.3 of foster care regulations and section 421.12 of adoption regulations to ensure that records are maintained for each resource family. This system of recordkeeping, separate and apart from the child/birth family uniform case record, will serve as a reference file for possible future placements and contacts, as well as being necessary documentation for any future legal proceedings.]

Authorized agencies must maintain a record for each applicant for certification as a resource family. The resource family record must include, but is not limited to, the following:

- (1) the demographic application;
- (2) the medical report;
- (3) copies of the references and a summary of the interviews with two of the persons providing references;

(4) documentation that the applicant has completed the preparation and training required;

(5) a written summary of the personal assessment by agency staff, including interviews and conferences with the applicant and other household members;

(6) a written summary of the home inspection and assessment;

(7) the report from the State Central Register of Child Abuse and Maltreatment in response to the inquiry regarding the applicant;

(8) if the application is approved, notwithstanding an indicated report from the State Central Register of Child Abuse and Maltreatment, a statement explaining why the applicant was determined to be appropriate and acceptable for placement of a child;

(9) copies of all correspondence with the applicant;

(10) a copy of the notice of certification or rejection;

(11) a copy of each annual review and assessment of the resource family.

436.11. Annual Review of the Resource Family.

[NOTE: This section replaces sections 444.6 and 444.7 of foster care regulations. The requirements apply to those resource families who are foster parents, or who are adoptive parents prior to finalization of the adoption, or who are resource families waiting for placement of a child for foster care or adoption. A resource family whose choice is adoption only, and whose adoption process has been completed, is not subject to any further review unless the family requests, or agrees to, continuation as a resource

for possible future placements. Consideration is being given to a requirement for annual training for all resource families; this would be an expansion of the current requirement for annual training for designated emergency foster parents and for foster parents caring for special or exceptional children. That proposal will be considered separately and is omitted from these proposed regulations.]

(a) Authorized agencies are responsible for conducting an annual review of each certified resource family prior to retaining such family in this category of child placement and for the purpose of maintaining timely information necessary for any court proceedings.

(b) Such review must be documented in a written evaluation maintained in the resource family's case record and must include, but is not limited to, the following:

(1) an evaluation of the home and family based on the criteria listed in sections 436.6 and 436.7 of this Part;

(2) an evaluation of the care provided to any children placed in the home, whether as foster care or adoptive placements;

(3) a written report signed by a physician regarding the family's health; such a report must be based on a complete medical examination of the resource parent(s) in accordance with section 436.6(c) of this Part if two years have passed since the previous medical examination;

(4) a report based on a personal interview with the resource family. The report must include a summary of the interview with an evaluation and the intent of the agency concerning retention of the family as a resource family.

(c) If a decision is made by an authorized agency to terminate certification of a resource family after the annual review process is completed, a written notice must be provided. Such notice must:

- (1) state the reasons for the termination;
- (2) be postmarked at least 20 days before the expiration date of the certification;
- (3) inform the resource parent of the right to a conference with an agency official to discuss the reasons for the termination;
- (4) inform the resource parent of the right to a fair hearing upon request to the department.

(d) When a child freed for adoption has been placed for adoption with a certified resource parent, no annual review is required unless the adoptive parent remains available as a resource for additional placements. All other statutory and regulatory requirements for services and proceedings leading to finalization of adoption must be met.