

TITLE 21. CHILD SAFETY

CHAPTER 8. DEPARTMENT OF CHILD SAFETY - FOSTER HOME AND CHILD WELFARE

AGENCY FACILITY SAFETY

ARTICLE 1. LIFE SAFETY INSPECTIONS

Section

- R21-8-101. Definitions
- R21-8-102. Application
- R21-8-103. Frequency of Inspection and Inspection Area
- R21-8-106. Weapons and Firearms
- R21-8-107. Animals
- R21-8-111. Water and Plumbing Requirements
- R21-8-112. ~~Fire Safety and Evacuation Plan Requirements~~
- R21-8-113. Emergency and Disaster Plan
- ~~R21-8-113.~~R21-8-114. Pool Safety

ARTICLE 1. LIFE SAFETY INSPECTIONS

R21-8-101. Definitions

The definitions in R21-6-101 apply to this Article, except the following terms are defined as:

1. No change
2. No change
3. No change
 - a. No change
 - b. No change
 - c. No change
4. "Pool enclosure" means a fence or barrier surrounding a pool and meets the requirements of ~~R21-8-113(B)(2)~~ R21-8-114(B)(2).
5. No change
 - a. No change
 - b. No change
6. No change
7. "Structural modification" means:
 - a. Adding or removing walls, windows or doors; or
 - b. Converting a garage, attic, basement, or other similar space into a bedroom.

R21-8-102. Application

This Article applies to:

1. No change
2. A Child Welfare Agency operating a residential group care facility ~~or shelter care facility regulated under A.A.C. Title 6, Chapter 5, Article 74, but not a Child Welfare Agency operating an outdoor experience program.~~ licensed by the Department of Child Safety.

R21-8-103. Frequency of Inspection and Inspection Area

- A. Each provider shall have a Life Safety Inspection of the premises: completed by OLR.
- B. OLR shall ~~inspect the premises~~ conduct an inspection to verify compliance with Life Safety Inspection rules:
 - ~~1. At initial licensure;~~
 - ~~2. Every two years; and~~
 - ~~3. Within three months prior to the renewal date of a license.~~
 1. Before an initial license is issued;

2. Before an amended license is issued for a new location;
3. Before an amended license is issued for structural modifications;
4. Before an amended license is issued for an addition of a pool; and
5. Before a renewal license is issued.

C. The Life Safety Inspection shall include all rooms and dwellings on the premises ~~in which a foster or child in a Child Welfare Agency residential group care facility resides or may have access to,~~ including sheds, mobile homes, and trailers, and cottages.

R21-8-106. Weapons and Firearms

A. The provider shall meet the following standards concerning weapons:

1. The provider shall store the following weapons in an inoperable condition in a locked area inaccessible to children:
 - ~~a.~~ Firearms;
 - ~~b.~~ a. Air guns, including BB guns;
 - ~~c.~~ b. Bows and cross-bows;
 - ~~d.~~ c. Stun guns;
 - ~~e.~~ d. Hunting slingshots;
 - ~~f.~~ e. Any other projectile weapon; and
 - ~~g.~~ f. Hunting knives.
2. ~~Firearms, ammunition, and other weapons, including cross-bows, stun guns, air guns, and hunting knives~~ are safeguarded to prevent unsafe or improper use. In addition:
 - a. ~~Firearms are unloaded, trigger locked, and kept in a tamper-proof, locked storage container made of unbreakable material; and~~
 - b. ~~Ammunition is maintained in locked storage that is separate from firearms.~~ Locked storage may be in the same container as the firearms.

B. OLR may approve a provider who is a foster parent applicant or foster parent who is also a law enforcement official, to ~~carry a firearm when the provider:~~ maintain an assigned duty weapon when they:

1. ~~Obtains~~ Obtain documentation that the jurisdiction requires ~~him or her~~ them to have ready and immediate access to the weapons at all times;
2. ~~Supplies official documentation that he or she has been trained in the law enforcement protocols for the safe use and carrying of a firearm;~~
3. ~~Adopts and follows a safety plan approved by OLR and the licensing agency; and~~

- ~~4. Stores the weapon according to the provisions of this Section when the weapon is not on their person.~~
2. Obtain documentation that the jurisdiction requires them to have their weapon stored in an official law enforcement vehicle, if applicable, which would prevent them from meeting the provisions of subsection (A);
3. Provide official documentation that they have been trained in the law enforcement protocols for the safe use and carrying of a firearm;
4. Maintain the weapon according to the provisions of this Section when the weapon is not on their person;
5. Develop a safety plan with the guidance of the licensing agency; and
6. Obtain approval from OLR.

C. No change

R21-8-107. Animals

The ~~home~~ premises shall meet the following standards concerning animals:

1. No change
2. No change
3. No change
4. All dogs older than six months have current rabies vaccination or are otherwise in compliance with A.R.S. § 11-1010. Vaccination records are maintained in the home.
5. Vaccination shall be administered by a veterinarian.
6. Vaccination records shall be maintained in the home.

R21-8-111. Water and Plumbing Requirements

A. No change

~~B. The home must meet the following standards concerning water~~ provider shall obtain a written water analysis report if the home uses a non-municipal water source that shall meet the following standards:

- ~~1. If a home uses a non-municipal water source including private well water or another source of drinking water, the provider shall have the water tested for safety under subsection (B)(2).~~
- ~~2. If the home's water is from any source other than an approved public water supply, the foster parent shall obtain a written water analysis report, showing that the water is within acceptable state and federal standards for drinking water for the age of the children in care. The provider shall obtain the analysis and report from a laboratory certified by the Arizona Department of Health Services as part of the initial licensing process and before each renewal.~~

1. The analysis report shall be from a laboratory certified by the Arizona Department of Health Services;
2. The analysis report shall be completed no more than 12 months prior to the date of the Life Safety Inspection completed by OLR;
3. The analysis report shall be available in the home at all times and presented at the time of inspection; and
4. If the analysis report details contaminants are found to exceed acceptable state and federal standards for drinking water the provider shall prepare a plan with the guidance of the licensing agency or OLR to include:
 - a. How the provider will ensure safe drinking water will be available in the home;
 - b. Efforts to reduce identified contaminants to meet state and federal standards for drinking water;
and
 - c. Approval by OLR.

C. No change

D. No change

R21-8-112. Fire Safety and Evacuation Plan Requirements

The provider shall ensure:

1. No change
2. No change
3. No change
4. No change
5. No change
 - a. No change
 - b. No change
 - c. No change
- ~~6. A written emergency evacuation plan is developed and maintained in the home, to provide guidance on the safe and rapid evacuation of the home. An emergency evacuation plan shall:

 - a. Be reviewed with the child within 72 hours of placement in the home and posted in a prominent place in the home;
 - b. Identify multiple exits from the home;
 - c. Identify two routes of evacuation from each bedroom on every floor used by individuals residing in or receiving care in the home. At least one of the exit routes for these bedrooms shall lead directly to the outside of the home. If that exit leads into an area that serves as a pool~~

- ~~enclosure, a child six years of age or less receiving care in the home shall not reside in that bedroom.~~
- ~~i. If the exit is a window, it shall be secured with a latching device located a minimum of 54 inches above the floor; or~~
 - ~~ii. If the exit is a door, it shall be locked at all times with a latching device or lock located a minimum of 54 inches above the floor. If there is no quick release mechanism on the lock, it must comply with the provisions of R21-8-112(11), and a key for the deadbolt shall be located a minimum of 54 inches above the floor. Bedroom doors that lead into an area that serves as a pool enclosure shall comply with this Section and also be self-closing and self-latching. Such doors that are hinged shall also swing outward from the pool area.~~
 - ~~d. Identify the location of fire extinguishers and fire evacuation equipment, including rope or chain ladders, and emergency lighting, as applicable;~~
 - ~~e. Designate a safe central meeting place close to the home, known to the child, at a safe distance from potential danger;~~
 - ~~f. Be maintained in the home to review with individuals residing in or receiving care in the home; and~~
 - ~~g. Include the placement of equipment, such as a ladder, that can be safely used by the individuals residing in each upstairs bedroom that have been identified with fire exits.~~
- ~~7. All windows identified as fire exits, must have enough space for an adult to move through.~~
- ~~8. Each bedroom used by a foster child or child in a residential group care facility receiving care or services has two exits to the outside.~~
- ~~a. One exit shall be a path through the premises and leading to a door that opens to the outside. A garage door that opens either manually by lifting or with an automatic opener shall not be accepted as an exit.~~
 - ~~b. Another exit shall be a window or door within the bedroom that opens directly to the outside.~~
- ~~9. Premises authorized to provide care or services to five or more children shall train staff and children in evacuation procedures and conduct emergency drills at least every three months as prescribed in this subsection.~~
- ~~a. Practice drills shall include actual evacuation of children to safe areas, outside, and beyond the home.~~
 - ~~b. Drills shall be held at random times and under varying conditions to simulate the possible conditions in case of fire or other disaster.~~
 - ~~c. All persons in the home shall participate in the drill.~~
 - ~~d. Records shall be maintained for each emergency drill and shall include:~~

- ~~i. Date and time of drill;~~
- ~~ii. Total evacuation time;~~
- ~~iii. Exits used;~~
- ~~iv. Problems noted; and~~
- ~~v. Measures taken to ensure that a foster child or a child in a residential group home facility understand the purpose of a drill and his or her responsibilities during a drill.~~

~~10.6.~~ The exit routes for the home are clear of obstruction that could prevent safe and rapid evacuation.

~~11.7.~~ The locks on exterior doors and windows, including the front door, screen doors, and bars on windows, are equipped with a quick release mechanism. A quick release mechanism is a lock that can be opened from inside the setting without special knowledge (such as a combination) or equipment (such as a key). The Department may grant an exception to this requirement for a double-key deadbolt on a door if:

- a. There is breakable glass within 40 inches of the interior locking mechanism;
- b. There is another exit with a quick release mechanism on the same level of the premises; and
- c. The key for the deadbolt is permanently maintained in a location that is:
 - i. Within six feet of the locking mechanism;
 - ii. Accessible to all household members;
 - iii. Reviewed with persons residing in or receiving care in the home; and
 - iv. Identified on the emergency evacuation plan, ~~specified in subsection (6).~~

~~12.8.~~ The address for the home is posted and visible from the street, or the local emergency response team, such as the local fire department, is notified of the location of the home in writing, with a copy of this notification maintained in the home.

~~13.~~ Providers must maintain a comprehensive list of emergency telephone numbers, including poison control, and post those numbers in a prominent place in the home.

R21-8-113. Emergency and Disaster Plan

A. A provider shall develop and maintain in the home a written emergency and disaster plan on a form provided by the Department that includes:

- 1. Contact information for each foster child, including the name and telephone number of the primary care physician and legal guardian;
- 2. A comprehensive list of emergency telephone numbers;
- 3. An evacuation plan for the home, as detailed in this Section; and
- 4. A plan for relocation from the home in the event of displacement due to flood, fire, the breakdown of essential appliances, or other disasters.

B. A provider shall ensure:

1. A written emergency evacuation plan is developed and maintained in the home, to provide guidance on the safe and rapid evacuation of the home. An emergency evacuation plan shall:
 - a. Be reviewed with the child within 72 hours of placement in the home and posted in a prominent place in the home;
 - b. Identify multiple exits from the home;
 - c. Identify two routes of evacuation from each bedroom on every floor used by individuals residing in or receiving care in the home. At least one of the exit routes for these bedrooms shall lead directly to the outside of the home. If that exit leads into an area that serves as a pool enclosure, a child six years of age or less receiving care in the home shall not reside in that bedroom.
 - i. If the exit is a window, it shall be secured with a latching device located a minimum of 54 inches above the floor; or
 - ii. If the exit is a door, it shall be locked at all times with a latching device or lock located a minimum of 54 inches above the floor. If there is no quick release mechanism on the lock, it must comply with the provisions of R21-8-112(7), and a key for the deadbolt shall be located a minimum of 54 inches above the floor. Bedroom doors that lead into an area that serves as a pool enclosure shall comply with this Section and also be self-closing and self-latching. Such doors that are hinged shall also swing outward from the pool area.
 - d. Identify the location of fire extinguishers and fire evacuation equipment, including rope or chain ladders, and emergency lighting, as applicable;
 - e. Designate a safe central meeting place close to the home, known to the child, at a safe distance from potential danger;
 - f. Be maintained in the home to review with individuals residing in or receiving care in the home; and
 - g. Include the placement of equipment, such as a ladder, that can be safely used by the individuals residing in each upstairs bedroom that have been identified with fire exits.
2. All windows identified as fire exits, must have enough space for an adult to move through.
3. Each bedroom used by a foster child or child in a residential group care facility receiving care or services has two exits to the outside.
 - a. One exit shall be a path through the premises and leading to a door that opens to the outside. A garage door that opens either manually by lifting or with an automatic opener shall not be accepted as an exit.
 - b. Another exit shall be a window or door within the bedroom that opens directly to the outside.

4. Premises authorized to provide care or services to five or more children shall train staff and children in evacuation procedures and conduct emergency drills at least every three months as prescribed in this subsection.

a. Practice drills shall include actual evacuation of children to safe areas, outside, and beyond the home.

b. Drills shall be held at random times and under varying conditions to simulate the possible conditions in case of fire or other disaster.

c. All persons in the home shall participate in the drill.

d. Records shall be maintained for each emergency drill and shall include:

i. Date and time of drill;

ii. Total evacuation time;

iii. Exits used;

iv. Problems noted; and

v. Measures taken to ensure that a foster child or a child in a residential group home facility understand the purpose of a drill and his or her responsibilities during a drill.

C. A provider shall submit a copy of the emergency and disaster plan to the licensing agency or placing entity, as applicable.

R21-8-113.R21-8-114. Pool Safety

A. The provisions of this Section apply to:

1. ~~each~~ Each Child Welfare Agency residential group care facility and provider; and

2. A foster home licensed to provide care to a child six years of age or less, or an individual with a developmental disability.

B. ~~For a home that has a pool, and provides care to a child six years of age or less, or an individual with a Developmental Disability.~~ If a provider listed in subsection (A) has a pool the provider shall ensure the following:

1. That the pool complies with A.R.S. § 36-1681 and all local municipal codes to the extent not inconsistent with this Section.

2. A fence or barrier meeting the following requirements is maintained between the pool and the home, or any building used to provide care and supervision.

a. The exterior side of the fence or barrier is at least five feet high;

b. All openings shall measure less than four inches;

- ~~b.c.~~ If the barrier is a chain link fence or lattice, each opening in the mesh measures less than 1 3/4 inches horizontally. Chicken wire and other light gauge wire are prohibited as a primary fencing material for the pool;
 - ~~e.~~ ~~If the barrier is a fence constructed of vertical bars or wooden slats, the openings between bars or slats measure less than four inches;~~
 - d. The exterior side of the barrier is free of hand holds, or foot holds, or other means that could be used to climb over it and if it has a horizontal component spaced at least 45 inches, measured vertically;
 - e. The gate to the enclosure is locked, except when in use and there is an adult within the enclosure to supervise the pool and spa area;
 - f. The connection between the panels of the fence cannot be separated without a key or a tool;
 - g. The fence is secured to the ground or has sufficient tension to prevent the fence from being lifted more than four inches from the ground;
 - h. If the home or building to provide care or supervision constitutes part of the enclosure:
 - i. The enclosure does not interfere with safe egress from the home;
 - ii. A door from the home does not open within the pool enclosure, unless it is a bedroom door in a bedroom not occupied by an individual six years of age or less receiving care and such a door cannot be opened by a foster child six years of age or less or child in a residential group care facility because it is either locked as required in ~~R21-8-112(6)(c)(ii)~~ R21-8-113(B)(1)(c)(ii) or inoperable. Any key shall not be accessible to a foster child six years of age or less or child in a residential group care facility;
 - iii. A window located in a room that is designated as a bedroom for a foster child six years of age or less or child in a residential group care facility shall not open into the pool enclosure or shall be permanently locked and not used for egress; and
 - iv. Other windows that open into the pool enclosure are permanently secured to open no more than four inches; or as required in ~~R21-8-112(6)(c)(i)~~ R21-8-113(B)(1)(c)(i).
 - v. Animal or doggie doors shall not open directly into the pool enclosure.
3. No change
 - a. No change
 - b. No change
 4. No change
 5. No change
 6. No change
- C. No change

D. No change

E. No change

1. No change

2. No change

F. No change