

SECTION 9: RULES, REGULATIONS & REQUIREMENTS

OFFICE OF LICENSING AND REGULATION (OLR)

OLR is an office within DCS. This office is responsible for the licensure of foster homes located within Arizona except for those foster homes licensed by DES/DDD¹ or licensed by one of the Tribes.

OLR is committed to protecting the health, safety, and well-being of children receiving care or supports in DCS regulated programs. The protection provided by OLR is delivered through the development, assessment, and enforcement of regulations for licensing. The purpose of regulation for licensing by OLR is to implement the state's obligation for protection by reducing the risk of predictable harm to children living in family foster homes or in child welfare group homes. OLR is organized into units that work closely together to achieve their mission of protection.

- Family Home Licensing (FHL)
- Child Welfare Licensing (CWL)
- Life Safety Inspection (LSI)

As a licensed foster parent, you and your licensing agency will be working with the Family Home Licensing, and the Life Safety Inspection Unit.

TITLE 21, CHAPTER 6 (FOSTER PARENT LICENSING REQUIREMENTS) – BECOME AN EXPERT

Title 21, Chapter 6 contains the rules that OLR and your licensing agency follow to license most foster homes caring for children in DCS custody; as well as rules you are expected to know and follow. Rules are part of the Arizona Administrative Code published by the Office of the Secretary of State. Study them and learn your rights as well as your responsibilities. Every family should have been given a copy of this document during your initial training. If not, ask your agency for a copy or download these rules from the internet at https://apps.azsos.gov/public_services/Title_21/21-06.pdf.

TITLE 21, CHAPTER 7 (LIFE AND SAFETY INSPECTION RULES) - LEARN THESE REQUIREMENTS

These regulations deal with the home itself. The regulations are the basis of the OLR Life-Safety Inspection. OLR's Life Safety Inspection Unit has published a Preparation Guide and Pool Guide for support in preparing for your inspection. These booklets are available in English and Spanish at <https://dcs.az.gov/data/dcs-forms>.

LIFE-SAFETY INSPECTIONS

A life-safety inspection of your home is conducted at the following times: before initial licensure; when a family relocates; every two years, completed within 90 days from your license expiration date by OLR to verify compliance with rules. Special inspections are required for new construction or new pool enclosures and other major changes (i.e. remodeling etc.). These standards are intended to safeguard children from fire hazards and other hazardous conditions. The inspector needs access to each room, cabinets and storage area, the yard and other structures on the property. If the inspector cites violations he/she will work with you to identify what needs to be done to correct the violation. If an OLR inspection identifies some items that require correction, your Licensing Agency may be able to verify the corrections. Your Licensing Agency also conducts an annual walk-through inspection.

EMERGENCY EVACUATION PLAN

This plan is a mandatory floor plan of your home showing all doors and windows. In the plan, use arrows to mark two routes out of each bedroom, one of which must lead directly to the outside. The plan is to identify the location of fire extinguisher(s) and if necessary any special evacuation equipment such as a rope ladder. Finally indicate on the plan a safe meeting place outside to account for everyone. The required emergency evacuation plan template and emergency evaluation plan review log are located at the back of the LSI Preparation Guide and will be attached to your LSI scheduling email at the time of your inspection.

¹ Child Developmental Homes and Adult Development Homes are licensed by the DES/Office of Licensing Certification Regulation.

For the safety of the child, parents shall review and practice the evacuation plan with the child (as appropriate to his/her age and developmental level):

- Within 72 hours of the child's placement in the home,
- Within 72 hours of the relocation to another home, and
- At least once each year following the placement in the home.

DISASTER PLAN

It is currently best practice to have a written disaster plan that includes:

- Contact information for each child in care, including the name and telephone number of the primary care physician and the DCS Specialist's office number;
- A plan for relocation from the home in the event of displacement due to flood, fire, the breakdown of essential appliances, or other disasters.
- Contact information for your family such as out-of-town or state relatives or friends who would know your whereabouts in case of extreme disaster.

You should provide a copy of the plan to your DCS Specialist and to your licensing agency.

NOTIFICATION OF MAJOR EVENTS

Foster Caregivers must notify DCS within two (2) hours for major events that occur with a child in care including serious illness or injury, any non-accidental injury or sign of maltreatment, unexplained absence, severe psychiatric episode, death, or removal or attempted removal of a foster child by an unauthorized person or agency, other unusual circumstances which might seriously affect the health, safety, or the physical or emotional well-being of a child in care. Within 48 hours, DCS must be notified of the involvement of a child with law enforcement authorities.

Emergencies that require evacuation of the foster home must be reported to DCS within two (2) hours. Within 48 hours, report to DCS and licensing agency the serious illness or death of a member of the household, change in foster family or household composition, and absence of one foster parent from a two-parent household for more than seven continuous days.

A written report with details of the events must then be provided to DCS and the licensing agency who then notifies OLR. (See Title 21, Chapter 6)

NOTIFICATION OF CHANGES OR EVENTS IN A LICENSED FOSTER FAMILY OR HOME

Licensed foster families need to notify their licensing agency who then notifies OLR of any of the following changes:

- Marriage or divorce;
- A new household member, defined as any person who will be in the home for thirty days or longer in a calendar year; consecutive days or periodically through the year for a total of 30 days or more;
- A temporary visitor who will be in the home a month or longer;
- Death or departure of a household member;
- A fire or emergency evacuation of the home;
- Moving to a new residence, and/or remodeling of the residence.

FOSTER PARENT LICENSE – YOU AND YOUR RESIDENCE ARE LICENSED

A.R.S. §8-509 (A) states that foster home licenses are valid for two years. An annual life safety walk through by your Licensing Agency will also be done. Your licensing agency will be monitoring to ensure valid fingerprint clearance cards, criminal self-disclosure, health self-disclosure and physician's statement are on file.

Your foster home license is attached to your home address. If you plan to move to another residence, you must notify your licensing agency. Your licensing agency must notify OLR prior to your relocation to keep your license valid. A life safety inspection of the new residence is required to amend your license. For your license to remain in "good standing," this process must be completed before your current license expiration date.

FOSTER PARENT LICENSE - YOU OWN YOUR LICENSE

You are licensed by the State of Arizona. You have a Foster Parent Agreement with DCS and usually an agreement with your licensing agency. Should you choose to transfer to another agency, all of the records are property of the State of Arizona and should be given to the new agency at no cost to you.

QUICK CONNECT

Quick Connect is an electronic application system for Family Foster Home Licensing. The system is designed for ease in completing and submitting applications online. The system permits licensing agencies and foster parent applicants to follow the progress of their applications and to print the license. If you are an applicant or licensee, your licensing agency may give you a logon ID and an initial password for the Quick Connect website.

FOSTER PARENT LICENSE RENEWAL

Foster parents can complete renewal applications online through the Quick Connect (QC) system. To make that connection, you will need a logon ID and password. If a foster parent is uncomfortable, unable or unwilling to enter the information into the Quick Connect system, it is the responsibility of the licensing agency to do it.

You should receive a license renewal packet, from your licensing agency within at least 60 days of license expiration. If you do not, contact your licensing worker as soon as possible. A Life Safety Inspection will be scheduled approximately 90 days prior to your license expire date. Important note! It is important to maintain a current foster care license so that foster reimbursements are not interrupted.

FOSTER PARENT LICENSE RENEWAL TRAINING

Each foster parent must have a required amount of in-service/advanced training, per licensing renewal period/timeframe. HCTC Professional Foster Homes and DDD certified homes require additional training hours each renewal year. Your licensing agency should notify you of regular agency trainings and other events. You and your licensing agency need to develop an annual Training Plan. The purpose is to guide you and your licensing worker in locating or arranging the training and workshops that meet your needs. Review the Plan with your licensing worker at least every 3 months.

Trainings, workshops, conferences, etc. from other licensing agencies as well as DCS and the RBHA, can be used to fulfill this requirement. All training hours are to be pre-approved by your licensing agency and in accordance with your current Training Plan. Alternative formats for training can be utilized. Classes are available on the internet. CASA Programs offer training that may be an option. Go to www.azcourts.gov/dcsd, CASA Training link for more information or go to www.azafap.org. The internet hours can only be applied for up to ½ of the hours required by your licensing agency for license renewal.

DCS INVESTIGATION OF THE FOSTER FAMILY

Concerns that involve suspected abuse, neglect or maltreatment must be reported to the DCS Child Abuse Intake Center Hotline, 1-888-767-2445. All calls determined to be a report are investigated by DCS. This includes reports pertaining to the adoptive and biological children of a foster family. DCS also responds to communications received about physical altercations or sexual conduct between the children in foster and adoptive homes. It is your obligation as a licensed foster parent to notify OLR if there is a DCS Investigation in your home whether it deals with a child in care or your own biological or adopted children.

When allegations involve children in care, the assigned DCS Specialist takes the lead role in conducting the investigation jointly with the child's CS Specialist and licensing worker(s). For those allegations of abuse or neglect pertaining to non-court wards, the CS Investigator will solely conduct the investigation.

If the allegation(s) is found to be proposed substantiated (probable cause), appropriate measures will be taken to remedy the problem and ensure the safety of all children in the home. Once DCS investigation is complete OLR will review for any licensing rule violations.

LICENSING CONCERNS IN A FOSTER HOME OR FAMILY

AAC R6-5-5816 requires that all complaints about a foster home be reported to the Office of Licensing and Regulation (OLR) which tracks all concerns. Licensing complaints are investigated by your licensing agency. OLR may perform an additional investigation of the complaint. During the investigation the representative of your licensing agency will be "wearing a different hat". He or she needs to speak with all parties involved. After the investigation the Licensing Agency then sends a report to OLR within 60 days of the receipt of the investigation request from OLR. An investigation may result in several actions (see below).

LETTER OF CONCERN

One action is a letter from OLR sent to you, the licensee, and one to your licensing agency. A Letter of Concern may be issued when there is a licensing violation from which a foster child experienced no harm or when OLR believes conditions in a licensed foster home may lead to future licensing violations. Letters of Concern are retained in an OLR file. They create a historical record and can be used in the future for an adverse action, such as suspension or revocation, in conjunction with other evidence.

CORRECTIVE ACTION PLAN (CAP)

This action is a written plan which describes the steps a foster family must take within a specific period of time to remedy licensing violations. The corrective action plan (CAP) has two parts. The first part describes the presenting problem, the tasks needed to resolve the problem, the responsible parties, the completion dates and the consequences for non-compliance. The second part documents the outcome of the tasks completed and the date of the assessment of the completed corrective action. The goal of the corrective action plan is to give licensed foster parents clear information on the issue(s) and how to fix the issue(s). If a licensing complaint leads to a CAP, the CAP is not appealable by the licensed foster parent. Failure to complete a CAP may result in suspension or revocation of a foster home license.

KINSHIP FOSTER CARE WAIVERS OF LICENSING RULES

The Fostering Connections to Success 2008 federal law permits DCS to waive "non-safety" licensing rules on a case-by-case basis for relatives under certain conditions. This means that relatives do not always have to meet certain rules, such as bedroom/sleeping space and income requirements. Safety requirements about criminal and child abuse or neglect history, as well as legal residence of the caregiver and other adults living in the home, cannot be waived. Requirements related to a spouse who is not living the home cannot be waived. Most waivers are time limited with a time-frame to meet compliance with the rule.

Kinship waivers can only be granted to caregivers who are determined to be a relative or kin to the child's family. Waivers are granted only when there is no other means to comply with the rule. Kinship caregivers work with the licensing agency to provide the documentation to request a waiver from OLR. The licensing agency sends a Preliminary Consideration Waiver (LCR-1074A) to OLR.