



TITLE 48
CHAPTER 41
RESIDENTIAL LICENSING
CHILD PLACING AGENCY
LICENSING STANDARDS & REGULATIONS

Chapter 41. Child Placing Agencies with and without Adoption Services

Subchapter A. General Provisions

§4101. Introduction

A. Legal Authority

1. The Child Care Facility and Child Placing Agency Act, 286 of 1985 as amended (R.S. 46:1401-1424) is the legal authority under which the Louisiana Department of Social Services, Office of the Secretary prescribes minimum standards for the health, safety and well-being of children placed in foster care and adoption. The rules are in the Louisiana Administrative Code Title 48, Chapter 41.
2. The Office of the Secretary was established within the Louisiana Department of Social Services to carry out as one of its functions the licensing function of the department.
3. Public Law 96-272, the Adoption Assistance and Child Welfare Act of 1978 and Act 429 of 1981 Louisiana legislature made permanency planning for children in foster care a matter of federal and state law and public social policy. The Department and the Louisiana Advisory Committee on Licensing of Child Care Facilities and Child Placing Agencies, appointed by the governor, is incorporating into the Minimum Licensing Requirements for Child Placing Agencies the provisions of permanency planning for the protection of children entering foster care and adoption systems in Louisiana.
4. Public Law 103-382, the Multiethnic Placement Act of 1994, the U.S. Constitution and Title VI of the Civil Rights Act of 1964 provide that an agency or entity which receives federal financial assistance and is involved in adoption or foster care placements may not discriminate on the basis of the race, color or national origin of the adoptive or foster parent or the child involved.

B. Definition of Terms Used

Adoption—the method provided by law to establish the legal and social relationship of parent(s) and child between persons who are not so related by birth with the mutual rights and obligations that exist between children and their birth parent(s).

Adoptive Home—a family household of one or more persons which has been approved by a licensed child placing agency to accept a child for adoption.

Agreement—a written contract that details mutual expectations of the parties involved in making agreements for 24 hour care of children.

Case-Plan—the goal-oriented, time-limited individualized program of action for a child and his family developed by the agency in cooperation with the parent(s), family foster home, and/or adoptive parent(s).

Child—a person who has not reached age 18 or otherwise been legally emancipated. The word *child* and *children* are used interchangeably in the text.

Child Care Committee—the Louisiana Advisory Committee on Child Care Facilities and Child Placing Agencies.

Child-Placing Agency or Agency—any institution, society, agency, corporation, facility, person or persons, or group engaged in placing children in foster homes or with substitute parents for temporary care or for adoption, but shall not mean a person who may occasionally refer children for temporary care.

Court—the court which granted custody, the court in whose jurisdiction the child is domiciled or the court in which an adoption petition is filed, depending on the context in which it is used.

Custodian—the person designated by a court of competent jurisdiction legally responsible for a minor.

Department—the Department of Social Services.

Discipline—an educational process by which foster parent(s) assist children to develop the self control and self direction necessary to assume responsibilities, make daily living decisions, and learn to live in conformity to accepted levels of social behavior.

Engaged In—the acceptance of a child for placement in foster care or adoption or representation of the legal parent(s) in placement of a child in foster care or adoption.

Family Foster Home or Foster Home—a family household of one or more persons who provide continuing 24-hour substitute parenting for one to six clients living apart from their parent(s), guardian's, or relatives.

Foster Care—a social service that provides a planned period of substitute care in a family foster home for children when their families cannot or will not care for them.

Home Study—the joint assessment process entered into by the child placing agency and the family foster home or adoption home applicant for the purpose of determining the family's strengths and how they could best serve the children the child placing agency has available for placement.

Inspections—the on-site observation used to determine the licensee's continuing compliance to the licensing requirements.

Legal Custody—the relationship created by court order imposing on the custodian the responsibility of physical control of a child. Includes the duty to protect, train and discipline such child and to provide such child with food, shelter and education.

License—the document issued by the department in accordance with applicable provisions of the R.S. 46:1401-1424 after the effective date of these minimum requirements.

Multiethnic Placement Act or MEPA—is designed to: decrease the length of time that children wait to be adopted; prevent discrimination in the placement of children on the basis of race, color or national origin; and facilitate the identification and recruitment of foster and adoptive parents who can meet children's needs.

Office—the office of the secretary and the unit or section within the office of the secretary responsible for licensing child placing agencies.

Parent(s)—biological or legal parents prior to adoption.

Permanent Placement—a placement in a private family home for the specific purpose of effecting an adoption of the child by the prospective parents in that home or placement with a relative who expresses an intent to care for the child until majority.

Person—any individual, firm, partnership, joint stock company, business trust, voluntary association, society, corporation, or other form of business enterprises or incorporated or nonincorporated organization who receives children for placement into family foster homes or adoptive homes.

Placement—placement of a child in a foster or restrictive care facility.

Post-Adoption Services—interviewing, counseling and providing clinical and consultative services for the purpose of insuring permanence of the placement. Such services may be designed to treat problems which develop after the date of the adoption decree at any point in the life cycle of the adoptive family and/or adoptee.

Provisional License—the document issued by the department to an agency that does not yet meet the minimum requirements for a child placing agency but is attempting in good faith to meet the minimum requirements and has provided an acceptable plan of correction.

Related—individuals within the following degrees of relationship whether by blood, half-blood, adoption, or marriage: parent, spouse, sibling, grandparent, uncle, aunt, niece, nephew, son, daughter, grandchild, and first cousin. This includes persons of preceding generations denoted by prefixes of "great" and also includes persons whose relationships is denoted by prefixes of "step."

Restrictive Care Facility or Facility—a staffed residence where children are in care apart from their parents, relatives or custodians on a continuing full time basis. It includes but is not limited to residential homes, group homes, emergency shelters, hospitals, maternity homes, juvenile detention centers, and all such restrictive care facilities licensed by the department.

Shall or Must—refers to a requirement which must be met for licensing.

Should—refers to a recommended policy which is suggested but not required for licensing.

Special Needs Placement—refers to placement for adoption of any child who because of physical or mental condition, race, age, membership in a sibling group, or special needs is considered difficult to place for adoption.

Substitute Family Care (SFC) or Residential Family Care (RFC)—an arrangement wherein both children and/or adults with specific handicapping conditions are placed in the private homes of persons not related, as defined above, to the client. Exception with regard to relatedness may be made subject to the approval of the appropriate program office. SFC and RFC must comply with the requirement §§4101-4107, 4111-4113 (except for §4113.R), 4117-4123. However, if a child is involved in the placement the SFC or RFC must comply with §4109 also. *Child* is defined as anyone under the chronological age of 18 years.

Supervision—a process involving individual and/or group interviews to support the mutual adjustment of the child and family, to enable the agency to keep informed on the progress and well-being of the child in the foster or adoptive home and to help the family and child to obtain services that may be needed. Supervision begins on the date of placement or permanent placement and concludes on the date the child is returned to parent(s) except in court ordered supervision situations or on the date the adoption is finalized.

Therapeutic Family Foster Care or Alternate Family Care (AFC)—a family foster care program serving clients who need specialized treatment. The family foster home is comparable to a residential treatment program but in a family setting. Clients are placed in this program from restrictive care facilities or to prevent a restrictive care placement.

Therapeutic Family Foster Home—a treatment-based family foster home for youth who do not require hospitalization, institutionalization, or residential treatment, but need a structured, therapeutic and environment.

§4103. Licensing Procedures

A. Department/Office Responsibility

1. The office is directly responsible for the inspection and evaluation of all child placing agencies.
2. The department shall promulgate rules and regulations facilities and agencies to carry out the provisions of R.S. 46:1401-1424 in accordance with the provisions of the Administrative Procedures Act.
3. Prior to giving public notice of its intended action, the department shall submit the proposed rules and regulations to the Louisiana Advisory Committee on Licensing and Child Care Facilities and Child Placing Agencies for official review and approval.
4. The office shall prepare standard forms for application and inspection reports required of child placing agencies which shall be submitted to the Child Care Committee for their review.
5. The office shall complete a comprehensive review of all standards, rules, and regulations for Class "A" facilities and agencies every three years to submit to the Child Care Committee, subject to the approval of the House Committee on Health and Welfare and the Senate Committee on Health and Welfare.
6. The office shall release lists of licensed agencies periodically.

- B. Duties of the Louisiana Advisory Committee on Licensing of Child Care Facilities and Child Placing Agencies
1. R.S. 46:1410-1424(Act 286 of 1985) created within the department the Louisiana Advisory Committee on Licensing of Child Care Facilities and Child Placing Agencies.
 2. The Child Care Committee is composed of 20 members appointed by the governor to represent providers of child care services; providers of private-for-profit day care facilities, providers operating non-profit, tax exempt day care facilities; a provider of foster care placement and adoption services; providers of residential care; consumers of child care services; professionals who have demonstrated an interest in child care services and persons representing the educational community, a specialist in childhood education and child development. The licensing director shall be a non-voting member.
 3. Members of the committee representing offices and departments of state government shall serve four-year terms concurrent with that of the governor. Other members shall serve three year terms. Each member shall serve without compensation but shall be reimbursed for travel expenses incurred in attendance at meetings of the committee and other expenses incurred on business of the committee at its discretion.
 4. The Child Care Committee shall meet to develop new minimum requirement for licensure and review forms revisions developed by the office.
 5. The Child Care Committee shall advise and consult with the department on matters pertaining to the review and revision of rules, regulations, and standards developed by the department for Class "A" license.
 6. The Child Care Committee shall advise the department on actions taken to deny, revoke, or refuse to renew a license of Class "A" facilities and agencies.
- C. Facilities Requiring a License
1. Any institution, society, agency, corporation, facility, person or persons or any other group other than the parent(s) or guardian(s) of a child, engaged in placing a child or children in foster care and/or adoption in Louisiana or in placing a child or children from Louisiana into another state or foreign country is required to be licensed as follows or to work through a licensed agency in the state:
 - a. Any agency with an office and staff within the state is required to have a license in Louisiana.
 - b. Any out-of-state agency placing a child in Louisiana is required to have a license issued by the state in which the main office is located and have a Louisiana license or make placements in Louisiana in cooperation with an agency licensed in Louisiana.
 - c. A child placing agency which is operated in conjunction with other programs subject to licensing shall obtain a license for each of the programs.
- D. Exemptions
1. The parent(s) or legal custodian(s) are authorized to place a child directly into a foster or adoptive home without a license. The parent(s) or custodian shall not be represented in placing the child(ren) by other than a licensed child placing agency.
- E. Penalties
1. It shall be unlawful for any agency to accept a child for placement or to place a child in Louisiana without first obtaining a license from the department and/or the corresponding department of another state.
 2. Whenever the office is advised or has reason to believe that any person is operating a child placing agency without a license or provisional license, the office shall make an investigation to ascertain the facts.
 3. Any agency or individual having reason to believe a child placing agency is operating without a license should report that information to the office.
 4. Whoever operates an agency without a valid license shall be fined not less than \$75 nor more than \$250 for each day of such offense.
 5. If any agency operates without a valid license, the department may file suit in the district court in the parish in which the agency is located for injunctive relief, including a temporary restraining order, to restrain the agency from continuing the violation.
- F. Application
1. Application for a license shall be made by the child placing agency to the department on forms furnished by the department.
 2. Child placing agencies currently operating without a license shall make application for license within 180 days following the effective date of these minimum requirements.
 3. Applications for a child placing agency license shall be acted upon within 90 days of its submission. Denial of an application for license shall entitle applicant to review in accordance with provisions of R.S. 46:1401-1424.
 4. If the agency fails to provide adequate information for determination of compliance, the department shall deny the application.

5. An agency may re-apply for a license at any time after an application has been denied. Information provided from the previous application may be used to expedite a recommendation if the information is still current and applicable.

G. Records to be Submitted

1. The applicant shall make available to the office during the period of application (90 day review period) the following documents:
 - a. application for license signed by the designated agency representative;
 - b. copy of the articles of incorporation; a certificate to do business in Louisiana or occupancy permit; by-laws; and board or advisory committee roster (if applicable) including names and addresses of the officers;
 - c. a complete personnel list with verifications of qualifications and experiences;
 - d. verifications of the administrator's education, experience and character;
 - e. three letters of reference will be required from persons in the community to assist the department in evaluating the suitability of the administrator of the agency at the time of original application;
 - f. the reference shall include two references from persons with training and experience in the field of social work administration to indicate the qualifications and degree of experience of the administrator and one character reference from an unrelated person. Additional letters of reference may be required at the discretion of the office prior to the issuance of a license;
 - g. names and addresses of at least two persons who are authorized to receive legal process and service (registered agents with the Louisiana Secretary of State) on behalf of the child placing agency;
 - h. a proposed annual budget adequate to finance the program. The budget shall be prepared for the agency's fiscal year and shall clearly indicate all sources of income as well as anticipated expenditures;
 - o a written description of the placement program which includes:
 - o intake policies and procedures;
 - o types of services offered, the population to be served;
 - o the geographical area to be served; and
 - o the projected staffing pattern;
 - j. written personnel practices, job descriptions and qualifications for all positions;
 - k. a written statement of discipline, religious placement, and visitation policies, where applicable; and
 - l. a written statement of a health care plan for children in care.

H. Licensing Survey

1. An on-site survey of the agency will be made by the office through a review of the documents required, and visits to those agencies located, within the state to determine compliance with the licensing law and applicable rules.
2. Out-of-state agencies that do not maintain an office in Louisiana shall submit an application and applicable information by mail. Additional verification will be required of the licensing office of the state in which the child placement agency office is located. If the agency operated in additional states, information may also be requested from those states.
3. The office holds any information secured in the course of a survey as confidential.

I. License

1. Upon determination of compliance with the minimum requirements for a license as established by the department and compliance with all other state and local laws and regulations that apply, the department shall issue a Class "A" license for a child placing agency.

J. Provisional License

1. If the department finds that any agency does not meet the requirements established by the department for licensing, but is attempting in good faith to meet such requirements and has submitted an acceptable plan of correction, the department may issue a provisional license or may issue an extension of an existing license, if disapproval has not been received from any other state or agency authorized by any other laws or regulations to inspect such agencies.
2. Where an agency does not meet these requirements and has not submitted an acceptable plan of correction, a provisional license may be issued or an existing license extended one time for a maximum period of 90 days (to give time to obtain the "advice and consultation" by mail from the Child Care Committee) after which the license shall be revoked.
3. New agencies established in Louisiana after the effective date of these requirements may be issued a provisional license for 90 day extensions up to a year provided it has been established that the agency is continuing to make efforts to meet all the requirements within that period.

K. Waiver of Compliance

1. The secretary of the department; in specific instances, may waive compliance with a minimum requirement upon determination that the economic impact is sufficiently great to make compliance impractical, as long as the health, safety and well-being of the staff and/or children is not imperiled.
2. The secretary of the department or his designee may upon written request of any individual or agency waive or modify a provision of these regulations, which is not mandated by Louisiana statute. The individual or agency shall provide clear and convincing evidence, including at the request of the secretary or his designee, expert opinion which satisfies the Secretary or his designee that the applicant's or licensee's alternative method will comply with the intent of the regulation of which waiver or modification is sought.
3. Application for a waiver shall be made on forms provided by the department and must include:
 - a. a statement of the provision for which a waiver is requested;
 - b. an explanation of the reasons why the provisions cannot be met and why a waiver is being requested; and
 - c. a description of the alternative method proposed for meeting the intent of the provision sought to be waived.
4. All requests for waiver will be answered in writing and a record of them will be maintained.
5. A waiver shall be granted for a specific period of time not to exceed the period of the license. If the waiver continues to be necessary, a new application for waiver must be made.

L. Licensing Renewal

1. A new application form shall be completed prior to all license renewals.
2. An application for licensing renewal shall be completed and forwarded to the office at least 60 days prior to the expiration of the current license. In addition to the completed application, the following shall be made available:
 - a. a complete personnel list with verifications of qualifications and experience of new personnel and verification of any changes in current personnel qualifications;
 - b. a roster of the board of directors (if applicable), including names and addresses of the officers or of the Advisory Committee members as applicable;
 - c. substantiation of financial soundness; copies of the annual audit by CPA since the last license was issued; and
 - d. the current fiscal year's budget indicating sources of income and anticipated expenditures; and
 - e. copies of required materials revised since the subsequent licensing survey.
3. Upon determination that the agency is in compliance with the minimum requirements for a license and with all other state and local laws and regulations, the department shall issue a license for a term not to exceed one year.

M. Period Covered

1. A child placing agency license shall be issued for a term of one year and shall be renewable for like terms by the agency, provided the agency continues to meet all requirements of licensing.

N. Inspections

1. The office shall inspect the agency at regular intervals not to exceed one year, or as deemed necessary, and without previous notice, to monitor for continued compliance for minimum requirements for licensing.
2. The office shall also develop and facilitate coordination with and among other authorized agencies making inspections at regular intervals.
3. The agency shall be open to inspection by authorized personnel only during work hours.

O. Transfer of License

1. A license shall be issued only to the agency for which application is made and for the location(s) shown on the application and shall not be transferable from one person to another or one location to another. The license shall include all branch offices for which application is made. If the location or agency ownership is changed, the license shall be automatically revoked.

P. Display of License

1. The license shall be displayed in a prominent place at the agency except that an agency operated by a church or religious organization may be exempt from such requirement provided the license is available upon request.

Q. License Fee

1. There shall be an annual fee of \$50 for a license or renewed license, payable to the department 30 days prior to the date of issuance by certified check or money order. Non-payment of fee by due date shall result in revocation of licensing.

R. Revocation or Refusal to Renew

1. The office may refuse to issue either a license or a provisional license to an applicant, or may suspend or revoke the license or provisional license of a licensee who:
 - a. fails consistently to comply with the minimum requirements for child placing agencies or any applicable published rule or regulation relating to child placing agencies;
 - b. violates any of the provisions of its license;
 - c. violates state laws or rules relating to the protection of children;
 - d. furnishes or makes any misleading or false statements or reports to the division;
 - e. refuses to submit to the office any reports or refuses to make available to the office any records required by the office in making an investigation;
 - f. fails or refuses to admit authorized representatives of the office at any reasonable time during office hours for the purpose of investigation;
 - g. fails or refuses to submit to an investigation by the office;
 - h. fails to provide, maintain, equip and keep or assure safe and sanitary conditions or the premises established or used for the care of children being served by agencies, as required by law, rule, or ordinance applicable to the location of the family foster home or adoptive home;
 - i. fails to provide financial resources adequate for the satisfactory care of and services to children being served and the upkeep of the premises.
2. If a license is denied, revoked or withdrawn, the action shall be effective when made.
3. The department shall take such action with the advice and consent of the Child Placing Advisory Committee.

S. Notice

1. If a license is denied, revoked or withdrawn, the department shall notify the applicant or licensee of such action in writing immediately and of the reason for the denial, revocation or withdrawal of the license.

T. Appeal Procedure

1. Upon refusal of the department to grant a license or upon the written revocation of a license, the agency shall have a right to appeal such action by submitting a written request with reasons to DSS Appeals Bureau, P.O. Box 2944, Baton Rouge, Louisiana 70821 within 30 days after receipt of the notification.
2. The appeal hearing shall be held no later than 30 days after the request, except as provided in the Administrative Procedures Act.
3. The hearing shall be conducted in accordance with applicable regulations of the department and the provisions of R.S.46:107. This provision shall in no way preclude the right of a party to seek relief through mandamus suit against the department as provided by law.

U. Complaints

1. The department, through its duly authorized agents, shall investigate all complaints, including complaints alleging child abuse, against any child placing agency or foster and adoptive home certified by the agency.
2. The department shall receive, record and dispose of complaints in accordance with Louisiana laws, rules and regulations.
3. The office shall receive notice of any suspected incidents of child abuse or neglect involving agency employees from Child Protection Services or Law Enforcement Authorities investigating the complaint and a follow-up written report on the disposition within 30 days of completion of the investigation.
4. The department shall advise the Department of Social Services to remove any child or children from any agency which places the health and well-being of the child(ren) in imminent danger; provided that a contradictory hearing shall be held within seven days thereafter by the district court to determine whether the action was justified and whether and how long it shall continue.
5. Agency failure or negligence in reporting or handling child abuse or neglect allegations against employees, foster or adoptive parent(s) in accordance with state laws shall result in revocation of the agency license.
6. The office shall record and file any report from Child Protection Services or law enforcement authority in the licensing record of the agency involved. The office shall also keep a central file of all such complaints accessible to the secretary of the department at all times.
7. The office shall submit an annual report of the disposition of all complaints against agencies, family foster homes and adoptive homes to the secretary of the department within 30 days of the close of each fiscal year.
8. The office shall investigate complaints other than complaints of child abuse or neglect directly with the agency within 30 days of the complaint. Complaint procedures will follow office guidelines.

V. Voluntary Closure

1. When a license voluntarily closes its agency, the licensee shall notify the department in writing at least 30 days before the closure date.

2. The agency shall make adequate preparation and arrangements for the care, custody and control of any children in the custody and/or care of the agency.
3. The agency shall make arrangements for the preservation of records.

§4105. Administration and Organization

A. Statement of Purpose

1. The agency shall have a written statement of its child placing philosophy, purpose and program. The statement shall contain a description of all the services the agency provides to include:
 - a. the extent, limitation, and scope of the services for which a license is sought;
 - b. the geographical area to be served; and
 - c. the ages and types of children to be accepted for placement.
2. The statement shall be one that has been adopted by the governing body. When the agency is operated under a charter or articles of incorporation, all of its functions shall be stated therein.
3. When an agency adds a new function to its program, its governing body shall adopt a supplementary statement of such function.

B. Location and Equipment

1. The agency shall provide suitable space for the following purposes:
 - a. office and reception areas which provide comfort, safety, privacy, and convenience for clients and staff;
 - b. areas for confidential interviewing with parent(s) and children and visitation between parent(s) and children if applicable to the program;
 - c. storage areas for personnel and client records which provide controlled access, retrieval, confidentiality.
2. The agency shall maintain suitable equipment in good working condition for the operation of the office and the functioning of the staff.
3. The agency shall provide furnishings which are clean and safe.
4. The agency shall assist clients and foster families in arranging transportation necessary for implementing the child's service plan.
5. The agency shall have means of transporting children which are equipped with safety seats for infants and toddlers and seat belts in accordance with the laws and standards.
6. The agency and staff shall maintain and operate vehicles used for transporting children in safe condition, in conformity with appropriate motor vehicle laws and standards.
7. The agency shall carry liability insurance or determine that it is carried on all offices and vehicles used for providing services and transporting children.

C. Policies

1. The agency shall have a clearly defined intake policy in keeping with its stated purpose and it should be clear from the practices of the agency that it is carrying out these purposes.
 - a. Agency intake policy shall prohibit discrimination on the basis of race, color, creed, sex, national origin, handicapping condition, or ancestry.
 - b. An agency shall have a written description of admission policies and criteria which expresses the needs, problems, situations or patterns best addressed by its program. These policies shall be available to the legally responsible person for any child referred for placement.
2. The agency shall have operational and program policy and procedure manuals that are current and clearly stated in writing to insure the practices of the agency are in keeping with its stated purpose and with minimum requirements for child placement.
3. The agency policy shall cover such areas as:
 - a. personnel;
 - b. admission;
 - c. social services related to child placement;
 - d. financial arrangements;
 - e. medical care;
 - f. personal care and supervision for children;
 - g. discipline
 - h. resource development and utilization;
 - i. social services related to post-placement;
 - j. child abuse and neglect;
 - k. confidentiality;
 - l. case records;
 - m. complaints;

- n. grievances.
 - 4. The agency shall have and follow policy and procedures for handling any suspected incidents of child abuse or neglect involving staff, foster facilities or adoptive facilities. The procedure shall include:
 - a. a provision for immediately reporting any suspected incident to the executive director and the appropriate child protection investigation unit within the department;
 - b. a provision for recording any suspected incident in the child's case record and a plan to prevent a recurrence pending completion of the investigation by the department and agency;
 - c. a provision for insuring agency cooperation with the department during the investigation through interviews and release of information pertinent to the investigation with consultation from the agency attorney;
 - d. a provision for evaluating the continued utilization of any staff member, foster or adoptive home determined to be involved in an incident of child abuse or neglect;
 - e. these policies shall be available to the legally responsible person for any child referred for placement.
- D. Governance and Legal Responsibility
- 1. The agency shall have a governing body which exercises authority over and has responsibility for the operation, policy and practices of the agency.
 - 2. The governing body shall be:
 - a. a board of local citizens elected or appointed for that purpose;
 - b. a public authority;
 - c. a religious, fraternal or veteran's organization;
 - d. individual or corporate owner(s).
 - 3. A governmental agency should have documents which identify the statutory basis for its existence and the administrative framework of the governmental departments within which it operates. The documents should include a description of the relationship of the agency to the court in the placement of children.
 - 4. A non-governmental agency shall have on file clear documentation of the person or persons having ownership and legal responsibility for the operation of the agency. The agency shall be legally authorized to conduct business transactions in Louisiana or incorporated in accordance with applicable laws of Louisiana.
 - 5. If the agency operates independently of a responsible organization or board, the owner or administrator shall comply with §4107.B and shall be designated to maintain compliance with licensing requirements for the agency.
 - 6. An agency operated independently of a board or under governmental auspices shall have one or more advisory committee(s), for their child placing program(s), made up of persons selected for two year staggered terms who are interested in child care and child placement. The selection and appointment of the advisory committee for a governmental agency shall be made by the governor or city official as appropriate to the agency. The appointment of the advisory committee for an independently owned agency shall be made by the owner(s).
 - 7. The duties, responsibilities and authority of each committee working directly with the agency's program shall be clearly defined.
 - 8. An agency shall maintain a list of members of the governing board or advisory committee. This list shall indicate the name, and term of membership of each member and shall identify each officer and term of that office.
- E. Responsibilities of the Governing Body
- 1. The governing body shall assure the employment of a qualified administrator and delegate responsibility to that person for the administration and operation of the agency.
 - 2. The governing body shall approve the annual budget of anticipated income and expenditures necessary to provide the services described in its statement of purpose. The governing body shall also approve the annual financial audit report.
 - 3. The governing body shall meet as often as necessary with a minimum of four meetings a year to monitor the operations and service programs of the agency.
 - 4. The governing body shall maintain records of attendance and minutes of its meetings, policy and administrative decisions made by the governing body. These records shall be made available to the division.
 - 5. The governing body shall establish and utilize policies and procedures for periodic evaluation of the agency services. This evaluation shall include the agency's interactions with other community agencies and organizations to serve its clients.
 - 6. The governing body shall establish personnel practices for selection and retention of staff which are sufficient to operate the agency in accordance with its purposes.
 - 7. The governing body shall develop policies for selection criteria and rotation of its membership.
 - 8. The governing body in the event of the closing of the agency shall develop and implement a plan for the retention, long term storage and controlled access of child and family records.

F. Responsibilities of the Advisory Committee

1. The advisory committee shall be kept informed of the operational policies and practices of the agency.
2. The advisory committee shall provide advice to the governing body on matters affecting the health, well-being, care and services to children and families.
3. The advisory committee shall periodically review aspects of the operation of the agency.
4. The advisory committee shall meet as often as necessary but not less than quarterly.
5. The advisory committee shall maintain records of attendance and minutes of its meetings. These records and minutes shall be available for inspection by the office.

G. Organizational Table

1. The agency shall maintain a current organizational table, showing the administrative structure and lines of authority within the agency.

H. Finances

1. The agency shall document that it has adequate funds to operate the program in accordance with the requirements for licensing.
2. The agency shall prepare a written budget of projected income and expenditures annually. This may be either a fiscal or calendar year budget.
3. The agency shall have its accounts audited annually by an independent certified public accountant or by a public authority.
4. The agency shall have a written policy on fees for services, if applicable. The agency policy shall describe the relationship between fees and services provided and the conditions under which fees are charged and/or waived.
5. The agency shall make the fee policy available to the applicant(s) and the general public.
6. When facility foster homes are used, the agency shall have a written payment schedule and statement on payment procedures, if any, for maintenance cost and reimbursements to foster parents. The schedule shall reflect the levels of the cost of care for children of differing ages and needs and/or the cost of foster care to maternity clients who are minors.
7. When the agency solicits funds on an ongoing basis, this responsibility shall be borne by the governing body or a special officer for this purpose.

I. Reports

1. The agency shall provide written notification within 30 days to the office of changes in administration and professional personnel, program direction and admission criteria. A statement to the qualifications of the new employee shall be sent to the office.
2. The agency shall immediately notify the office and the child's parent(s) or guardian(s) in the event of the death of a child in care.
3. The agency shall report any suspected incidents of child abuse or neglect involving staff, foster, or adoptive parents or parents to the appropriate investigative authorities within the department immediately.
4. The agency shall file an annual report with the office each August 1, on forms provided by the department, giving statistical data on child placement activities for the previous period, July 1-June 30.

J. Ethical Practices

1. The agency shall respect the confidence of the client, foster and adoptive families and of other agencies.
 - a. This prohibits divulging information or reports on parent(s) and children in care or to other than agency staff engaged in the administration of the program, to foster or adoptive parents of the child, the court or the department investigating complaints of child abuse or neglect, without the express written consent of the parent(s), adoptive parent(s) of a minor child or adult adoptee formerly a child in care as applicable and in accordance with agency policy for the service provided.
 - b. This prohibits divulging information and reports on family foster parents and adoptive parents to anyone other than agency staff engaged in the administration of the agency, the court or the department investigating a report of child abuse or neglect without the express written consent of the foster or adoptive parent(s).
 - c. This prohibits the agency from releasing reports from other agencies or professionals to anyone other than agency staff engaged in the administration of the agency or the courts.
2. The agency shall be honest in all of its dealing with clients, with foster and adoptive families, with other agencies and organizations and with the public, including the keeping of agreements made with each to perform specific tasks.
3. The agency shall fulfill any responsibility accepted by the agency from courts of law.
4. The agency shall use funds for the stated purpose of the agency.
5. The agency shall adhere to the keeping of contracts and prompt payment of bills.

6. The agency's license shall be revoked for substantiated reports of unethical practices or violation of any law or rule that has the effect of law.
7. The rights of children, biological parents, legal guardians, foster parents and adoptive families shall be respected and protected through responsible agency administration.
8. The agency shall not authorize any activities unrelated to the service plan of the child without the written consent of the parent(s) and/or the child, if over 12 years of age. Activities shall include the following examples:
 - a. research or experimentation which involves the child;
 - b. fund-raising;
 - c. publicity, including photographs and participation in the mass media recruitment for foster parents.
9. The agency may utilize media recruitment to locate a permanent placement for a special needs child available for adoption after reasonable efforts have been made to locate an adoptive family through the Louisiana Adoption Resource Exchange.
10. The agency shall not place a child in a position of having to acknowledge his destitution, neglect or abuse by parent(s) or make public statements of his gratitude. Reports or pictures in the press identifying individual children, or from which children may be identified, shall not be permitted for the purpose of enlisting interest in the agency or support of it.
11. The agency shall not allow the governing body to make placement decisions or otherwise coerce staff in the handling of particular placement decisions.

§4107. Personnel

A. Policies and Practices

1. The agency shall employ sufficient staff and/or contract with persons qualified to perform the fiscal, clerical, maintenance, social service, supervisory and administrative functions of the agency. This does not preclude the use of social work students in internship positions or the use of aides or volunteers for certain designated task.
2. The agency shall have written policies regarding personnel practices conducive to recruitment, retention and effective performance of qualified personnel. These policies shall include:
 - a. written job descriptions and titles for each position defining the qualifications, duties, and authority;
 - b. salary scales and provision (if any) for salary increases;
 - c. description of applicable employee benefits, i.e., paid annual leave, sick leave, holidays, and any other special leave, insurance benefits and retirement benefits;
 - d. procedures for annual evaluation of the work and performance of each staff member which includes provision for employee participation in the evaluation process;
 - e. description of the termination procedures established for resignation, retirement, or discharge;
 - f. grievance procedures for employee;
 - g. plan for review of the personnel interview and obtain pertinent references before employing staff.
3. The agency shall arrange for a personal interview and obtain pertinent references before employing staff.
4. The agency shall employ and retain only such staff who are qualified for the duties assigned by virtue of ability, health, age, emotional stability, education and experience.
5. The agency shall determine that all placement staff have the following qualifications to carry out his or her duties:
 - a. sufficiently good physical, mental and emotional health;
 - b. competence in working with children and families;
 - c. good moral character;
 - d. this determination shall be done by requesting medical report(s), criminal record check, and references which are current and specific to the position.
6. The agency shall have a personnel file for each employee, which includes, but is not limited to the following:
 - a. the application for employment including record of previous employment;
 - b. reference letters from former employers and personal references and/or telephone notes on such references prior to employment;
 - c. criminal records clearance and disposition;
 - d. applicable professional credentials/qualifications;
 - e. annual performance evaluation;
 - f. any medical reports received on the employee;
 - g. training record and conferences attended;
 - h. personnel and employment reports;
 - i. employee's starting and termination dates and reason for termination.
7. The agency shall have written procedures which safeguard the confidentiality of personnel records.

8. The agency should make provisions which will encourage professional growth through orientation, supervision, in service training and staff development and conference leave.
9. The agency shall not hire an applicant or utilize a volunteer for a position of supervision or authority over children who has been convicted of a felony unless approved in writing by a district judge of the parish and the local district attorney.
10. The agency shall not direct, authorize or permit any person to perform job functions or responsibilities for which they are not qualified as set forth in these minimum requirements.
11. If an agency uses consultant services, each consultant shall meet the standards of his/her profession, including professional licensing if required.
12. If an agency contracts with private providers for social services in lieu of or in addition to hiring permanent employees, the private provider shall be another licensed child placing agency or an individual who meets the requirements of the position and is a licensed Board Certified Social Worker with a minimum of two years previous experience in child placement as documented by a licensed child placing agency.
13. The agency shall maintain for a period of at least five years the personnel record of an employee who leaves the agency.

B. Job Functions and Staff Qualifications

1. Administrator

- a. There shall be one administrator for each child placing agency who shall be responsible for the general management and administration of the agency and responsible for the direction of all personnel employed by the agency, in accordance with licensing requirements and the policies of the governing body.
- b. Administrators hired after the effective date of these requirements should be qualified by:
 - o a baccalaureate degree in the field of social work, psychology, administration, or a related field, from a college or university accredited by one of the six regional accrediting associations of the United States;
 - o a minimum of 24 months successful full-time, paid employment in family and children's services, a responsible social work administrative and/or supervisory position;
 - o graduate training in administrative, education, psychology or social work at an accredited graduate school may be substituted for the experience requirements above on the basis of one academic year for six months experience. Graduate training may substitute for no more than 12 months experience.
- c. An administrator who directly supervises child placement activities shall meet the qualifications of a supervisor of placement services.
- d. A staff person shall be delegated administrative authority in the short-term absence of the administrator for illness, vacation, jury or military duty, professional seminars and meeting or during short term vacancies of the position. The administrator, or his designee, shall be available at all time.
- e. In an agency where the administrator operates primarily in an administrative capacity and is not directly involved in child placement activities, a person shall be employed as supervisor of placement services.

2. Supervisor of Placement Services

- a. The supervisor of placement services shall be responsible for supervising, evaluating and monitoring the work of social service staff and is responsible for placement decisions. (A Board Certified Social Worker is preferred but not required.)
- b. A supervisor of placement services hired after the effective date of these requirements shall be qualified by:
 - o a master's degree from an accredited school of social work
 - o two years experience in child placement
- c. In all instances, child placement staff shall include a person meeting the qualifications of a supervisor of placement services.
- d. A staff person shall be delegated supervisory authority and responsibility in the short-term absence of the supervisor of placement services for illness, vacation, jury or military duty, professional seminars and meetings or in short-term periods when the position is vacant.
- e. A person serving as acting supervisor shall meet the qualifications of supervisor of placement services. If there is no one on staff who meets the qualification, the agency may meet the minimum requirements for licensing by entering into an agreement with another child placing agency for supervision or by entering into a contractual agreement with a private practitioner who meets the qualifications and is a Board Certified Social Worker.

3. Child Placement Worker

- a. The child placement workers shall be responsible for performing intake and placement services, providing casework or group work services for children and their families, doing home finding and assessment studies related to family foster homes and adoptive homes, planning and coordinating their services and resources affecting children and their families.

- b. Child placement workers hired after the effective date of these requirements shall have a minimum of a bachelor's degree in social work or any bachelor's degree plus three years of social service experience.
 - c. A child placement worker located in a branch office apart from the supervisor of placement services shall have a master's degree from an accredited school of social work.
 - d. In agencies where the social services staff is comprised of one placement worker, this person shall meet the qualifications of the supervisor of placement services.
4. Child Placement Aide
- a. If a child placement aide is employed, he/she shall be directly responsible to a placement worker or supervisor. An aide shall not have responsibility for case planning or placement.
- C. Staffing Requirements
1. Supervisors of placement services shall be responsible for not more than six full time child placement workers and/or aides and volunteers.
 2. Child placement worker case loads shall be limited to allow for all required contracts with the parent(s), children, foster families and adoptive families and collateral parties. The agency shall maintain a maximum average case load size of 25 active placement cases
- D. Staff Development
1. The agency shall have a plan for the orientation, ongoing training and development of all staff members.
 2. Immediately before or within 60 days of beginning employment, an agency staff member shall be oriented to the agency's philosophy, programs, policies, practices and the duties and expectations of his position and to whom he is directly responsible, and the conditions of employment, including salary, hours of work, sick leave, retirement benefits, vacation, the notice expected to give or receive in case of resignation or release.
 3. An agency should have a plan for placement supervisors and child placement workers to receive at least 32 hours of training activities during each full year of employment in subjects related to child placement such as:
 - a. administrative policies procedures and overall program goals;
 - b. normal childhood growth and development and identity formation;
 - c. understanding children's emotional needs and problems that effect and inhibit their growth;
 - d. attachment and separation theory and the impact of childhood separation experiences;
 - e. family relationships and family assessment;
 - f. child placement practices to reduce the impact of separation;
 - g. recognition, prevention, reporting and treatment of substance abuse, child abuse and neglect and sexual abuse;
 - h. community resources for client population;
 - i. principals and practices of supervision;
 - j. supervision and use of volunteers serving the agency;
 - k. stress management.
- E. Student Field Placement/Internships
1. An agency which accepts students for field placements shall develop a written plan describing their tasks and functions. Copies of the plan shall be provided to each student and his/her school.
 2. The agency shall designate a staff member to directly supervise and evaluate the student(s) or serve as a liaison to the school internship instructor placed in the agency.
 3. The agency shall develop a plan for orientation and training of students in the philosophy of the agency, needs of the children in care and the needs of the parents and families served by the agency.
 4. The agency shall allow students to participate in developing and carrying out the case plans for children and families they are working with directly.
 5. Students shall not be allowed to assume the total responsibilities of any paid staff member.
- F. Volunteers
1. An agency which accepts volunteers shall develop a written plan describing their tasks and functions. Copies of the plan shall be provided to each volunteer.
 2. A criminal records clearance and disposition plus three reference letters from former employers and/or personal references and/or telephone notes on such references is required before volunteers can assume job duties in direct contact with children.
 3. The agency shall designate a staff member to directly supervise and/or coordinate the work of volunteers.
 4. The agency shall develop a plan for orientation and training of volunteers to the philosophy, purpose, resources and functions of the agency clients, children in care and families served by the agency before representing the agency in any capacity.
 5. Volunteers shall not be expected or allowed to assume all responsibilities of any social service staff position.

§4109. Social Services Related to Child Placement

(This §4109 does not apply to Substitute Family Care or Residential Family Care if the client is chronologically 18 years of age or older.)

A. Intake Procedures and Practices

1. At the time of referral or application, the agency shall assess the needs and strengths of the child's parent(s) and family. The agency shall attempt to get a copy of any previous assessments completed by a referring agency or any previous provider of services to the family.
2. In the case of emergency placement, intake information shall be obtained by the agency within 30 days.
3. The agency shall keep a record of all requests for services, placements, and reasons for acceptance or denial of services.
4. The agency shall provide referral assistance to persons requesting assistance not provided by the agency.
5. The agency shall structure its program to maximize coordination of its own services with those of other agencies.
6. Services to parents wishing to consider alternative plans for their child shall not be made conditional upon their surrender and release of the child for adoption.
7. Services to minors shall be provided with the consent of their parent(s) or custodian(s) as applicable.

B. Intake Study

1. Except in emergency or court ordered placements, the agency shall hold sufficient interview with the parent(s) to be able to evaluate whether placement is in the best interest of all concerned before accepting a child for placement and whether services can be provided to reduce the necessity of placement. The interviews shall be focused on the present situation, the parent(s) attitude toward this situation and their capacity to make and abide by a responsible case plan.
2. The agency shall complete a written intake study report of each family served by the agency, preferably prior to placement of a child.
3. The intake study shall include, but not be limited to the following:
 - a. the identification of the specific needs of the child and/or family which warrant consideration in placement of the child;
 - b. an assessment of the family's strengths, relationships, and the family's general social, economic and cultural circumstances pertinent to placement;
 - c. an assessment of the child's physical, developmental and education history; personality; behavior; interests and peer relationships and relationship with significant others as applicable;
 - d. available social, educational (also occupational) and medical history on all family members;
 - e. the interest and involvement of the child's parent(s), relatives and/or significant others in his/her care, including names and addresses;
 - f. the child's legal status;
 - g. any history of previous placements outside the home;
 - h. an assessment of the child's individual and/or family needs that need to be addressed;
 - i. available resources for services or referral;
 - j. immediate and long-range goals of placement as stated by the parent(s) and family or custodian or court;
 - k. name and address of the parent(s), guardian and/or custodian who will have responsibility for the relationship with the program and the child;
 - l. financial assessment of the availability of parental contributions or the child's eligibility for financial assistance, i.e., SSI, Title IV-E or IV-B, survivor's benefits, Indian tribe or Title AA.

C. Case Plan

1. The agency shall develop a written case plan for each child upon completion of the intake study and prior to placement of the child(ren). In cases of emergency or court ordered placements, the assessment and case plan shall be initiated within one week and completed within six weeks of placement. The plan shall include, but not be limited to, the following:
 - a. documentation of whether available social services to preserve and strengthen the family unit have been provided to the family and child;
 - b. documentation that alternatives to placement and their consequences have been explored with the parent(s) and family or custodian(s);
 - c. reasons for the type of care and how it meets the child and family's needs;
 - d. projected duration of care;
 - e. replacement activities with child and parent(s), guardian(s), and/or custodian;
 - f. specific initial case goals for the child and parent(s), guardian, and/or custodian;
 - g. specific steps to accomplish goals by each party involved;
 - h. specific time schedule for goals;

- i. designation of responsibility for carrying out steps with child, parent(s), foster parent(s), adoptive parent(s), agency, and/or court and custodian (when involved), including frequency of contacts;
 - j. visiting plans between the child, parent(s) and siblings as applicable;
 - k. date scheduled for review of progress on step of progress on steps and goals in case plan to achieve permanency for the child.
2. The child in placement is the primary client in development of the case plan. Goals set by/for the parent(s), foster parent(s) and agency shall be in the best interest of the child and focused on permanency planning.
 3. The agency shall include the parent(s), guardian(s), custodian and significant others in development of the case plan. If the child is already in foster care, the foster parent(s) shall be included.
 4. When a child is referred by another child placing agency for placement, the agency, with legal responsibility for the child shall maintain a case plan. Both placement agencies shall be involved in development and/or revision of the case plan and shall assist in implementation as appropriate.

D. Pre-placement Interview

1. In addition to the intake study, except in emergency or court ordered placements, at least one pre-placement interview shall take place including the child (if applicable), the parent(s), guardian(s), and/or custodian, a representative from the referring agency if applicable, and foster parent(s) (if appropriate to the case plan). In emergency or court ordered placements, the interviews shall be held within 10 working days of placement in conjunction with the development of the case plan.
2. The following areas shall be discussed and considered by parties participating in the interview:
 - a. legal custody;
 - b. continuing role and responsibility of the parties involved;
 - c. any financial payments or contributions to be made on behalf of the child;
 - d. confidentiality;
 - e. visitation;
 - f. effect placement and separation may have on the child and/or parent(s) and family, and long and short range goals of placement;
 - g. agency child care and placement policies, description of the program and any laws relevant to the goals of placement;
 - h. any other concern of the parties involved;
 - i. conditions under which the agency can accept or release the child.

E. Selection of Home

1. The agency shall select the most appropriate form of care available for the child consistent with the child's and family's needs. In choosing such substitute care, the agency shall provide for any specialized services the child may need and make every effort to select the least restrictive and most appropriate placement setting.
2. The agency shall document any need to place a child in a family foster home that is outside a 100 mile radius of the agency unit responsible for the case plan for the child and parent.
3. In selecting an appropriate home, the agency shall consider the child's personality, ties with his own family, health, educational needs and other pertinent factors.
4. The agency, when selecting a family foster or adoptive family may assess a child's racial, cultural, ethnic and religious heritage and preserve them to the extent possible without jeopardizing the child's right to care and a permanent placement. Agencies which receive federal assistance, however, may use race, culture, or ethnicity as factors in making placement decisions only insofar as the Constitution, MEPA, and Title VI permit. Placement of Indian children shall be made in accordance with the Indian Child Welfare Act.
5. The agency shall select a foster placement that has the willingness and capacity to assist in the achievement of the steps and goals of the child's case plan and shall involve the parent(s) in the selection to the maximum extent possible and in accordance with agency policy.
6. The agency shall place a child only in a certified home or discharge the child to the parent(s), guardian(s) or custodian.
7. Agency family foster homes for children must also meet the licensing requirements for Family Foster Home Care (§4113).
8. Agency family foster homes for maternity clients under age 18 must also meet the requirements of §4113.
9. Adoptive homes for children must meet the licensing requirements for an Adoptive Home (§4115).
10. Adoption agencies who only accept and place infants within 30 days of birth must also meet the licensing requirements for Family Foster Care Services (§4113) as well as the licensing requirements for Adoption Services (§4115).
11. The agency shall select the most appropriate home for a child consistent with the family assessment, the child's needs and the terms of certification.
12. The social service staff, in accordance with the case plan, shall be responsible for selecting the foster and adoptive home for the specific child. There shall be a pre-placement conference of all workers who are

carrying responsibility for the child or home. The supervisor over the case worker, in all instances, carries the overall responsibility for the selection of the home and shall give approval prior to placement.

13. The agency shall not place a child in a home certified by and/or in use by another agency without permission of that agency.
14. The agency shall place siblings together unless contrary to the best interest of one or more of the children, based on an assessment of each child.

F. Placement Authority and Agreements

1. A child shall be accepted for placement only from one of the following; parent(s), other legal custodian or a court of competent jurisdiction. An exception may be made only in the case of an emergency in which the parent(s) or custodian(s) cannot be located. If they cannot be located or are unable to participate in the planning for the child or if it seems unwise from a casework standpoint to attempt to locate the, the agency shall notify the court immediately and seek authority to care for the child.
2. A child shall not be accepted from one custodian alone where there is joint custody and the other custodian is available. Every effort shall be made to obtain authorization from the absent parent or custodian.
3. The agency, prior to accepting the child for placement, shall secure written authority from the parent(s), or custodian, or written or verbal court authority to place the child. In voluntary placements, the agency shall have a signed agreement with the parent(s) or custodian of the child, which includes but is not limited to, the expectations and responsibilities of the agency and the parent(s) or custodian for carrying out the steps to meet the case plan goals, the financial arrangements for the child in care, and visiting plans.
4. The agency prior to accepting a child for placement shall secure from the parent(s), custodian or court written authority to provide medical care as needed. If the parent(s) refuse to give consent for medically needed care, the agency can seek a court order authorizing such care.
5. The agency prior to accepting a child for placement from a court or referring agency with custody of the child shall see that the parent(s) are given an explanation of the legal rights and obligations they retain and those conferred to the custodian and/or placement agency by the court. The responsible agency shall provide this information in writing, in clear, simple English or in the parents own language, including Braille or sign, if English is not understood.
6. Any agreement between the agency and the parent(s) for permanent placement of a child in a specific religious denomination shall be in writing prior to the placement.
7. Any agreement between the agency and the parent(s) concerning visitation or future contacts shall be in writing.

G. Pre-Placement/Placement Preparation and Services

1. The agency shall establish policies and practices on placement. preparation of children to promote healthy physical, emotional and intellectual growth and development. Agencies with a high incidence of emergency placements and/or replacements shall evaluate their service delivery" system for children and develop a corrective action plan.
 - a. High incidence of emergency placements and/or replacements means more than three emergency placements per year per child .or two planned placements and/or permanent placements per year per child.
2. The agency placement worker for the child shall become acquainted with the child, parent(s), and foster parent(s) or adoptive parent(s) prior to placement, except when the child is placed on an emergency basis.
3. The agency placement worker shall use methods appropriate to the child's age to help the child understand the reasons for placement and prepare him/her for the new environment. The placement worker shall plan and participate in at least one pre-placement visit (except when placing under emergency conditions) and shall be available to the child, the parent(s), the foster parent(s) or adoptive parent(s) for supportive services during the placement process.
4. The agency shall arrange for physical examination to include eye, ear and speech screening performed by a licensed physician for each child within a week of placement into agency care unless the child has receive such an assessment within 60 days prior to admission and the agency has the report.
5. The agency shall obtain and record a prenatal and developmental history for each child to the extent the information is available.
6. The agency shall arrange for a dental examination, eye examination, and hearing assessment for each child three years of age or older within 60 days of placement unless the child has been examined within six months prior to placement and the agency has the reports.
7. Each child shall have completed or have an immediate plan for completing their immunizations as currently recommended by the Department of Health and Hospitals. The agency shall obtain a written copy of each child's immunizations within 30 days of placement if available and/or document any immunizations given the child in care and/or the source for obtaining the record.

8. Each child shall be screened for infections or communicable diseases within 30 days of placement or prior to placement in a home with other children in agency custody in accordance with guidelines established by the Department of Health and Hospitals.

H. Interstate Placements

1. The agency shall send written notice to the administrator of the Interstate Compact for the placement of children on forms provided by the department before placing into or receiving a child from another state. No interstate placement shall occur without prior approval from the compact administrator from the receiving state.
2. The agency shall conduct or accept only a state approved home study completed in accordance with the requirements of §4113 for interstate family foster home placements.
3. The agency shall conduct or accept only a state approved home study completed in accordance with the requirements of § 4115 for interstate adoptive placements.

I. Supervision and Review of the Case Plan

1. The agency is not required to establish provisions for Case Plan Review where permanent placements for infants and children are made on a timely basis within three months of placement and finalized within nine months of permanent placement.
2. The agency shall complete or participate in a review of the case plan of the child in placement at least every six months indicating progress toward goal achievement and changes made in the case plan. These reviews shall involve the placement agency, the parent(s), the child (where age appropriate), the custodian, and the foster parent(s) or adoptive parents as applicable to the circumstances.
3. The agency shall include in the review an assessment of the child in care, the progress of the growth and development, the relationships between the child, care givers, and parent(s), the problems which may have occurred and a discussion of the steps that have been taken or need to be taken by the parties to achieve a permanent placement for the child.
4. The case review shall utilize either administrative staff or outside agency personnel or citizen's review to ascertain whether the child is being served in a prompt, effective manner and the progress on permanency plans for each child.
5. The agency shall include in all case reviews of children legally available for adoption documentation of the agency's efforts to locate and effect a permanent plan for each child through available recruitment resources and techniques, including but not limited to registration of the child with the Louisiana Adoption Resource Exchange, within the department.

J. Services to Parents

1. The agency shall make services accessible and available to the parent(s) requesting them in accordance with their statement of purpose.
2. The agency shall offer supportive help and referral services to parent(s) who decide not to place their child(ren) after receiving agency services or whom the agency denies placement services.
3. The agency shall sustain a continuing relationship with parent(s) of the child in placement, helping the parent(s) to accept placement where it is indicated; helping parent(s) to re-establish a suitable home for the child where this is indicated; or helping the parent(s) or custodian(s) do not initiate the contact it is the responsibility of the agency to do so in order to clarify plans and evaluate relationships. This requirement can be waived only if it is clearly demonstrated that contacts are not feasible.
4. The agency shall secure as much social and medical history as possible from the parent(s) of the child in placement. It is desirable to interview both parents where possible for social history to include factual data as follows:
 - a. early history and background;
 - b. education;
 - c. health history;
 - d. employment history;
 - e. physical description;
 - f. religion;
 - g. child rearing practices; and
 - h. discipline.
5. While the child is in placement, the agency shall assist the parent(s) with the problems and needs that brought about the need for placement and shall help the family gain access to services necessary to preserve and strengthen the family and to accomplish the case plan goals.
6. The agency shall make counseling available to expectant parent(s) considering placement before the child is born and thereafter in accordance with the case plan.

7. The agency shall encourage contacts between parent(s) and child(ren) during placement, when applicable and in accordance with the case plan. Visiting privileges may be denied only by court order.
8. The parent(s) or custodian(s) shall be notified promptly in case of transfer of a child(ren) from one home to another or in case of serious illness.

K. Services during Care

1. The agency shall provide supervision of the child and shall coordinate the planning and services for the child and family as stated in the case plan.
2. The supervising agency shall make regular reports, no less than quarterly, to the custodian agency regarding the adequacy of the child's care and progress on achieving the case plan.
3. Every child over one year of age shall have an annual physical examination by a licensed physician to determine the current state of the child's health, significant factors that may interfere with normal development, and implications of any medical problems. Physical examinations of children under one year of age shall be given as directed by the physician. The agency shall monitor medical recommendations. The medical reports shall be filed in the child's records.
4. The diet of a child in care shall be balanced and adequate. If a special diet is prescribed, the physician's directions shall be followed.
5. Dental care shall be provided as recommended by a licensed dentist. Each child over four years of age shall have a dental examination at least once a year and more often if indicated.
6. Each child shall have current immunizations and vaccinations as medically recommended.
7. Qualified medical services shall be provided for such children. Foster and adoptive parent(s) shall be discouraged from indiscriminate use of home remedies.
8. An individual health record shall be maintained on each child which shall include the following:
 - a. record of previous illnesses;
 - b. all illnesses requiring medical attention;
 - c. results of all medical examinations; laboratory test results shall be required;
 - d. record of immunizations showing the date and type of immunization received.
9. The agency shall assure the implementation of an education program appropriate for each child. The agency shall monitor school attendance and the appropriateness of the program for the child.
10. The agency shall make provisions for specialized services and health care services as medically recommended and stated in the case plan.
11. The agency shall assure the child of religious education and training in his own faith and where ever possible in his own denomination.
12. The agency shall assure that an appropriate Life Book is completed for each child in care including as appropriate but not limited to the child's placement history, reasons for placement(s), health and developmental history, pictures of the child with parent(s) and caretakers, significant events, relationships, a copy of the custody order, report cards, and a certified copy of the birth certificate. The child should be encouraged to participate in completion of the Life Book as age appropriate. The agency shall assure that the Life Book accompanies the child into permanent placement to later assist parent(s), foster parent(s) and the adoptive parent(s) in helping the child understand his identity and placement history.
13. The agency shall refer the child to other agencies in the community providing appropriate services when they require services which the agency does not offer. The agency shall maintain communication with the agency providing service when cooperative effort is needed and has been arranged.
14. The agency shall develop and implement procedures to review complaints from a child or parent in relation to the child's placement, removal, or care.
15. The responsible agency shall identify each child in need of adoption but not legally available for adoption at specific intervals and provide the legal services necessary to pursue a voluntary surrender or the legal process to terminate parental rights impeding the child's expedient placement in an adoptive home.
16. The agency shall complete a child assessment report on each child in the permanent custody of the agency by court order or voluntary surrender within 30 calendar days after the agency's acceptance of permanent custody to include the following:
 - a. identifying information;
 - b. summation of history regarding the child's biological family, including social and medical history;
 - c. placement history;
 - d. the child's developmental history which must include birth, educational, psychological medical, and health information;
 - e. current assessment of the child's self-help skills;
 - f. chronological listing of significant events and relationships in the child's life;
 - g. summation regarding notes of observation, and other relevant information as reported by parent(s), foster parent(s), and other substitute care providers, and caseworkers relating to care and adjustment of the child in care;

- h. details regarding the agency's efforts in preparing the child for adoptive placement and the child's understanding of what adoptive placement means;
 - i. copies of relevant documentation such as birth certificate, medical and psychological reports or summaries, treatment facility reports and individual education plan (IEP).
 - 17. The child assessment report and information obtained shall be used as the basis upon which the agency makes its evaluation and determination regarding the permanent placement for the child. The agency shall share the child assessment report with other agencies assisting in adoption planning and placement services for the child.
 - 18. The agency shall register each child with the appropriate state or the Louisiana Adoption Resource Exchange within 90 days of termination of parental rights if an adoptive placement has not been made during that period.
 - 19. The agency shall provide each child legally available for adoption with adoption services directly or through purchase of service in accordance with the child's case plan. The following services are to be provided:
 - a. evaluation of placement needs of the child, preplacement planning and preparation of the child;
 - b. evaluation of the foster parent(s) home as a potential permanent placement for the child;
 - c. (if necessary) recruitment, adoption homes study, training and placement planning and preparation for prospective adoption parent(s);
 - d. pre-placement preparation, visitation, and placement;
 - e. placement supervision;
 - f. finalization of adoption;
 - g. (if available) post adoption services.
 - 20. The agency shall keep the length of interim foster care placements of children free for adoption to a minimum, placing such children in adoption homes as early as practicable.
- L. Agency Services to Children in Restrictive Care Facilities
 - 1. Selection of a Restrictive Care Facility
 - a. The agency with legal responsibility for a child shall document any need to place the child in a facility that is outside a 100 mile radius of the agency unit responsible for the case plan for the child and parent(s).
 - b. The agency shall refer for placement or place a child only in a Class "A" licensed facility.
 - c. The agency with legal responsibility for a child shall select an appropriate facility for the child by considering the following:
 - o the child's level of development, social and emotional problems and why the child needs a group living experience;
 - o the parent/child relationship and the potential for parental participation in the program and visitation;
 - o the particular program and services and team approach that the restrictive care facility can make available. A statement of why a particular selection was made as the most appropriate for the child which addresses these factors shall be entered in the case record.
 - d. The agency shall select a facility that has the willingness and capacity to assist in the achievement of the goals for the child's case plan and shall involve the parent(s) in the selection of the facility to the maximum extent possible and in accordance with agency policy.
 - 2. Placement Agreement with Restrictive Care Facility
 - a. The agency with legal responsibility for the child shall have a written agreement for each child with the facility which describes the following:
 - o amount and frequency of contact the agency shall have with the child and the facility for supervision and case planning purposes;
 - o a plan for agency access to information on the child's care and development;
 - o the agency's participation in the ongoing evaluation of the child's needs and progress;
 - o the designation of responsibility for working with the child's parent(s) including visiting plans for the child's parents and family;
 - o provisions for receiving copies of service plan reviews;
 - o frequency and nature of reporting between the agency and the facility while the child is in care;
 - o the financial plan for payment of care and fees covered;
 - o conditions under which the child will be discharged from the program; and
 - o designation of responsibility for after care.
 - 3. Case Plan Review Responsibilities
 - a. The agency with legal responsibilities for the child shall maintain a case plan. The agency shall be involved in the development or revision of the case plan and shall assist in implementation as appropriate.
 - b. The agency with legal responsibility for the child shall complete or participate in a review of the case plan of the child in a facility placement at least every six months indicating progress.

M. Discharge from Care

1. The agency shall discharge the child from care only to the person, persons or agency having legal custody of him or on written authorization of these or the court.
 2. The agency shall complete a discharge summary, to be put in the child's records, which should include: the name and address of the person, persons, or agency to whom the child was discharged, the reason for discharge, the date of discharge, the date of entrance, case plan goals achieved while in care, follow-up recommendations, and person or agency responsible.
- N. Dissolution of Agency
1. When a child placing agency makes a decision to cease operation the agency shall provide for the following:
 - a. legal transfer or surrender and release of child(ren) in its custody;
 - b. appropriate transfer of responsibility for children in placement;
 - c. appropriate transfer or termination of services to all other clients;
 - d. transfer or storage of records with another licensed child placing agency within the state or the department and appropriate access to such records with notice to the department as to what provisions have been made.
 2. When the agency is closed by the department for any reason, including revocation or nonrenewal of license, the agency shall assist the department in arranging for the care, custody and control of any children currently in the custody and/or care of the agency and in arranging for the preservation of records.

§4111. Records

A. Child's Record

1. The agency shall maintain a case record for each child placed, which contain (if applicable):
 - a. identifying information including the name, address, sex, race, nationality, birth date and birth place of the child;
 - b. the agency's written authorization to care for the child;
 - c. a copy of the intake study;
 - d. the current name, address, telephone number and marital status of the parent(s) and/or custodian(s) of the child;
 - e. the name, address, and telephone number of siblings if placed elsewhere and significant relatives or others considered in the case plan;
 - f. copies of legal documents verifying status of the child including birth certificate, court orders or dispositions, voluntary surrenders for adoption, final decree of adoption;
 - g. the medical history, circumstances health record, and available psychological and psychiatric reports or specialist evaluations;
 - h. the social assessment and background of the parent(s) and family;
 - i. summary which reflects the dates of contact with the child, initial assessment and case plan, all subsequent assessments and case plans, content of the supervisory visits;
 - j. a record of the agency's contacts with the child's family, including copies of correspondence with other interested persons and organizations .
 - k. intake summary and plan indicating the circumstances leading to the decision to place the child, the agency's involvement with the parent(s), including services offered, delivered, or rejected;
 - l. educational information records, evaluations and reports;
 - m. summary of case reviews which reflect the contacts with and the status of all family members in relation to the case plan as well as the achievements or changes in the goals;
 - n. summary of any administrative or outside service reviews on the progress of each child toward goal determination;
 - o. summary of the child's contacts with family members which reflect the quality of the relationships as well as the way the child is coping with them;
 - p. a record of the child's placements with names of care-givers, addresses, begin and end dates of care. Signed placement agreements shall be filed in the record;
 - q. chronological record, noting significant events and contacts with the child and documentation of supervisory visits;
 - r. documentation of compliance with the case plan;
 - s. the basis for selection of the home or residential facility for the specific child;
 - t. summary of case disposition, date of discharge, name, address of person(s) or agency to whom child was discharged and the reason for discharge.

B. Parent(s) Records

1. The agency shall maintain a case record on the parent(s) of every child whom the agency places into care which contain:

- a. identifying information for each parent including name, address, telephone number, birth date, race, religion, the family composition, and interested others;
 - b. effort to maintain child in own home;
 - c. reason for placement;
 - d. the social history;
 - e. the medical history, including any psychological or psychiatric reports and specialists reports;
 - f. strengths and needs of the family and the services required;
 - g. worker's assessment, intake study, initial and subsequent case plans, including conditions for return of child;
 - h. verification of custody of child;
 - i. signed agreements between the agency and parent(s) or custodian (for voluntary placements);
 - j. chronological record, noting significant events and dates of contact with parent(s) and progress toward goals;
 - k. written summary of visits between parent(s) and child;
 - l. case review reports;
 - m. discharge summary.
2. The agency shall keep all records current and shall record the following events within one months of occurrence; intake study, case plan reviews, and major events in the lives of child or family members.
 3. The agency shall maintain at least a card with identifying information, problem presentation, and referral material when a case is not opened.
- C. Confidentiality
1. Information about clients and services provided to them by the child placing agency shall be kept confidential and shall be shared with third parties only upon written authorization of the client except as other wise specified by law.
 2. Records may be made available to qualified researchers only men steps have been taken to preserve the anonymity of the clients or with their written authorization.
 3. Case records may be made available to recognized accreditation or licensing agencies.

Subchapter B. Foster Care Services Module

§4113. Family Foster Care Services

- A. Foster Home Recruitment
1. The agency shall have a written plan for recruitment of family foster homes which includes methods of recruitment, sources to be used, time-related goals for applicant recruitment, designated staff, and funding to implement the plan. The agency plan shall reflect the needs of children awaiting placement.
 2. Agencies shall engage in active recruitment of potential foster parent(s) who reflect the racial and ethnic diversity of children needing placement.
 3. The agency shall provide information to prospective foster patents about foster care, the Agency's policies and practices, the certification process including certification requirements for foster homes, the children needing foster care, and the reimbursement rates.
- B. Foster Home License Application
1. The agency shall provide an application form for prospective foster parents to complete.
 2. The agency, in response to a foster home application, shall conduct a homestudy to determine compliance with the state licensing requirements for family foster homes.
- C. Foster Home Approval Process
1. The agency shall conduct an initial foster home study to determine the applicant(s) compliance with licensing regulations for family foster homes.
 2. The study shall include a minimum of three interviews with the applicants, two of which shall be home consultations, and each age appropriate member of the household shall be interviewed individually.
 3. The agency shall conduct a criminal record check and an inquiry of the Louisiana State Central Registry for members of the household 18 years of age and older.
 4. Pre-service training shall be completed.
 5. The agency shall explore the personal and community references of the applicant(s).
 6. The homestudy shall include discussion of terms of approval, number, age, sex, and characteristics of children the home is best equipped to provide with substitute family care planning.
- D. Foster Home Study
1. The agency home study shall address the following areas:

- a. health of the family;
 - b. motivation for substitute family care;
 - c. strengths and needs of each member of the household;
 - d. availability of space to meet child's needs;
 - e. ability to provide for the child's physical and emotional needs;
 - f. adjustment of own children, including school reports, if indicated;
 - g. methods of discipline;
 - h. religious orientation;
 - i. attitude toward foster children;
 - j. attitude toward parent(s) of foster children and willingness to work with parent(s) in accordance with the case plan;
 - k. compliance with qualifications for foster family care;
 - l. ability to work with the agency in carrying out professional responsibilities of foster parent(s);
 - m. recommendations for number, age, sex, characteristics and special needs children best served by the family, and recommendations, regarding children who would not be appropriate for the family.
2. The agency shall collect required documentation supporting the homestudy and prepare a written record of the study which determines that:
- a. the home meets the qualifications for a family foster home;
 - b. all members of the household will welcome a child into the home;
 - c. the foster parents are sufficiently stable to provide necessary care for the child and carry out the professional responsibilities of foster parenting;
 - d. all members of the household are of good reputation and constitute a harmonious family group;
 - e. all members of the household are free from communicable disease and the foster parents are in sufficient good health to be able to provide necessary care for the child, as certified by a licensed physician;
 - f. the foster family has sufficient income to maintain its standard of living and will not be dependent on board payments to maintain the home;
 - g. the food habits of the family meet good nutritional standards;
 - h. the standards of housekeeping and cleanliness are those acceptable in the community in which the home is located;
 - i. the home provides sufficient space for the child and all members of the family;
 - j. the physical standards of the home are those generally accepted for health and comfort;
 - k. the water supply and sanitation of the home comply with all requirements of the local health authorities;
 - l. the home provides play space both in and out of doors suited to the age and needs of the child;
 - m. the home is reasonably accessible to community facilities, resources and services the child needs such as school, church and neighbors; and
 - n. recommendations for the number, age, sex, characteristics and special needs of children best served by the home and recommendations regarding children or case plans which would not be appropriate for the family.

E. Recommendations and Notification Regarding Application

1. The agency shall notify the applicants in writing within 30 days of completion of the homestudy of the acceptance or denial of the application for certification as a family foster home.
2. When applicant(s) are not certified, the agency shall contact the family within one month of the decision to deny certification, to share with them the reason for the decision and discuss their response.
3. The agency shall enter a dispositional summary in the applicant(s) case record clearly indicating the reason for acceptance or denial of the application for certification, the manner in which the decision was presented to the family and whether or not they agreed with the decision.

F. Access to Records

1. The agency alone shall have full access to the family foster home record.
2. The applicant(s) shall be allowed the opportunity to review or obtain a copy of their homestudy whether the application was approved or denied for certification. Any quotations from reference letters or other third party letters, child protection investigation reports, or telephone reports from agencies or professionals should be removed first.
3. With written permission of the applicant(s), the agency shall forward a copy of the homestudy to another child placing agency for placement consideration or re-application to the other agency.

G. Monitoring and Annual Recertification Study

1. The agency shall monitor all of its certified foster homes for compliance with licensing regulations.

2. The agency shall conduct periodic re-certification evaluations of each family foster home to determine continued compliance with family home regulations, its maximum usefulness and limitations.
 3. The re-certification evaluation shall include at least one home consultation.
 4. The re-certification shall include written summaries from the placement worker concerning the family's performance of professional responsibilities and care of the child(ren) in placement in the family foster home since the last certification.
 5. The re-certification evaluation shall include a goal setting conference with the foster parent(s) to evaluate the strengths and needs of the family foster home and the relationships of placing agency representatives with foster parent(s). The re-certification conference shall result in a brief written plan, provided by the placing agency to all parties to address deficiencies in compliance and to improve services and relationships.
 6. The re-certification evaluation shall be recorded in the family foster home record.
- H. Complaints against Certified Family Foster Homes
1. When receiving a complaint other than child abuse or neglect which may indicate possible violations of foster home regulations, the agency shall:
 - a. conduct an assessment of compliance with applicable regulations;
 - b. document the assessment with a statement on compliance and a recommendation regarding the continued certification of the family foster home;
 - c. take necessary action to close the family home certification or develop with the family foster home a corrective action plan to address deficiencies identified in the investigation;
 - d. monitor the corrective action plan to bring the family foster home up to licensing regulations.
- I. Removal of Child
1. When in the opinion of the agency, a family foster home fails to meet licensing regulations to the extent that it poses a threat to the welfare and safety of the child(ren) in the home, the agency shall promptly remove any child(ren) under its care in the home pending further action. Otherwise a planned move shall be made for the child.
- J. Revocation or Refusal to Renew Family Foster Homes
1. Prior to a decision to revoke a family foster home certification, the agency shall complete an assessment of the family foster home for compliance with licensing regulations and document in writing the findings to support a recommendation for revocation of certification.
 2. When the agency decides that a family foster home should not be certified, the agency shall attempt to secure a voluntary withdrawal from the foster parent(s). If foster parent(s) are unwilling to sign a withdrawal form, the agency shall issue a letter to the foster parent(s) giving the reasons for recommending, denying or revoking the certification.
- K. Grievance Procedures
1. The agency shall develop and implement procedures to review complaints from family foster home applicant(s) and certified foster parent(s) in response to complaints regarding denial of homestudy services, disapproval of a family foster home certification, disapproval of a family foster home for placement, services to a child in family foster home placement, services to the family foster home or removal of a child from a family foster home.
 2. The agency shall make available a copy of the complaint policy to any family foster home applicant or certified family foster home.
- L. Selection of Home
1. The agency shall select the most appropriate placement available, the placement closest to the child's home and consistent with the family assessment, the child's needs, the case plan, and the terms of certification. The agency shall consider the child's personality, ties with his own family, health, educational needs and other pertinent factors.
 2. The agency shall document any need to place a child in a family foster home that is outside a 100 mile radius of the agency unit responsible for the case plan for the child and parent(s).
 3. The agency shall place a child only in a certified family foster home with the following exceptions:
 - a. the emergency situations, relatives and friends of the foster child who have applied to be foster parents and who appear to meet qualifications for family foster homes may be certified by the agency for one ninety-day period without training;
 - b. all other foster parent applications may be certified by the agency for one ninety-day period provided that such applicant(s) have:
 - o participated in a home consultation by the agency;
 - o met requirements for a criminal record clearance;

- o completed at least one-half of the pre-service training; and
- c. one 90-day extension may be granted by the agency in emergency situations when it judges such extension to be in the best interests of the foster child. There shall be no more than one ninety-day extension granted.
- 4. The agency shall not place children in certified foster homes which are in use by another agency without permission of the agency.

M. Agency Responsibilities to Family Foster Homes

1. The agency shall provide orientation to family foster home applicant(s) to acquaint them with the agency's policies and practices, the children and families served by the agency, the roles and responsibilities of family foster homes, and the approximate time the homestudy process will take, the reimbursement rates.
2. The agency shall have a plan for handling inquiries of prospective foster parent(s) in an educational and timely manner.
3. The agency shall provide or identify in-service training opportunities and funding for foster parents to increase their skills and abilities to substitute parent children.
4. Each foster parent shall complete a pre-service training program involving at least six hours of training activities prior to accepting the first foster child.
 - a. Exceptions to the above requirement may be granted when a client requires emergency placement. In such circumstances, the foster parent(s) shall receive the initial six hours of training within 90 days of the placement of the initial child.
4. Each foster parent shall complete, a pre-service training program involving at least six hours of training activities prior to accepting the first foster child.
 - a. Exceptions to the above requirement may be granted when a client requires emergency placement. In such circumstances, the foster parent(s) shall receive the initial six hours of training within 90 days of the placement of the initial child.
5. Foster parent(s) shall participate in at least 15 hours of approved in-service training and consultation activities each year. These hours may be shared between both persons in a two foster parent home, provided each person receives at least five hours of training
6. Training should include but not be limited to the following:
 - a. legal aspects of foster care;
 - b. roles and relationships in family foster care between agency personnel foster parent(s), the parent(s), and the child;
 - c. separation and the importance of child's family and the child's communication with them;
 - d. developmental needs of children;
 - e. cultural and religious awareness and differences;
 - f. child management, discipline techniques concerning the foster child;
 - g. supportive services available in the community for the children in foster families and obtaining services for foster children;
 - h. self-awareness;
 - i. communication skills;
 - j. problem solving;
 - k. first aid and home safety;
 - l. human sexuality; and
 - m. confidentiality.
7. The agency shall have a signed agreement with all foster parent(s) which includes the following:
 - a. expectations and responsibilities of the agency, the staff, and the foster parent(s);
 - b. the services to be provided;
 - c. the financial arrangements for the child placed in the home;
 - d. the authority the foster parent(s) can exercise for the child placed in the home;
 - e. the actions which require agency staff authorization; and
 - f. the legal responsibility for damage or risk resulting from children in the home.
8. The agency shall have a system in which reimbursement is made to foster parent(s) for cost of care expenditures and/or fees for service that is timely and equitable.
9. The agency shall provide foster parents all information from agency records to which the agency has access concerning a child in the foster home, and concerning the child's family where such information is necessary for the foster parents to carry out their professional responsibilities in §4113.0 and the responsibilities for the care and development of the child in §4113.P.
10. The agency shall provide the foster parent(s) with a copy of the licensing requirements for family foster homes.

N. Qualifications of the Foster Parent(s)

1. Marital Status. Persons receiving initial approval as foster parent(s) shall be either a single person or a legally married couple. Single is defined as never married, divorced or widowed. Foster parent(s) shall provide proof of their marital status.
2. Age. Foster parent(s) shall have a birth certificate or other documentation as evidence that they meet the following age requirements.
 - i. A foster parent shall be at least 21 years of age.
 - ii. Persons receiving initial approval as foster parent(s) shall be less than 65 years of age.
 - iii. Except with regard to the above age limitations, the age of foster parent(s) shall be considered only in relation to the case plan for the child and as it affects the ability of the foster parent(s) to care for the child.
3. Employment
 - a. A single foster parent or a foster parent couple mo both work outside the home shall have a plan for caring for the child(ren) approved by the agency.
 - b. Foster parent(s) shall obtain approval from the placing agency for a business conducted in the home, demonstrating that activities related to this business will not interfere with the care of the child(ren) and the professional responsibilities of the foster parent(s).
 - c. A foster home shall not be used as lodging for transient roomers.
 - d. Foster parent(s) shall notify the placing agency prior to allowing any person to take up residence in the family foster home.
4. Income. Foster parent(s) shall have income to meet their needs and to insure the stability and financial security of the family, independent of the foster care maintenance payment.
5. Criminal Record Clearance
 - a. Foster parent(s) and all other members of the household 18 years of age or older shall sign a release for a criminal record check. A foster parent applicant shall be free of convictions, indictments or substantial evidence of involvement in criminal activity involving:
 - i. offenses against a person including such crimes as murder, voluntary mans laughter, criminally negligent homicide, rape, kidnapping, public lewdness, indecent exposure, sexual abuse or exploitation of a child, indecency with a child, assault, aggravated assault, or injury inflicted on a child;
 - ii. offenses against the family including bigamy, incest, interference with child custody, enticing a child, criminal non support, sale or purchase of a child, solicitation of a child;
 - iii. public indecency including prostitution, promotion of prostitution, obscene display or distribution or d display of harmful material to a minor, or sexual performance by a child;
 - iv. offenses of robbery or theft;
 - v. offenses involving distribution of controlled dangerous substances.
 - b. Foster parent applicant(s) with other criminal record offenses may be certified only after careful consideration is given to the following issues by the agency and applicant(s):
 - i. the relationship of the crime to the performance of the duties of a foster parent;
 - ii. the potential of placing the agency, family foster home and child(ren) in a vulnerable position if there is:
 - (a). community criticism which could lead to undesirable and damaging publicity for any of the above;
 - (b).criticism from the parent(s) which could lead to undesirable and damaging publicity for any of the above;
 - iii. the context of the crime, such as:
 - (a). age and level of maturity of the applicant at the time of the crime;
 - (b). the repetitiveness of the crime;
 - (c). the duration of the criminal activity;
 - (d). the penalty for the crime;
 - (e). the stability of the applicant(s)' current life style as compared to the life style during the period of criminal activity;
 - (f). in discussion of criminal activity with the applicant, some indication that the applicant is rehabilitated, has learned from the experience, coped effectively and demonstrated appropriate regret;
 - iv. clear documentation of reasons for certifying family foster home applicant(s) with a criminal record shall be recorded in the case record;
 - v. no person who is known to have physically abused or sexually molested or exploited a child shall be approved by the agency. Foster parents and all other members of the household, 18 years of age or older, shall sign a release for a clearance with the State Central Registry.
 6. Health
 - a. Foster parent(s) shall provide the agency with the health history of each member of the household including physical and mental health services and treatment received.
 - b. Members of the household must be free of communicable disease, specific illnesses or disabilities which would either endanger the health of the child(ren) or interfere with the capability of the household to provide adequate care for the child(ren).

- c. Handicapping conditions of foster parent(s) or household members are to be considered only as they affect the abilities of the household to care for the child(ren).
7. Physical Examinations and Health Reports
 - a. Prior to initial certification of the family foster home, a licensed physician shall examine the foster parent(s), and using a form provided by the agency, certify that they are free of tuberculosis and other communicable diseases, specific illnesses or disabilities which would either endanger the health of the child(ren) or interfere with the foster parent(s)' ability to care for the child(ren) and fulfill their professional responsibilities.
 - b. Physical examinations shall be updated every three years. Tuberculosis scans are not required for follow-up examinations.
 - c. Foster parent(s) shall obtain a physical examination and provide a written report on the findings of this examination whenever required to do so by the agency.
 - d. The foster parent(s) shall supply psychological or psychiatric reports and evaluations to the agency when requested because of a question regarding the mental or emotional health of any member of the household.
8. Capacity
 - a. Foster parent(s) shall not exceed the following maximum capacity.
 - i. Substitute Family Care (SFC) and Residential Family Care (RFC) shall care for a maximum of four clients;
 - ii. All other foster parent(s) shall have no more than eight dependents, including foster children and their own children and shall care for a maximum of six foster children at any given time as long as local ordinance(s) or zoning laws are not violated.
 - iii. Exceptions to the above shall only be granted by the agency in the case where siblings are being placed together and such an exception will not have an adverse effect on the care of children already in the home and professional responsibilities of the foster parents.
 - b. Foster parent(s) shall not care for more than two children who are under the age of two years, including their own children.
 - i. Exceptions to the above requirement may be granted at the discretion of the placing agency when such exception is considered to present no risk to the care of foster children. Documentation for granting an exception shall be filed in the case record.
9. Support System
 - a. Foster parent(s) shall have or develop an adequate support system for supervising and providing care for the child(ren) on an ongoing basis to allow foster parent(s) opportunities for conducting personal business and for enjoying occasional breaks from the responsibility of caring for the child(ren).
 - b. Foster parent(s) shall provide one responsible adult (over age 18) for direct supervision of children or on call at all times.
 - c. Any person given the responsibility for a child on a regular basis must be identified to and approved by the placing agency.
10. Professional Qualifications
 - a. Foster parent(s) shall demonstrate good character, a responsible adult life-style, freedom from excessive use of alcohol and use of illegal drugs and the ability to provide appropriate supervision, human care, reasonable discipline and a home like environment for the child(ren).
 - b. Foster parent(s) shall demonstrate knowledge and capacity for non-physical discipline and setting realistic expectations for behavior and performance based on age, abilities and disabilities of the child(ren).
 - c. Foster parent(s) shall have maintained a stable emotional adjustment following any major changes of close interpersonal relationships (i.e., marriage, separation, divorce, death).
 - d. Foster parent(s) shall demonstrate the emotional stability of a healthy adult as evidenced by a willingness to discuss and deal appropriately with their own feelings of anger, frustration, sorrow, conflict and affections and those of others.
 - e. Foster parent(s) shall demonstrate knowledge and understanding of ways of helping a child build positive personal relationships.
 - f. Foster parent(s) shall give evidence of the capacity to respect persons with differing life styles and philosophies.
 - g. Foster parent(s) shall demonstrate the ability to consider realistically which child(ren) they can accept, work with, and integrate into their family.
11. Informed Consent of Household
 - a. Foster parent(s) shall ensure that all members of the household are informed of and agree to the acceptance of the child(ren) into the home.
12. References
 - a. Foster parent(s) shall provide the names, addresses and telephone numbers of five persons who shall be contacted by the agency to attest to their character and ability to care for children.
 - b. At least three of the required references shall be persons not related to the foster parent(s) by blood or marriage.

- c. If applicable, at least one adult reared in the home shall be a required reference.
- O. Professional Responsibilities of the Foster Parent(s)
1. Relationship with the Placing Agency
 - a. Foster parent(s) shall participate in home studies and in the on going monitoring of their homes and shall give the information required for the agency to verify compliance with all the family foster home regulations.
 - b. Foster parent(s) shall allow representatives of the agency access to any member of the household and into all rooms within the home.
 - c. Foster parent(s) shall apply to only one agency at any given time for family foster home certification.
 2. Training and Development
 - a. Foster parent(s) shall complete an initial orientation and training program involving at least six hours of pre-placement training prior to accepting the first foster child.
 - i. Exceptions are stated in §4113.L.3.
 - b. Foster parent(s) shall participate in training provided or approved by the agency to develop and enhance their skills. The foster parent(s) shall annually participate in a minimum of 15 hours of approved training. The hours may be shared among the adult members of the family, however, each adult shall receive a minimum of five hours.
 3. Planning with the Child Placing Agency
 - a. Foster parent(s) shall participate in planning for the child(ren) and shall cooperate in the preparation, pre-placement and visiting plans for the child(ren) placed in their home.
 - b. Foster parent(s) will work cooperatively with the agency as members of a treatment team responsible for planning, providing and discussing the total care and services provided to each child.
 - c. Foster parent(s) shall be willing to work cooperatively with the agency staff as a team in development and implementation of the case plan and participate in the case review for each child.
 - d. Foster parent(s) shall treat any personal information about a child or child's family in a confidential manner.
 - e. Foster parent(s), shall notify the agency immediately in any of the following circumstances:
 - i. a serious injury or illness involving medical treatment of the child;
 - ii. the death of a child;
 - iii. unauthorized absence of the child from the home;
 - iv. removal of the child from the home by any person or agency other than the placing agency; or attempts at such removal;
 - v. any fire or other emergency requiring evacuation of the home;
 - vi. any serious altercation involving the child;
 - vii. any involvement of the child with the authorities;
 - viii. any other unusual circumstances affecting the life and circumstances of the foster family.
 - ix. in no instance shall notification of any of the above circumstances be given later than 12 hours after the occurrence.
 - f. Foster parent(s) shall provide advance notice whenever possible to the agency regarding changes which affect the life and circumstances of the foster family.
 - g. Foster parent(s) shall sign an agreement with the agency for each child placed in the home.
 4. Accepting Children for Care
 - a. Foster parent(s) shall accept children for family foster care only from a licensed child placing agency.
 - b. Foster parent(s) shall not care for unrelated adults on a commercial basis nor accept children into the home for day care at the same time they are certified to provide family foster care.
 - i. Exceptions to the above requirements may be granted at the discretion of the placing agency when such exception is considered to present no risk to the foster children. Documentation for granting an exception shall be, recorded in the case record.
 - c. Foster parent(s) shall not accept children beyond the maximum capacity allowable for a family foster home.
 5. Working with the Child's Family
 - a. Foster parent(s) shall demonstrate respect for the foster child's own family and shall agree to work with the child's family members as indicated in the plan.
 - b. Foster parent(s) shall participate in planning visits with the child and his /her parent(s) and family members.
 - c. Foster parent(s) shall allow children and their family members to communicate by mail and by telephone in accordance with the child's case plan.
 - d. The foster parent(s) shall treat personal information about a child and the child's family in a confidential manner.
 6. Maintaining Children's Records
 - a. Foster parent(s) shall maintain records on the child as required by the placing agency. Each child's record shall contain at least the following information:
 - i. child's name, age, religion and if applicable, birth date;

- ii. names, addresses and telephone numbers of the child's placement worker and other representatives of the placing agency involved in monitoring the placement;
- iii. names, addresses and telephone numbers of parent(s), sibling(s), and the child's significant relatives with whom contact may be maintained;
- iv. names, address and telephone number of persons to contact in case of emergency and those persons authorized to give consent for medical treatment;
- v. dates of arrival and departure of the child in the foster home;
- vi. records on immunizations and medical treatment;
- vii. name, address and phone number of child's physician;
- viii. a record of the child's medical and dental appointments, illnesses, and health problems, prescribed medications, and hospitalizations;
- ix. information regarding serious food or drug allergies and other chronic or handicapping conditions;
- x. reports of the child's medical tests and any information or counseling received regarding chronic or handicapping conditions;
- xi. dates of family visits;
- xii. school reports or employment records;
- xiii. foster parent(s) shall maintain records in a confidential manner which ensures that a child's record will not be read by persons not involved in the child's care and treatment. The client's record shall be given to the placing agency when the child leaves the foster home.
- xiv. a copy of the child's family medical history supplied by the child placing agency;
- xv. progress notes on those areas of the child's service plan in which foster parent(s) are involved;
- xvi. significant photographs of the child taken periodically; and
- xvii. a record of the child's memberships, activities, and participation in extra curricular activities.

7. Re-Certification

- a. Foster parent(s) shall cooperate with the child placing agency conducting the family foster home periodic re-certification study to verify compliance with family foster home regulations.

P. Foster Parent Responsibilities for Care and Development of the Child

1. Daily Living

- a. Foster parent(s) shall provide structure and daily activities designed to promote the individual, social, intellectual, spiritual, and emotional development of the child(ren) in their home.
- b. Foster parent(s) shall assist the foster child(ren) to develop skills and to perform tasks which will promote independence and the ability to care for themselves.
- c. Foster parent(s) shall cooperate with the agency to help the foster child maintain an awareness of his past, a record of the present and a plan for the future.
- d. Foster parent(s) shall ask foster children to assume work responsibilities reasonable for their age and ability and commensurate with those expected of their own children.
- e. Foster parent(s) shall, as appropriate to the child's age and abilities, make every effort to teach good habits of money management, budgeting and shopping.
- f. Foster parent(s) shall, through careful daily monitoring, make every effort to teach a child good habits of personal hygiene and grooming appropriate to the child's sex, age and culture.

2. Food and Nutrition

- a. Foster parent(s) shall provide at least three nutritionally balanced meals daily.
- b. Foster parent(s) shall provide for any special dietary needs of the foster child placed in their home on the advice of a licensed physician or in accordance with the child's case plan.
- c. If applicable, the dietary laws of the child's religion shall be observed in the food provided to the child.

3. Clothing and Personal Belongings

- a. Foster parent(s) shall provide each foster child with their own clean, well fitting, attractive, seasonal clothing appropriate to age, sex, individual needs and comparable to other household members and to the community standards.
- b. A child's clothing shall be his/her own, not shared in common.
- c. A child's clothing shall go with the child at the time of discharge.
- d. Only shoes in good repair and condition shall be provided for the child.
- e. Foster parent(s) shall include the foster child(ren) in the choosing of their own clothing whenever possible.
- f. Foster parent(s) shall allow the child to bring, possess and acquire personal belongings subject only to reasonable household rules.
- g. Personal belongings shall be sent with the child when he/she leaves the home.
- h. Foster parent(s) shall ensure that each child is provided with clean towels, washcloths, his/her own toothbrush, his/her own comb or hair brush and other toiletry items suitable to the child's age and sex.

4. Discipline and Control

- a. Foster parent(s) shall train and discipline children with kindness and understanding.

- b. Foster parent(s) shall establish well defined rules which set expectations and limits of behavior appropriate to the child's age and level of understanding.
 - c. Foster parent(s) shall teach and train each child with techniques that stress praise and encouragement for good behavior rather than punishment for bad behavior.
 - d. Foster parent(s) shall not subject a child to verbal abuse, derogatory remarks about themselves and family members or threats of removal from the foster home.
5. Punishment
- a. Foster parent(s) shall not use the following punishments or permit their use by others on a child:
 - i. any cruel, severe, or humiliating actions;
 - ii. corporal punishment (i.e., physical punishment) inflicted in any manner upon the body;
 - iii. denial of food, shelter, clothing, implementation of the case plan or other basic services;
 - iv. denial of visits, telephone or mail contacts with family members, in accordance with case plan;
 - v. assignments of extremely physically strenuous exercise or work;
 - vi. isolation in a locked room or in any closet or other enclosed space;
 - vii. isolation in an unlocked room for more than an hour.
 - b. If separation from others is used as a control measure, foster parent(s) shall provide it in an unlocked unlighted, well ventilated room of at least 50 square feet and within hearing distance of an adult. The time limit shall be the child's age minus one minute for any child under 12 years of age and 60 minutes for any child 12 and over.
 - c. Foster parent(s) shall not punish a child for bed wetting or other action currently beyond the child's control.
 - d. Foster parent(s) shall not delegate or permit punishment of a child by another child, by individuals not known to the child or by any person not authorized to care for the child.
6. Health Care
- a. Foster parent(s) shall immediately report to the placing agency any serious changes in the health of the child.
 - b. Foster parent(s) shall report to the placing agency any corrective or follow-up medical or dental care the child needs.
 - c. Foster parent(s) shall cooperate with the agency in the medical and dental care planning for the foster child.
 - d. Foster parent(s) shall make medical and dental appointments as needed.
 - e. Foster parent(s) shall be responsible for arranging transportation for the child to all necessary medical or dental appointment.
 - f. Foster parent(s) shall be responsible for keeping immunizations current for the child.
7. Medication
- a. Foster parent(s) shall give a child prescription medications only with a physician's prescription or authorization.
 - b. Foster parent(s) shall be responsible for ensuring that drugs ordered for the child are available, that such drugs and other medical supplies are safely stored and that the child receives the drugs ordered in accordance with prescription directions.
 - c. Dosages of prescription medications shall be changed only by a doctor's order.
 - d. Foster parent(s) shall inform the agency within one working day of any psychotropic medications prescribed for a foster child.
 - e. Foster parent(s) shall exercise good judgment in providing non-prescription medications only When the child actually needs them and shall use non-prescription medications only in accordance with the directions on the label of medicine.
 - f. Any frequent use of non-prescription medicine shall be reported to the placing agency.
 - g. Foster parent(s) shall make every effort to learn and look for potential negative side effects of both prescription and non-prescription drugs and shall report any negative side-effects to a physician immediately.
 - h. At the request of the placing agency, foster parent(s) shall be required to keep a medication log for the child detailing all medications given, the date and time, the name(s) of the child(ren) and the signature of the person administering the medication.
8. Seizure Log
- a. At the request of the placing agency, foster parent(s), shall keep a log of seizure activity including:
 - i. the time of occurrence of the seizure;
 - ii. a description of the seizure including duration intensity and any unusual circumstances which may have precipitated the seizure.
9. Hygiene. Foster parent(s) shall, through careful daily monitoring, make every effort to teach a child good health habits of personal hygiene and grooming appropriate to the child's sex, age and culture.
10. Religious and Ethnic Heritage
- a. Foster parent(s) shall recognize, encourage, and support the religious beliefs, ethnic heritage, and language of a child and his/her family.

- b. Foster parent(s) shall allow a child freedom to express his/her feelings about his/her family, past, current status and future.
- c. Foster parent(s) shall arrange transportation to religious services or ethnic events for a child whose beliefs and practices are different from their own.
- d. Foster parent(s) shall not coerce children into participation in religious activities or ethnic events against their will.

11. Education, Training and Employment

- a. Foster parent(s) shall enroll each school age child in school within five days of placement of the child.
- b. Foster parent(s) shall cooperate with the agency and shall take part in the selection and arrangements for education programs appropriate for the child's age, abilities, and case plan.
- c. Foster parent(s) shall plan with school personnel when there are any problems with the child in school, but still report to the agency serious situations which may require agency involvement.
- d. A child shall be encouraged to become involved in appropriate extra curricular activities.
- e. When a child is involved in a training program, sheltered employment programs or employment in the community, foster parent(s) shall assist the child in meeting his/her commitments and responsibilities in accordance with the case plan.

12. Recreation and Community Activities

- a. Foster parent(s) shall provide opportunities for recreational activities which are appropriate to the age and abilities of the child.
- b. Foster parent(s) shall encourage the child to take part in community services and activities both with the family and on their own.
- c. Children shall have opportunities for social interactions with persons of the opposite sex.
- d. Opportunities shall be provided for the child to experience normal social life in the community, for recreation, for appropriate physical exercise and for intellectual, spiritual and emotional growth.

13. Exploitation and Clients Rights

- a. Foster parent(s) shall ensure that children are protected from exploitation in any form and are allowed to enjoy the normal rights, freedoms and responsibilities of community life subject only to reasonable household rules, age-appropriate restrictions and restrictions in accordance with the child's case plan.
- b. Foster parent(s) shall not require a foster child to do work which is hazardous to his health, interfere with his education; or places unreasonable limitations upon his recreational opportunities; in accordance to the case plan.

Q. Environmental, Health and Fire Safety

- 1. Family Foster Home Location. The family foster home shall be accessible to schools, recreation, churches, medical care, and community facilities.
- 2. Exterior Environment
 - a. The family foster home shall be reasonably safe, in good repair and comparable in appearance and maintenance to other family homes in the community.
 - b. The home and the exterior around the home shall be free from objects, materials and conditions which constitute a danger to the children served.
- 3. Play -Area and Equipment
 - a. A family foster home for children shall have a safe outdoor play area which children may use either on the property or within a reasonable distance of the property.
 - b. Any play equipment on the property shall be safe, well constructed and suitable for the children served.
- 4. Swimming or Wading Pools. Foster parent(s) shall lock swimming and wading pools areas and make inaccessible to children except when supervised.
- 5. Interior Environment
 - a. Foster parent(s) shall have the necessary equipment for the safe preparation, storage, serving and clean up of meals.
 - b. Foster parent(s) shall maintain all cooking and refrigeration equipment in working and sanitary condition.
 - c. The home shall have a comfortable dining area furnished with sufficient furniture so that all members of the household can eat together.
 - d. The home shall have sufficient living or family room space comfortably furnished and accessible to all members of the family.
 - e. Sleeping arrangements in a foster home shall be subject to the prior approval of the placing agency.
 - f. Foster parent(s) shall permit no more than three children to a bedroom.
 - g. The home shall have sufficient bedroom space to allow at least 75 square feet for individual occupant of a bedroom and an additional 55 square feet for each additional occupant.
 - i. Exceptions to the above requirements may be granted at the discretion of the placing agency when such exception is considered to present no risk to the foster children. Documentation for granting an exception shall be recorded in the case record.

- ii. Agencies receiving federal funds may not use standards related to income, age, education, family structure and size or ownership of housing which exclude groups of prospective parents on the basis of race, color, or national origin, where these standards are arbitrary or unnecessary or where less exclusionary standards are available.
 - h. Foster parent(s) shall provide each child with his/her own bed and each infant with his/her own crib. The bed shall be no shorter than the child's height and no less than 30 inches wide. It shall have a clean, comfortable, non-toxic mattress with a water proof cover.
 - i. Foster parent(s) shall not permit children over the age of six years to share a bedroom with a person of the opposite sex.
 - j. Children shall not share a bedroom with adults, except when the child needs close supervision due to illness or except at the discretion of the placing agency.
 - k. Foster parent(s) shall provide a chest, dresser or other adequate storage space for a child's clothing and personal belongings in the child's bedroom and a designated space for hanging up clothes near the bedroom occupied by the child.
 - l. Bedrooms shall have windows which provide sufficient natural light and ventilation for the health of the children.
 - m. Foster parent(s) shall allow some scope in the decoration of sleeping areas for the personal tastes and expressions of the child.
 - n. Foster parent(s) shall provide bed linen and sufficient blankets and pillows for all children.
 - o. The family foster home shall have a minimum of one flush toilet; one wash basin with running water, and one bath or shower with hot and cold water.
 - p. Foster parent(s) shall equip each bathroom with toilet paper, towels, soap and other items required for personal hygiene and grooming.
6. General Safety
- a. The home shall be well heated and well ventilated.
 - b. Foster parent(s) shall provide screens for windows and doors used for outside ventilation.
 - c. Foster parent(s) shall have a telephone in the home
 - d. Foster parent(s) shall ensure the safe storage of drugs, poisons or other harmful materials.
 - e. Foster parent(s) shall store alcoholic beverage out of reach of small children.
 - f. Foster parent(s) shall take measures to keep the home and premises free of rodents and insects.
 - g. Foster parent(s) shall restrict children's access to potentially dangerous animals. Pets shall have current immunizations.
 - h. Foster parent(s) shall store unloaded firearms and ammunition in separate locked places, inaccessible to children.
 - i. Foster parent(s) shall have household first aid supplies for treating minor cuts, burns and other minor injuries.
7. Fire Safety
- a. The home shall be free from fire hazards, such as faulty electric cords and appliances, or non-maintained fireplaces and chimneys.
 - b. Foster parent(s) living in apartment buildings shall give evidence that the building has been approved for building and fire safety within the last two years.
 - c. Foster parent(s) shall equip the home with operating smoke alarms within 10 feet of each bedroom.
 - d. Foster parent(s) shall place a portable chemical fire extinguisher in the cooking area of the home.
 - e. Foster parent(s) shall establish an emergency evacuation plan and shall practice it at least quarterly with the children to make sure all children understand the procedures.
 - f. Foster parent(s) shall store combustible items away from sources of heat.
 - g. Foster parent(s) shall shield all home heating units and other hot surfaces against accidental contact.
 - h. Foster parent(s) shall maintain safe conditions with properly installed, maintained and operated solid fuel heating stoves, systems, and fireplaces.
 - i. Family foster homes including mobile homes shall have two doors which provide unrestricted exits in case of fire.
8. Sanitation and Health
- a. Foster parent(s) shall keep the home clean and free of hazards to the health and physical well being of the family.
 - b. The home shall have a continuous supply of clean drinking water. If the water is not from a city water supply, the foster parent(s) shall have the water tested and approved by the local health authority.
 - c. The milk served to children shall either be Grade A and pasteurized or from an approved source.
 - d. All plumbing in the home shall be in working order.
 - e. The home shall have an adequate supply of hot water for bathing and dishwashing. Hot water accessible to children shall not exceed 120 degrees Fahrenheit at the outlet.
9. Transportation Safety

- a. A foster home shall have a safe means of transportation adequate to meet the needs of the household.
- b. Foster parent(s) shall ensure that any vehicle used to transport children is properly maintained, licensed and inspected as required by state law.
- c. The driver of any vehicle used to transport children by the foster home shall be properly licensed to operate that vehicle according to state law.
- d. Any vehicle used to transport children by the foster home shall carry a sufficient amount of liability insurance as required by law.
- e. Any vehicle which the child is permitted to drive by the foster home shall carry sufficient liability insurance covering the child's use of the vehicle.
- f. Foster parent(s) shall not permit a child to operate a motor vehicle without a valid Louisiana license or learner's permit and the written authorization of the placing agency or a court order.
- g. Seat belts and child restraints shall be used as required by Louisiana law and appropriate for the child's age.

R. Therapeutic Foster Homes

1. In addition to the above requirements for Family Foster Homes, "Therapeutic Foster Homes" shall meet the following requirements.
 - a. Qualifications
 - i. A minimum of a four year college degree plus two years experience working with special needs children or four years experience in working with special needs children.
 - ii. At least one of the certified Therapeutic foster parent(s) shall not have out of home employment.
 - b. Personal Responsibilities
 - i. Forty clock hours of pre-service training must be provided to the therapeutic foster parent(s) before placement.
 - ii. On-going training is required with couples acquiring 40 clock hours per year, with the certified therapeutic foster parent receiving a minimum of 18 hours.
 - iii. Therapeutic foster homes shall not exceed four dependents, including foster children. They shall care for no more than two foster children.
 - iv. The therapeutic foster parent(s) shall have a telephone in the home.
 - c. Agency Responsibilities to Therapeutic Foster Homes
 - i. The placing agency shall be available by telephone on a 24 hours basis.
 - ii. The placing agency shall make respite care available to each Therapeutic foster home on an average of two days per month.
 - iii. The agency social worker shall see children and therapeutic foster parents at least twice weekly.

S. Foster Home Records

1. The agency shall keep separate records for each family foster home which contain:
 - a. the application;
 - b. family assessment or homestudy;
 - c. health and medical reports;
 - d. compliance with local and state requirements with respect to sanitation, fire and safety;
 - e. criminal record check reports;
 - f. summary of dates and content of worker's contacts;
 - g. references;
 - h. annual assessment summary of strengths and needs of the foster family relative to the cue in individual children placed with them and compliance with requirements;
 - i. history of the care given by the family, children placed, dates admitted and discharged from care; and
 - j. termination summary, for homes which are closed, containing reasons for closure.
2. The agency shall maintain at least a card with identifying information, problem presentation, and referral material when a case is not opened.

T. Services Related to the Child

1. The placement worker shall see a child as often as necessary to carry out the case plan. For children in foster care, there shall be not less than two visits during the first month of care and monthly visits thereafter, documented in the case record. Contacts with the child and foster parents shall determine that:
 - a. each child over two years old has clothing for his exclusive use, comparable in quality and variety to that worn by other children with whom he will associate;
 - b. each child is provided the opportunity to participate in neighborhood, school, church and/or social and recreational activities; a child with handicap shall be allowed to participate in activities medically approved as not injurious to his/her health;
 - c. each child has play things of his own suitable to his age;

- d. duties required of a child shall be comparable to those required of other children in the foster home and community, and shall not exclude him from normal play time and extra-curricular school activities; and
 - e. the agency's plan for the child is appropriate.
2. The agency shall provide a case work services to each child and involve the foster parents to obtain a current understanding of the child's needs and encourage the child's participation in planning according to his/her age and capacity.
 3. The placement worker shall meet with the parent(s) and child(ren) together on a regular basis to assess and work on the following:
 - a. progress in resolving problems which precipitated placement;
 - b. parent and child relationships;
 - c. adjustment to separation; and
 - d. achievement of case plan goals.
 4. The agency shall be available to give foster parents assistance, consultation, and emotional support with situations and problems encountered in fostering children.
 5. At specific intervals, the agency shall evaluate the placement needs of the child(ren) in extended family foster placements. The agency shall provide training in independent living to children age 16 and older.
- U. Placement Agreement with Family Foster Homes
1. The agency shall have a signed agreement with each foster parent which includes the following:
 - a. expectations and responsibilities of the agency, the staff and the foster parent(s);
 - b. the services to be provided by the foster parents for the child's care and permanency planning;
 - c. the financial arrangements for the children placed in the home;
 - d. the authority the foster parent(s) can exercise for the children placed in the home;
 - e. the actions which require agency authorization; and
 - f. the legal responsibility for damage or risk resulting from children in their home;
 - g. refer to provisions of placement agreement with adoptive parents certified as foster parents for a legal risk placement.
 2. The agency shall have written policy in which reimbursement is made to foster parent(s) for cost of care expenditures and/or fees for service that is timely and equitable. When foster homes are used which are not reimbursed, the agency shall have a written agreement stating the reasons.
 3. The agency shall have a signed family foster care agreement with adoptive parents accepting a legal risk adoptive placement, in accordance with the provisions of §4115.L.7. The family foster care agreement for such placements shall include the following special provisions in addition to those contained in §4113.U.1.
 - a. The child's legal availability for adoption has not been established.
 - b. The child remains in the custody of the agency.
 - c. The agency will retain financial responsibility until the child becomes legally available for adoption and an adoption agreement is entered between the agency and family.
 - d. The family is willing to participate in the case plan and case review process.
 - e. The agency is responsible for the case plan and will continue its efforts to establish legal availability for adoption.
 - f. The family can/will not petition for adoption until legal availability is established; an adoption agreement has been entered, the child has been in the home six months and the agency has given written consent.
 - g. The agency will continue its efforts to establish availability.
- V. Post Family Foster Home Care Services
1. The agency shall make continuing supportive services available for children and families for at least six months following permanent placement in adoption or with the child's parent(s) and or relatives in order to strengthen and support new or renewed family functioning.
 2. The agency shall release any information pertaining to the former foster child from agency records to the former foster child who has reached the age of majority or to the parent(s) or adoptive parent(s) of such minor child in accordance with state laws and regulations. Under no circumstances shall any information concerning the identity of the reporter of child abuse or neglect be released to the former foster child.

Subchapter C. Adoption Services Module

§4115. Adoption Services

A. Adoptive Home Recruitment

1. If recruitment is necessary to provide permanent homes which meet the needs of children in care, the agency shall have a written plan for ongoing recruitment of adoptive homes which includes the methods of

recruitment, resources to be used, time-related goals for applicant recruitment, designated staff, and funding to implement the plan. Agencies shall engage in active recruitment of potential adoptive parents who reflect the racial and ethnic diversity of children needing placement.

B. Adoptive Home Application

1. The agency shall provide information to prospective adoptive parent(s) about:
 - a. the adoption process;
 - b. the agency's policies and practices, legal procedures and the approximate time the process will take;
 - c. adoptive standards;
 - d. types of children available;
 - e. the fees, structure, and the availability of a subsidy if applicable.
2. The agency in response to an application for adoption shall conduct a home study to assess the applicant(s) readiness and appropriateness for adoption.

C. Adoptive Home Study

1. The agency shall include in the home study process at least one office visit, two home consultations, and separate face to face interviews with each age appropriate member of the household.
2. The agency shall require and complete a criminal record clearance for each adoption applicant and each adult member of the household. The regulations for certifying a Foster Family Home applicant with a criminal history applies to certification of Adoptive Homes.
3. The agency shall complete an adoptive home study on adoption applicant(s) prior to adoptive placement of a child in the home.
4. The agency shall cover the following areas in the home study and record the information in the adoptive applicant(s), record:
 - a. identifying information to include, but not limited to names, dates and place of birth, race/nationality, citizenship, legal marital status of applicant(s) and all members of the household;
 - b. motivation or origin of interest in adoption, the child(ren) requested in regard to the number, age, sex, characteristics or acceptable in regard to health or developmental conditions or other special needs;
 - c. history of any previous application for adoption. The agency shall document the attempt to obtain a copy of any previous home study from the responsible agency;
 - d. background information and social information of applicant(s) and all members of the household to include but not limited to:
 - i. personality and appearance in general and in relation to being an adoptive family;
 - ii. family background, customs, relationship patterns, formative experiences with adoption, and (if immigrants) early adjustment in the new country;
 - iii. educational and employment histories;
 - iv. marriage(s), marital relationship(s), nature, quality, and agreement on respective roles, how are mutual needs met and how would a new child affect the relationship. The agency shall verify marriages, divorces, deaths to determine legal marital status;
 - v. children in the family and family interaction patterns and relationships, where/how would a new child fit in and affect family relationships;
 - vi. past and present physical and mental health, reason for childlessness (if applicable), medical reports and any specialist reports applicable to inability to have children or advisability of having children. A report of a physical examination for all members of the household within six months of the homestudy is inquired which verifies that each person suffers no communicable disease, specific illness or disability that would interfere with the family's ability to parent another child;
 - vii. hobbies, interests, social contacts, contacts with extended family, integration into/involvement in community, how will these be affected by the addition of a new child;
 - e. religious faith, affiliation, practices, attitudes towards religion and how parent(s) view the role of religion in rearing children;
 - f. location and physical environment of the home and adequacy for the child(ren) desired, accessibility to community resources needed for a special needs placement (if applicable);
 - g. financial condition of family, monthly income, assets, liabilities, management, insurance and health benefits, ability to financially provide for a new child to be adopted with or without agency financial assistance through adoption subsidy or available community resource;
 - h. emotional stability and maturity, experiences and demonstrated limitations or abilities to cope with crises, major problems, changes and losses;
 - i. awareness and knowledge of issues involved in adoption;
 - j. attitudes and capacities to parent an adoptee, general attitude toward birth-parent(s) and the reason the child is in need of adoption; understanding and acceptance of the adoptee's separate background, heritage and identity, (if applicable) need for sibling and/or family contact; readiness and capacity to discuss adoption with

the child and deal with adoption related issues that arise; adjustment of. previously adopted children (if applicable);

k. attitudes and capacities to parent, understanding of the needs of children; expectations regarding behavior, intellectual ability and emotional expression of children to meet parental needs; ability to cope with problems, stresses of parenting and to seek and accept advice; disciplinary beliefs and practices;

l. attitudes and feelings of members of the household extended family and significant others involved with the family toward accepting adoptee and parenting children who are not born to them, (if applicable) acceptance of family adopting child(ren) of other race or nationality; what effect will these attitudes have on the adoptive family;

m. five personal and community character references in writing (of these, three shall come from non-relatives by birth or marriage);

n. plan for child care if parent(s) work outside of the home; special provisions for meeting needs of specific special needs placement;

o. attitude and capacity for handling an adoption disruption if that should be necessary;

p. for individuals or couples wishing to adopt whose good health may not continue throughout the minority of the child or whose life expectancy may be shorter than the minority years of the child, there shall be established a plan for guardianship of the child in the event that incapacity of death precedes the child's reaching the age of majority. This is particularly relevant in foster parent adoption;

q. evaluation and recommendations for adoption in regard to number, age, sex, characteristics and special needs of children best served by the family or reason for denial of applicant for certification.

5. The homestudy shall be completed through the individual contacts with the family and/or by including the family in a group process. There shall be at least two home consultations and each member of the household shall be interviewed individually.

D. Notification Regarding Application

1. The agency shall notify applicant(s) in writing within 30 .days of completion of the homestudy of the acceptance or denial of their application for certification.
2. When applicant(s) are not certified, the agency shall have a contact to share with them the reasons prior to written notification.
3. The agency shall enter a dispositiona1 summary in the applicant(s) case record clearly indicating the reason for acceptance or denial of the application for certification, the manner in which the decision was presented to the family and whether or not they agreed with the decision.

E. Access to Records

1. The agency alone shall have full access to the adoptive parent(s) record.
2. The applicant(s) shall be allowed the opportunity to review or obtain a copy of their homestudy whether the application was approved or denied for certification. Any quotations from reference letters or other third party letters or telephone reports from agencies or professionals shall be deleted.
3. With written permission of the applicant(s), the agency shall forward a copy of the homestudy to another child placement agency for placement consideration or re-application to another child placing agency.

F. Updating Homestudy

1. For families who have had an adoptive placement and who wish to apply for adoption of another child, the original homestudy may be updated
2. If more than a year has passed since the family was certified for adoption, the agency shall complete an update prior to placement of a child in the home.
3. Applications for a second child shall not precede the finalization of the adoption of any unrelated children placed previously.

G. Services to Adoptive Parents

1. The agency shall provide services to adoptive applicants to assist them in making an informed decision about adoption. The homestudy should be an opportunity for applicant(s) and agency placement workers to participate in a joint, mutual assessment and evaluation of their potential for meeting the needs of the children available for adoption.
2. The agency shall discuss the potential children available for adoption with the prospective adoptive family in compliance with state laws and agency policies on confidentiality and ethical practices. The agency shall have at least one up-to-date appropriate state or Louisiana Adoption Resource Exchange Photolisting Album to show families.
3. The agency shall inform the certified prospective adoptive parent(s) of the Louisiana Adoption Resource Exchange, a resource within the department for assisting agencies in linking the waiting child(ren) available

for adoption with the waiting prospective adoptive parent(s) . If the prospective adoptive parent(s) are interested, the agency shall assist them with registration forms provided by the department.

4. The agency shall prepare the prospective adoptive family for the placement of the particular child(ren). Preparation shall include:
 - a. information about the family background, placement history, characteristics, needs and expectations of the child(ren) and the child(ren)'s parent(s);
 - b. review of the medical histories of the child(ren) and the child(ren)'s family;
 - c. visitation with the child in accordance with the child's age, level of understanding and preparation needs;
 - d. thorough discussion and agreement on any special provisions of placement.
5. The child assessment report completed in accordance with §4109.K.16 shall be given to the adoptive parents at placement. Identifying information regarding the child's biological family shall be removed, unless a release of information is obtained from the birth parent(s).
6. The agency placement worker shall visit the adoptive family to enable and empower the family to parent the child. Observations made during the visits shall be used in making recommendations for finalization of the adoption or to assist the family to disrupt the placement if problems arise that cannot be resolved to the satisfaction of the family and agency and in the best interest of the child. The agency placement worker shall assist the family directly and/or refer the family to a provisional resource outside of agency to address the problem(s).
7. The agency shall give written consent to the family for adoption at the end of six months of placement if the family wants finalization and any problems that have arisen during the placement are in a satisfactory stage of resolution.
8. If necessary, and except in emergency situations, the agency shall assist the adoptive family and child to plan an adoption disruption and replacement of the child in a manner least detrimental to the child and family. After all available resources are used and the family is still thinking about discontinuing the placement, the agency shall hold a planning conference to review the situation. The planning conference shall be attended by the adoptive parents, the child (if and when in the best interest of the child), the placement worker, the placement supervisor and (if applicable) the previous foster care worker/custodian. The planning conference should cover the following:
 - a. problems in the placement;
 - b. what resources have been used;
 - c. what other resources may be helpful;
 - d. the pros and cons of continuing the placement;
 - e. deciding whether to disrupt the placement or maintain the placement;
 - f. if maintaining the placement is the plan, identifying additional services to be used;
 - g. if disruption is the plan, discussing the placement alternatives for the child;
 - h. planning how the disruption will occur.
9. The agency shall assist the family in giving the child, of sufficient age of understanding, a reason for the disruption. Where this is not possible the agency shall inform the child.
10. The agency should provide services to families who suffer an adoption disruption to deal with their grief and decide if another adoptive placement is an appropriate plan.
11. The agency should provide post adoption services to families who adopt through the agency in accordance with state laws and agency policies.
12. The agency shall advise the adoptive parents of the current provisions of their appropriate state or the Louisiana Voluntary Registry within the department to facilitate reunions between adult adoptees and birth-parents.
13. The agency shall supervise a child's permanent placement for a minimum of six months before giving written consent to finalize the adoption. The child and family shall be seen within three weeks of placement and at least twice thereafter. These two supervisory visits shall be in the adoptive home and shall include both adoptive parents (if applicable) and all other members of the household. Written reports on these supervisory visits shall be dated and placed in the child's record and the adoptive parent's record.
 - a. In special needs placements, more supervisory visits should be made, at least one each two month period to provide information, assistance and support to the family.
14. The agency shall be available to give the adoptive parent(s) assistance, consultation and emotional support with the situations and problems encountered in permanent placement.

H. Review Procedure

1. The agency shall develop and implement procedures to review complaints from adoptive applicants and adoptive parents in response to complaints regarding denial of homestudy services, disapproval of a certification for adoption, disapproval of a family for adoptive placement, or removal of a child from the adoptive home.
2. The agency shall make available a copy of the complaint policy to any person receiving services.

I. Adoptive Parent(s) Records

1. The agency shall keep separate records for each adoptive family applicant which contain: (to the extent applicable)
 - a. the application;
 - b. the homestudy;
 - c. medical records of the family;
 - d. references from at least three sources;
 - e. criminal record check reports;
 - f. a summary of contacts from application until placement;
 - g. correspondence;
 - h. copies of legal documents verifying marital status;
 - i. summary containing the placement decision, replacement and post-placement contacts with the family and the child adopted;
 - j. a copy of the information given to the adoptive parent(s) concerning the child(ren) placed or to be placed with them;
 - k. disposition summary for certified homes at closure stating the reason for closure.
2. The same record shall be used for re-applications. These records shall contain an update of the homestudy, medical reports, and criminal record check reports necessary for recertification.
3. In the event a family was not accepted for certification or did not have a child placed with them, a narrative clearly indicating the reason and the manner in which the decision was presented to the family.

J. Adoptive Services to the Parent(s)

1. The agency shall assure that all expectant parent(s) considering adoption as a permanent plan are advised of the legal statutes relative to their particular situation. The agency should encourage the parent(s) to seek independent legal counsel if so desired.
2. The agency shall avoid the use of coercion in securing surrenders from parent(s). It is generally preferable not to accept a surrender until two weeks after the birth or placement of the child, unless the parent(s) request it to be done sooner.
3. The agency shall advise the parent(s) that a valid surrender for adoption to a child placing agency is final and irrevocable and makes the agency legally responsible for selecting the most appropriate permanent placement for the child. Any previous placement agreements or understandings between the agency and the parent(s) are considered preferences which are not legally binding in the absence of a court order and secondary to the child's right to a timely permanent placement.
4. The agency shall not bring pressure on parent(s) to resume parental responsibility after acceptance of the surrender. Where the child is not in a permanent placement and the parent(s) wish to resume parental responsibility, the agency may consider adoptive placement with the parent(s).
5. In case of infant placement for adoption, the case plan shall include case work with the parent(s) planning relinquishment and immediately following relinquishment for a designated period of time.

K. Placement Authority

1. Prior to adoptive placement, the agency shall establish the availability of a child through the following procedures:
 - a. acceptance of legally executed voluntary surrender(s) from the parent(s);
 - b. court order(s) of abandonment against tile parent(s);
 - c. court ordered termination of parental rights against the parent(s); or
 - d. documentation of death of parent(s);
 - e. any combination of the above.

L. Selection of an Adoptive Home

1. The agency shall select an adoptive family for a child based on an assessment of the child's needs as well as an assessment of the prospective family's ability to meet those needs.
2. Selection of a family shall be based on four broad criteria:
 - a. the best interest of the child is the primary consideration;
 - b. the existence of psychological parent-child bonds between the child available for adoption and significant adults in the child's life;
 - c. the ability of the family to meet the needs of the child.
3. The following factors regarding selection of a family shall be carefully considered.
 - a. Placement of siblings as a family group is usually the preferred placement choice unless contraindicated by:
 - i. assessment of the nature of sibling relationships;

- ii. the likelihood that placement would be unduly delayed by waiting for a family who will accept all of the children in a sibling group;
 - iii. the existence of significant affectionate attachment between a child and foster parent(s) who wish to adopt only the member of the sibling group already placed in the home. The agency may agree to this when:
 - a. an assessment indicates that the child's psychological bond to the foster parent(s) is so strong that it is more important to the child than the sibling relationship(s). In this situation an assessment must be made of the foster parent(s) willingness to maintain sibling contact after finalization of the adoption.
 - b. The agency, when selecting a family foster or adoptive family may assess a child's racial, cultural ethnic and religious heritage and preserve them to the extent possible without jeopardizing the child's right to care and a permanent placement. Agencies which receive federal assistance, however, may use race, culture, or ethnicity as factors in making placement decisions only insofar as the Constitution, MEPA, and Title VI permit. Placement of Indian children shall be made in accordance with the Indian Child Welfare Act.
 - c. The prospective family's willingness and ability to provide for the medical, educational, and psychological services identified as being needed by the child. Adoption subsidy should be considered if the family's only limitation is financial ability to provide for a special needs child.
 - d. The family's ability to accept the child's background and his mental, physical and psychological limitations/strengths.
 - e. The probable impact of such factors as life style, expectations, culture and perception of family life on the ability of the family and the child to bond to each other.
 4. Adoption of a child by foster parent(s) shall be considered when:
 - a. the foster parent(s) are interested in adopting the child;
 - b. an assessment indicates that foster parent adoption is the most desirable permanent plan for the child;
 - c. the child has lived with the foster family for a period of time and' the child and family have formed affectionate and healthy ties;
 - d. removal and placement would be likely to cause lasting emotional damage to the child;
 - e. foster parent(s) meet certification standards for adoptive homes. Certified foster parent(s) are generally presumed to have met adoptive certification standards.
 5. Adoption by a relative(s) shall be considered when:
 - a. the relative(s) is interested in adopting the child;
 - b. an assessment indicates that this plan is in the best interest of the child;
 - c. the child and relative(s) have formed affectionate and healthy ties;
 - d. the relative(s) meets certification standards for adoptive homes.
 6. Birthparent(s) may be considered for permanent placement of the child when:
 - a. the birthparent(s) is interested in adopting the child;
 - b. an assessment indicates that this plan is in the best interest of the child;
 - c. the child and birthparent(s) have the capacity to form an affectionate and healthy parent-child relationship;
 - d. the parent(s) meets the certification standards for adoptive homes. Waivers may be considered for certification criteria where in the best interest of the child.
 7. The agency having legal custody of the child may select an adoptive family for placement of the children legal availability has not been established under the following conditions.
 - a. The agency has reasonable assurance that the child's availability will be established and legal procedures have been initiated or made a part of the case plan, pending implementation.
 - b. Professional evaluation indicates that the establishment of a parent child bond at the earliest possible age is in the best interest of the child.
 - c. The adoptive family meets the requirements for certification as a family foster home and has been certified as such prior to placement.
 - d. The foster/adoptive family has been advised of the legal risks involved and is willing to enter into this case plan under a written family foster agreement stipulating the special provisions in §4113.U.3.
 8. The agency shall not place a second child in a home for adoption until a previously placed child's adoption has been finalized except where the first child's placement is an extended foster parent adoption in progress in accordance with a case plan or the second child is a sibling to the first child and the placement is in the best interest of both children.
- M. Placement Agreement with Adoptive Parent(s)
 1. The agency shall have a signed agreement with each adoptive parent which includes the following:
 - a. the child's availability for adoption has been established;
 - b. the child is being placed with the adoptive parent(s) for purposes of adoption;
 - c. the adoptive parent(s) meets the certification requirements for adoption;
 - d. the child remains in the custody of the agency until the adoption is finalized;

- e. the family assumes financial responsibility for the child except in special needs placements approved by the department for an adoption subsidy or in accordance with special provisions for financial responsibility as included in the agreement;
- f. the number of supervisory visits in the first six months of placement to assess the progress of the placement;
- g. the agency and family agree to finalize the adoption after six months barring unforeseen circumstance that warrant removal of the child or to extend the placement agreement for another time-limited period not to exceed 18 months in all;
- h. the family agrees to cooperate with the agency in making a planned move for the child if replacement should be necessary except in emergency circumstances;
- i. the family will not petition the court for adoption until the agency has given written consent;
- j. the family will report to the agency any changes in their circumstances that have an effect on the child or the adoption;
- k. the family will not take the child out-of-state or authorize any special medical care or treatment for the child without the consent of the agency;
- l. the agency will provide supportive services to the family to promote a healthy parent-child adjustment and bonding.

N. Placement Supervision/Services

- 1. The agency shall supervise a child's permanent placement for a minimum of six months before giving written consent to finalize the adoption.
- 2. The child and family shall be seen within three weeks of placement and once every two month period thereafter (at least twice thereafter)
- 3. At least two of the supervisory visits shall be in the adoptive home and shall include both adoptive parents (if applicable) and all other members of the household.
- 4. Written reports of the supervisory visits shall be dated and placed in the child's record and adoptive parent(s) record.
- 5. The agency shall be available to give the child and adoptive parent(s) assistance, consultation and emotional support with situations and problems encountered in permanent placement.
- 6. The agency shall be responsible for assisting adoptive parents to finalize the adoption or in cases were the adoption cannot be finalized, to develop an alternative permanent plan and placement for the child.

O. Intercountry Placements

- 1. Services in intercountry placements shall be provided by a state or licensed agency authorized by the department to provide child placement in foster care and adoption services in Louisiana.
- 2. The agency shall include in its statement of purpose a description of any intercountry placement services provided by the agency which may include but not be limited to:
 - a. provision of intake services to help the family determine if it can parent a child of another country and culture;
 - b. facilitation between the family and the foreign placement entity in direct adoptions or between the family and another child placing agency;
 - c. link families with regulatory authorities in the United States and/or foreign country;
 - d. provision of state approved home study for family to the U.S. Immigration and Naturalization Service with accompanying:
 - i. placement recommendation;
 - ii. certification that family has met the pre-adoptive requirements in the child's proposed state of residence;
 - iii. signatures of the person completing the home study, the placement supervisor, and the agency administrator;
 - iv. verification that the agency is licensed or authorized to operate in Louisiana;
 - e. facilitate the provision of state approved home studies for Louisiana families residing abroad through International Social Services to enable them to comply with the provisions of the Immigration and Naturalization Act;
 - f. selection and preparation for the child(ren) to be placed and/or family;
 - g. follow-up and supervision of the child's adoptive placement status;
 - h. assistance to the family with legal finalization of the adoption in Louisiana to include:
 - i. verification of documents attesting to the child's legal availability for adoption;
 - ii. court reports to the department in connection with the petition to finalize the adoption in a Louisiana court;
 - i. assistance to the family in obtaining a revised birth certificate for the child;
 - j. post adoption services.

3. The agency shall conduct or accept only a state approved home study conducted in accordance with these regulations for inter-country adoptive placements.
4. The agency working directly with foreign entities or with out-of-state licensed agencies to arrange for the placement of children shall establish working relationships and agreements in writing which address the service, legal, and financial responsibilities of the two parties.
5. The following conditions shall be met by the authorized adoption service or person in another country before a child can be placed for adoption in Louisiana:
 - a. the child shall be qualified for adoption and be in the permanent custody of an authorized agency, organization or person in the foreign country;
 - b. a duly constituted governmental unit or judicial court of the child's country has authorized the agency, organization, or person to arrange the adoption, who shall observe the laws or customs of the foreign country;
 - c. there shall be proper emigration and immigration permits;
 - d. there shall be social and medical history of the child, to the extent available.
6. Agencies in Louisiana and those authorized agencies placing foreign born children in to Louisiana shall be subject to the proceeding rules. In addition such agencies shall:
 - a. be responsible for making another adoptive plan if the placement disrupts prior to finalization of the adoption;
 - b. provide foster care until other appropriate legal steps are complete for the child's permanent care if the adoption disrupts;
 - c. arrange for needed medical care for a child if the adoptive parents decide not to keep the child;
 - d. advise adoptive parents of the necessity to have the child naturalized as a separate action from the adoption if so desired.
7. An agency working in conjunction with an out-of-state child placing agency to arrange for international child placement shall ensure that the other agency is licensed in its state.
8. The agency shall ensure that all actions related to the international placement and adoption of children satisfy the laws and regulations of Louisiana and any other state in which it is authorized to operate, those of the foreign nation involved and the federal immigration laws.
9. The agency providing international placement services shall provide written information to families that at a minimum:
 - a. describes agency services and programs;
 - b. defines the legal and financial responsibilities of the agency and the family;
 - c. defines its relationship with any other foreign or domestic child placing entity;
 - d. identifies direct and indirect costs associated with accomplishing the inter-country adoption.
10. The agency involved with assisting the family to arrange for the child's emigration, immigration or adoption shall:
 - a. ensure that all documents related to the child's legal status, emigration, social and medical status and immigration are valid and accurate;
 - b. ensure that documents required for the child's adoption or readoption in the United States comply with the laws and requirements for adoption in the state in which adoptive parents will file the adoption petition. When documents are not available or are in question the agency shall be responsible for helping the adoptive parents correct these circumstances;
 - c. ensure that families are aware of their responsibility to notify U.S. Immigration and Naturalization Services of changes in the child's residence after the child's adoption and prior to the child's naturalization.
11. The agency shall send written notice to the department on forms provided by the department on plans to place a Louisiana child in another country or when approval is given to U.S. Immigration and Naturalization Service for a Louisiana family to adopt a foreign born child.
12. The agency which provides inter-country adoption services to the family shall:
 - a. notify U.S. Immigration and Naturalization Services and the department on forms provided by the department, when the child's legal adoption has been finalized so files can be updated;
 - b. notify the U.S. Immigration and Naturalization Service and the department on form provided by the department when the child's legal adoption has not been finalized within six months of the time provided by state law;
 - c. notify the U.S. Immigration and Naturalization Service and the department on forms provided by the department when custody and/or residence of the child changes prior to finalization of the adoption.
13. The agency working with an out of state agency to place a foreign born child in Louisiana shall give written notice to the administrator of the Interstate Compact on the Placement of Children before placing a child into or receiving a child from another state. No placement shall occur without prior approval from the compact administrator of the receiving state. A child adopted through the court of jurisdiction in a foreign country or entering Louisiana directly from the foreign country for purposes of adoption are not subject to the Interstate Compact on the Placement of Children.

P. Post Adoption Services

1. The agency shall include in its statement of purpose a description of any post-adoption finalization services provided by the agency.
2. The agency shall provide medical and genetic history to adoptees and/or their adoptive parents in adoption placements made by the agency in accordance with state laws and agency policies and procedures on the release of information from case records. The agency that closes shall designate another agency or person to provide this service.

§4117. Effective Date

- A. The rules governing the licensing of Child Placing Agencies with and without Adoption Programs become effective on the date published in the *Louisiana Register* as a final rule.
- B. All licenses issued pursuant to prior rules shall remain in full force and effect for the term of the license unless appropriate action is taken by the department to revoke the license in accordance with these rules. The licensee will need to comply with these rules at the time of application for renewal.