



**Improving State and Tribal
Foster Family Home
Licensing Standards:
*Complying with the Family
First Prevention Services Act's
Licensing Requirements***

February 28, 2019

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- PowerPoint slides and a recording of the webinar will be available on www.grandfamilies.org by early next week
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+ Speakers

- **Jaia Lent**, Deputy Executive Director, Generations United
- **Ana Beltran**, Special Advisor, National Center on Grandfamilies, Generations United
- **Heidi Redlich Epstein**, Director of Kinship Policy, ABA Center on Children and the Law
- **Laura Boyd**, National Public Policy Director, Family Focused Treatment Association
- **David Simmons**, Director of Government Affairs and Advocacy, National Indian Child Welfare Association





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Generations United's National Center on Grandfamilies

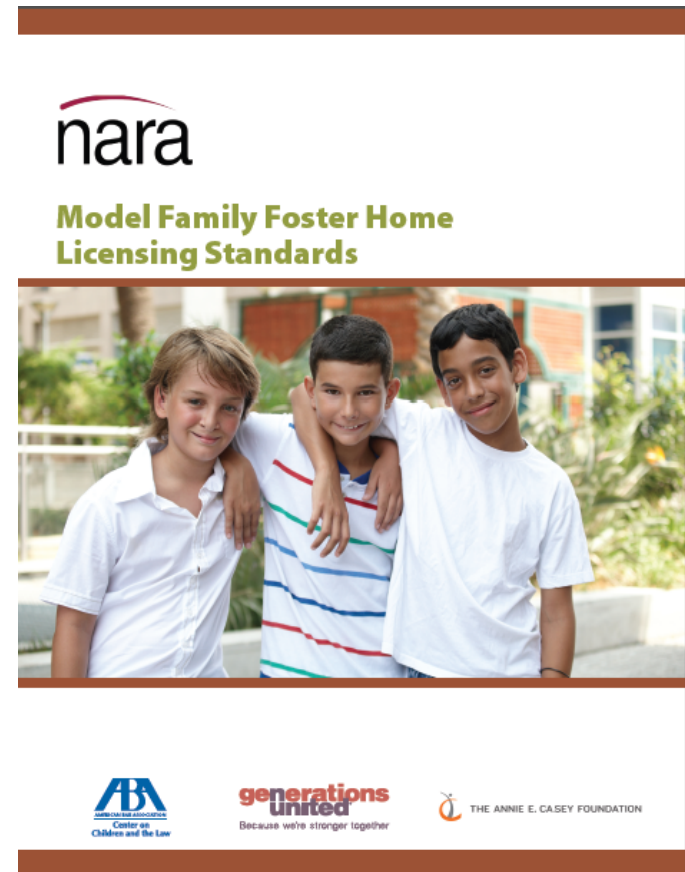
- Generations United's mission is to improve the lives of children, youth, and older adults through intergenerational collaboration, public policies and programs
- Since 1998, Generations United's National Center on Grandfamilies:
 - Guided by GrAND Voices – a network of caregiver advocates
 - Leads an advisory group of organizations, caregivers and youth that sets the national agenda
 - Advocates on behalf of grandfamilies in Washington, DC
 - Provides technical assistance to states and other providers
 - Raises awareness through media outreach, weekly communications and events
 - Provides information and resources at www.gu.org and www.grandfamilies.org
 - Helped develop the NARA standards as a mission-driven project to address unnecessary barriers to relatives becoming licensed foster parents
- June 12-14, 2019 Biennial Conference in Portland, OR – see <https://guconference.org/>

+ Family First Act – Improving Licensing Standards for Placement in a Relative Foster Family Home

- On February 4, 2019, the Children’s Bureau released final [National Model Foster Family Home Licensing Standards](#), as required by the Family First Prevention Services Act
- States and tribes must compare their foster home licensing standards against the National Model standards and report to the Children’s Bureau on their comparison and practices related to waiving non-safety standards for relatives
- Family First Act builds on long-standing federal law that states must be “in accord” with national standards:
 - Up until now, the federal government did not point to any such standards, so the states created their own standards without any national guidance
 - The varying state standards often cause unnecessary barriers
 - Now states and tribes have guidance that seeks to address unnecessary barriers to licensing relatives and non-relatives
 - The purpose is to try to eliminate barriers caused by state licensing standards so more relatives caring for children in foster care can become licensed and receive ongoing monthly financial assistance, supports and pathways to exit the system with monthly assistance

+ NARA Model is the “main source” for the Children’s Bureau Model

- The Children’s Bureau used the National Association for Regulatory Administration ([NARA](#)) [Model Family Foster Home Licensing Standards](#) as the “main source” for its National Model
- Available free of charge at www.grandfamilies.org includes:
 - a purpose statement
 - ten guiding principles
 - the model standards
 - an interpretive guide
 - a crosswalk tool
- Virtually all of the language in the Children’s Bureau Model is straight from the NARA Model
- The National Model does not incorporate all of the NARA Model, but nothing in the National Model contradicts the NARA Model
- The NARA Model and its tools can be used by states and tribes to help compare and align their standards - it provides important guidance and additional clarity



+ NARA Model: Development and Purpose

- Developed by Generations United, the ABA Center on Children and the Law, and NARA, with support from the Annie E. Casey Foundation:
 - Began as an effort to address licensing barriers for relatives caused by state licensing standards
 - Researched all 50 states' licensing standards, along with standards found in national associations, including the Child Welfare League of America and the Council on Accreditation
 - This research informed the 12-month process of developing the standards with NARA leadership, members and experienced licensors in Florida, Ohio, and Kansas
- Primary purpose is to help ensure children in foster care are safe while also establishing a reasonable, common-sense pathway to enable more relatives and non-relatives to become licensed foster parents
- Contains a complete set of the categories necessary to license a safe family foster home and is designed to eliminate unnecessary barriers caused by licensing standards that have more to do with lawsuits and middle-class ideals than licensing safe homes - gone are standards such as requiring applicants to have high school diplomas, own their own cars, and have homes that meet strict square footage requirements



Standards in National Model
“relied heavily” on NARA Model





Subject Standards	Standards and Summary
Foster Family Home Eligibility – Threshold Requirements	<p>A. Foster Family Home Eligibility: A foster family home license includes the following:</p> <p>a. Threshold Requirements</p> <ol style="list-style-type: none">i. Applicants must be age 18 or older.ii. Applicants must have income or resources to make timely payments for shelter, food, utility costs, clothing, and other household expenses prior to the addition of a child or children in foster care.iii. Applicants must be able to communicate with the child, the title IV-E agency, health care providers, and other service providers.ⁱiv. At least one applicant in the home must have functional literacy, such as having the ability to read medication labels.

“prior to” language helps eliminate barriers

Functional literacy – rather than high school diplomas



Foster Family Home Eligibility – Physical and Mental Health

- b. Physical and Mental Health:** All applicants must have recent (conducted within the prior 12 months) physical exams from a licensed health care professional that indicate that the applicants are capable of caring for an additional child or children.
- i. All household members must disclose current mental health and/or substance abuse issues.
 - ii. All household members must provide information on their physical and mental health history, including any history of drug or alcohol abuse or treatment.
 - iii. The title IV-E agency may require further documentation and/or evaluation to determine the suitability of the home.
 - iv. All children who are household members must be up to date on immunizations consistent with the recommendations of the American Academy of Pediatrics (AAP), the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention (ACIP), and the American Academy of Family Physicians (AAFP), unless the immunization is contrary to the child's health as documented by a licensed health care professional.
 - v. All household members who will be caregivers of infants must have an up-to-date pertussis (whooping cough) vaccine consistent with the recommendations of the ACIP, unless the immunization is contrary to the individual's health as documented by a licensed health care professional.ⁱⁱ All household members who will be caregivers of infants and children with special medical needs must have an up-to-date annual influenza vaccine consistent with the recommendations of the ACIP, unless the immunization is contrary to the individual's health as documented by a licensed health care professional.ⁱⁱⁱ

Many comments from private citizens re: immunization requirements

Elevated responsibility when caring for other people's children

Foster Family Home Eligibility – Background Checks	c. Background Checks <ul style="list-style-type: none"><li data-bbox="898 297 1549 439">i. Applicants must submit to criminal record and child abuse and neglect registry checks as required in section 471(a)(20) of the Social Security Act (the Act).
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Cites long-standing Adam Walsh law as does NARA Model

Does not provide additional guidance – can refer to NARA Model



Foster Family Home Eligibility –Home Study

- d. Home Study:** Applicants must have completed an agency home study, which is a written comprehensive family assessment to include the following elements:
- i. At least one scheduled on-site visit to assess the home to ensure that it meets the state, tribal and/or local standards applicable to the safety and care of the home;
 - ii. At least one scheduled in home interview for each household member to observe family functioning and assess the family’s capacity to meet the needs of a child or children in foster care;
 - iii. The title IV-E agency has discretion on whether to interview or observe each household member based on his or her age and development; and
 - iv. Multiple applicant references that attest to the capability of the applicant to care for the child, including at least one from a relative and one from a non-relative.

See NARA definition of “household member” – makes clear it does not include renters in separate units

Importance of Internet face to face technology for interviewing college students, etc.



Foster Family Home Health and Safety – Living Space	B. Foster Family Home Health and Safety a. Living Space: The home must be a house, mobile home, housing unit or apartment occupied by an individual or a family. The home must have: <ul style="list-style-type: none">i. An adequate supply of safe drinking water;ii. A properly operating kitchen with a sink, refrigerator, stove, and oven;iii. At least one toilet, sink and tub or shower in operating condition;iv. Heating and/or cooling as required by the geographic area, consistent with accepted community standards and in safe operating condition; andv. A working phone or access to a working phone in close walking proximity.
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Breaking down barriers for rural families

Water can be well water or bottled water

Bathroom facilities don't all have to be in one room



Foster Family Home Health and Safety – Condition of the Home

b. Condition of the Home: The applicant’s home, grounds, and all structures on the grounds of the property must be properly maintained in a clean, safe, and sanitary condition and in a reasonable state of repair within community standards. The interior and exterior must be free from dangerous objects and conditions, and from hazardous materials. The home must meet the following requirements:

- i. Have adequate lighting, ventilation and proper trash and recycling disposal, if recycling is available;
- ii. Be free from rodents and insect infestation.
- iii. Proper water heater temperature;
- iv. Weapons and ammunition (separately) stored, locked, unloaded, and inaccessible to children;
- v. Pets are vaccinated in accordance with state, tribal and/or local law;
- vi. Have conditions that prevent the child’s access, as appropriate for his or her age and development, to all medications, poisonous materials, cleaning supplies, other hazardous materials, and alcoholic beverages;
- vii. Swimming pools,^{vii} hot tubs, and spas must meet the following to ensure they are safe and hazard free (and additionally must meet all state, tribal and/or local safety requirements):

- 1. Swimming pools must have a barrier on all sides.
- 2. Swimming pools must have their methods of access through the barrier equipped with a safety device, such as a bolt lock.
- 3. Swimming pools must be equipped with a life saving device, such as a ring buoy.
- 4. If the swimming pool cannot be emptied after each use, the pool must have a working pump and filtering system.
- 5. Hot tubs and spas must have safety covers that are locked when not in use.

See NARA for definition of “community standards”



Foster Family Home Capacity	C. Foster Family Home Capacity: The total number of children in foster care in a foster family home must not exceed six consistent with section 472(c)(1)(A)(ii)(III) of the Act. Per section 472(c)(1)(B) of the Act, the number of foster children cared for in a foster family home may exceed this numerical limitation at the option of the title IV-E agency for any of the following reasons: <ul style="list-style-type: none">a. To allow a parenting youth in foster care to remain with the child of the parenting youth;b. To allow siblings to remain together;c. To allow a child with an established meaningful relationship with the family to remain with the family; andd. To allow a family with special training or skills to provide care to a child who has a severe disability.
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Strictly follows Family First Act

NARA has maximum of 8 total children in home, whereas National Model has no overall maximum



Foster Family Home Sleeping Arrangements	D. Foster Family Home Sleeping Arrangements: Applicants must provide a safe sleeping space including sleeping supplies, such as a mattress and linens, for each individual child, as appropriate for the child's needs and age and similar to other household members. Foster parents must not co-sleep or bed-share with infants.
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Importance of using “sleeping space” language – rather than bedrooms

Notion of equity



Emergency Preparedness, Fire Safety, and Evacuation Plans

- E. Emergency Preparedness, Fire Safety, and Evacuation Plans:** The applicant must have emergency preparedness plans and items in place as appropriate for the home's geographic location. The applicant's home must meet the following fire safety and emergency planning requirements:
- a. Have at least one smoke detector on each level of occupancy of the home and at least one near all sleeping areas;
 - b. Have at least one carbon monoxide detector on each level of occupancy of the home and at least one near all sleeping areas;^{ix}
 - c. Have at least one operable fire extinguisher that is readily accessible;
 - d. Be free of obvious fire hazards, such as defective heating equipment or improperly stored flammable materials;
 - e. Have a written emergency evacuation plan to be reviewed with the child and posted in a prominent place in the home;
 - f. Maintain a comprehensive list of emergency telephone numbers, including poison control, and post those numbers in a prominent place in the home; and
 - g. Maintain first aid supplies.

Notion of helping with costs important

Slight difference with NARA here – carbon monoxide detectors only required if home needs them

**Transportation**

F. Transportation: Applicants must ensure that the family has reliable, legal and safe transportation. Reliable transportation includes a properly maintained vehicle or access to reliable public transportation; if a privately-owned vehicle owned by the applicant's family or friends is used to transport the child in foster care, legal transportation includes having a valid driving license, insurance and registration; and safe transportation includes safety restraints as appropriate for the child.^x

Another effort to break down licensing barriers – does not require applicants to own vehicles

**Training**

G. Training: Applicants must complete pre-licensing training on the following topics: rights, roles, responsibilities and expectations of foster parents; agency structure, purpose, policies, and services; laws and regulations; the impact of childhood trauma; managing child behaviors; first aid (including cardiopulmonary resuscitation (CPR)^{xi} for the ages of the children in placement) and medication administration; and the importance of maintaining meaningful connections between the child and parents, including regular visitation. Foster parents must participate in ongoing training to receive instruction to support their parental roles and ensure the parent is up to date with agency requirements. Further, this training may also include child-specific training and/or may address issues relevant to the general population of children in foster care.

*No minimum number of hours – NARA
requires a minimum of 6 hours*

*Tailoring training to relatives is
important*



Foster Parent Assurances	H. Foster Parent Assurances: Applicants must agree to comply with their roles and responsibilities as discussed with the title IV-
	E agency once a child is placed in their care. The title IV-E agency must require assurances including: <ul style="list-style-type: none">a. Applicants will not use corporal or degrading punishment.b. Applicants will not use any illegal substances, abuse alcohol by consuming it in excess amounts, or abuse legal prescription and/or nonprescription drugs by consuming them in excess amounts or using them contrary to as indicated.c. Applicants and their guests will not smoke in the foster family home, in any vehicle used to transport the child, or in the presence of the child in foster care.d. Applicants will adhere to the title IV-E agency's reasonable and prudent parent standard per section 472(c)(1)(A)(ii)(I) of the Act.

Importance of informing applicants of behaviors required after licensing

NARA has additional assurances, which you can consult

+ Consider emergency placement procedures

- The National Model does not include emergency placement procedures, also known as provisional licensing standards
- Children's Bureau did not reject such standards, they simply considered them outside the scope of the Family First Act's legislative requirements
- NARA Model has emergency placement procedures to consider:
 - Allow a child to be placed safely with a relative virtually immediately after removal from the parents' home. The relative then completes the remaining licensing process while the child is in their home
 - Children can be placed safely with relatives right away and do not have to experience multiple placements



+ Tribal and Treatment Home Considerations

NICWA Foster Care Standards for Tribes

NICWA standards intended to provide example of a development framework and examples of standards and supporting policy

- Not intended to meet all tribes specific needs
- Requires local process to examine information and assess fit



NICWA

National Indian Child Welfare Association
Protecting Our Children • Preserving Our Culture

Key Principles of NICWA Standards

- Tribes are sovereign governments and have authority to develop their own laws and regulations
- Community engagement and consensus work best to develop and implement standards that will have long term sustainability
- Standards must be relative friendly
- While culturally adapted models can be helpful, culturally-based models work best (decolonization)



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Special Guidance on Therapeutic/ Treatment Family Homes



- FFTA is updating the complete Program Standards for TFC during 2019. However, specific new guidance on kinship TFC standards will be forth coming in March, 2019, and available to FFTA members.
- The guidance on TFC standards for kinship services and placements will appear as “kin notes” in the March guidance, so as to emphasize the unique needs and challenges of kinship caregivers who are caring for children and youth with treatment needs.
- FFTA Standards address recommendations for
 - Program operations/content
 - Treatment Parents training and support
 - Overall consideration of treatment and care of Children, Youth, and Families receiving TFC services



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+ For Kinship Caregivers: new highlights

- FFTA uses the term “kin” instead of “relative” in recognition of broad consideration of caring adults who may or may not be related to the youth by blood, but who are committed to that youth.
- Programs must use evidence-based or evidence-informed treatment approaches—or components of those approaches—that are proven to increase and enhance children’s wellbeing and clinical outcomes. Treatment Parents must be trained and supported in parenting approaches that do the same.
- If the child is not already with kin, programs have a responsibility to continuously search for and engage a child’s extended family network throughout their time in the program.
- When considering kin as Treatment Parents, the agency should have a developmentally appropriate conversation with the young person about their interest and comfort with the kin as a placement option. If the child is already placed in the kin home, he or she should be engaged in conversations about satisfaction with that placement. Programs should also provide kin with the requirements for becoming a Treatment Parent and assess their willingness and capacity to meet these requirements.

NOTE: TFC providers report not infrequent difficulty with public child welfare agencies permitting application of the Prudent Parent Standard for TFC homes/caregivers.



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+ Action Steps



+ Action Steps – Compare State and Tribal Standards with Both Models

- Establish workgroup or taskforce:
 - Consider what are the barriers to licensing for relatives in your state or tribe?
 - Common barriers include:
 - Criminal history of relative
 - Income/vehicle
 - Housing requirements like square footage
 - Compare state or tribal licensing standards to both NARA and HHS Model Standards
 - Basic reporting due to the Children's Bureau by 3/31/19
 - Consider this process an ongoing opportunity to improve licensing standards and practices

+ Action Steps – Report to Children’s Bureau

- See [July 9, 2018 Program Instruction](#) and [February 4, 2019 Information Memorandum](#)

- States and tribes must submit a Title IV-E plan amendment ([attachment X](#), of the pre-print) by **March 31, 2019**, and provide the following “specific and detailed” information:
 - *Are the agency’s foster family home licensing standards consistent with the National Model? If not, why not?*
 - *Does the agency waive non-safety licensing standards for relative foster family homes, as allowed by federal law? If not, why not?*
 - *Which standards are most commonly waived?*
 - *How are caseworkers trained to use the waiver authority?*
 - *Is there a process or tools to assist caseworkers in waiving non-safety standards so they can place quickly with relatives?*
 - *What steps are being taken to improve caseworker training or the process?*



NARA Model, National Model, and State or Tribal Standards Cross-Walk

Please note: A blank entry under either the National Model or NARA Model column means there is no comparable standard in that Model.

NARA Model Family Foster Home Licensing Standards (NARA Model)	Children's Bureau National Model Foster Family Home Licensing Standards (National Model)	Comparable State or Tribal Standard	State or Tribal Standard Source - Indicate the citation for all (statutes, regulations/ administrative codes, policies, etc.)	Plan to address Alignment – Legislative, Policy or Procedure	Comments
9.B.2. If a home uses private well water or another source of drinking water other than water through the municipal water supply, then it must be tested for safety.	*Summary section – may include water from a municipal drinking source, a private well or other source.				
7.A.6. Have kitchen facilities with a sink, refrigerator, stove, and oven in safe operating condition.	ii. A properly operating kitchen with a sink, refrigerator, stove, and oven;				
7.A.5. Have at least one toilet, sink, and tub or shower in safe operating condition.	iii. At least one toilet, sink and tub or shower in operating condition; *Summary section –Endnote vi. states that the toilet, sink and shower or tub are not required to be in the same room.				
7.A.7. Have heating and/or cooling as required by the geographic area, consistent with accepted community standards and in safe operating condition.	iv. Heating and/or cooling as required by the geographic area, consistent with accepted community standards and in safe operating condition; and				

+ Action Steps - Look at Licensing Practices

- Tools, see [wikiHow for Kinship Foster Care](#)
- Licensing waivers or variances approved at the local level instead of the state level
- Designated kinship liaisons to help relatives through the difficult licensing process



+Resources



NEED HELP

See State Fact Sheets to obtain important state specific kinship resources, information and data.

[LEARN MORE](#)
**Search Laws**

A searchable database of laws and legislation affecting grandfamilies both inside and outside the foster care system for all 50 states and the District of Columbia.

**Resources**

Free and online legal resources in support of grandfamilies within and outside the child welfare system.

**Publications**

View our publications that support grandfamilies including: Model Family Foster Home Licensing Standards, Using the Guardianship Assistance Program (GAP) and Relative Foster Care.

www.grandfamilies.org

A collaboration of the
 ABA Center on Children and the Law
 Generations United
 Casey Family Programs

+ Specific Resources on www.grandfamilies.org

On www.grandfamilies.org/Resources/Foster-Care-Licensing:

- [NARA Model](#)
- [Children's Bureau National Model](#)
- [FAQ on the National Model Foster Family Home Licensing Standards](#)
- [Crosswalk Tool](#) for states and tribes to use to compare their standards with the National Model and NARA Model standards



Questions or Technical Assistance - Contact Us

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