

NEW YORK STATE
 DEPARTMENT OF SOCIAL SERVICES
 40 NORTH PEARL STREET, ALBANY, NEW YORK 12243



ARTHUR Y. WEBB
 Acting Commissioner

[An Administrative Directive is a written communication to local Social Services Districts providing directions to be followed in the administration of public assistance and care programs.]

ADMINISTRATIVE DIRECTIVE

TRANSMITTAL NO.: 82 ADM-66
 [Services]

TO: Commissioners of Social Services
 Directors of Authorized Agencies

SUBJECT: Selection, Certification and Supervision
 of Foster Family Boarding Homes

DATE: October 14, 1982

SUGGESTED DISTRIBUTION: Child and Family Services Staff
 Foster Parent Recruiting Staff
 Foster Home Care Staff
 Public Information Staff

CONTACT PERSON: Any questions concerning this release should be forwarded to the appropriate Family and Children Services Regional Office Director: Fredric Cantlo, Metropolitan Regional Office at 1-800-342-3715, extension 131-3484; John O'Connor, Eastern Regional Office at 1-800-342-3715, extension 31095; and Karen Schimke, Buffalo Regional Office at 716-882-4093 and Western (Rochester) Regional Office at 716-454-4272.

PURPOSE

The purpose of this directive is to provide information that will facilitate understanding and the implementation of the major provisions of the amended Department regulations, Part 443, Certified Foster Family Boarding Home: Agency Procedures for Certification and Supervision; Part 444, Requirements for Licensure and Certification.

BACKGROUND

Previous regulations Part 443 and 444 covering the licensing or certification of foster parents and agency supervision of foster homes were not comprehensive or detailed. There was some lack of clarity regarding respective responsibilities of districts and voluntary agencies. Many aspects of foster parent recruiting, study, selection, certification, and supervision were not addressed by regulation and this resulted in variation in practice among agencies and districts. Additionally, the incidence of indicated protective situations in foster homes raised questions about the selection and preparation of families.

FILING REFERENCES

Previous ADMs/INFs	Releases Cancelled	Dept. Regs.	Social Services Law and Other Legal References	Bulletin/Chapter Reference	Miscellaneous Reference
81 ADM 6		443 444	SSL 371 424-a 380 373 378 374		

The difference in approach to selection of foster parents and adoptive parents has been incongruous. Thus, the change in procedures and standards embodied in the new regulations are designed, together with the new Part 421 Standards for Adoption Practice, to apply more similar standards and procedures to selection of the two types of parents. This will make it possible to recruit foster parents able to transfer easily to the role of adoptive parents in the event the child in their care becomes available for adoption.

More fundamentally, the Regulations recognize that more is required of foster parents, than the provision of basic care and that it is necessary, therefore, to assure that foster parents are carefully selected and thoroughly prepared for their responsible and often demanding role.

PROGRAM IMPLICATIONS

The major program implications of these regulations are in 3 areas:

1. The procedures for serving persons inquiring about foster care or applying to be foster parents;
2. The subjects to be addressed in a foster home study and in preparation of foster parents for their role;
3. On-going training and provision of information to certified foster parents.

1. The major change from previous regulations relates to required procedures for serving persons inquiring about foster care or applying to be foster parents, since such regulations did not previously address this area. Agencies operating foster family boarding home programs are required in sections 443.2 and 443.3 to:

- . recruit homes, keeping the community informed about the program and the needs of children who require foster care;
- . follow specific and time-limited procedures regarding responses to inquiries, action on applications and completion of home studies;
- . study every applicant unless there is no need for foster parents, or information contained in the application or medical form is a basis for rejection, in which case this must be stated in writing to the applicant;
- . arrange for foster parents whose study is completed and whom it intends to certify to review the written report of the home study and express their views on it and offer them the opportunity to sign the evaluation together with the home finder;
- . express decisions to certify or not in writing.

2. Previous regulations addressed criteria to be used in selecting foster parents. The home study process is now required in section 443.3, to include orientation to:

- . the problems that lead to placement of children;

- . the principles of child development;
 - . the foster parent responsibility to child, natural parents and agency staff;
 - . the agency policy to achieve permanency for each child;
 - . the requirement under Section 424-a of Social Services Law that the agency is required to make inquiry to the statewide central register of child abuse and maltreatment;
 - . the authority of the district, the Department and the Family Court to supervise the agency's practice.
3. Certain other standards for license or certificate have been amended or added; in section 4444.5:
- . each foster parent must be over the age of 21;
 - . there is no maximum age at which a person can no longer become a foster parent;
 - . married parents living together must both apply. A medical report must be received for both and they must be certified jointly;
 - . marital status may be a factor only if it affects the care of the child;
 - . employment of the foster parent shall be permitted if there are suitable child care plans;
 - . foster family homes are required to be equipped with at least one operational smoke detector. This means that before a home can be certified or re-certified, at least one operational smoke detector shall be in place.
4. The home study must determine compliance with all of the requirements for licensure and certification (Part 444) and shall evaluate other factors including:
- . Character - The agency shall seek written references from at least four persons and shall interview at least two of those persons to verify their written statements.
 - . Reasons for seeking to become a foster parent
 - . Understanding of the role of the foster parent and the agency and the child
 - . Readiness for the role in terms of awareness of the impact on family life, relations and life style; the principles of child development, guidance, and discipline
 - . The applicant's self-assessment of his or her capacity to provide a child with a stable and meaningful relationship
5. The regulations require in section 443.3 that certified foster parents are to be provided with or informed of the following:
- . An agreement between the agency and foster parents;
 - . A manual summarizing all policies and procedures which bear on the role of foster parents;

- . A boarding home register;
- . Procedure for obtaining administrative review of any grievance;
- . Procedure for fair hearing with respect to the removal of a child from the foster parents;
- . Rights with regard to adoption of a child in their home;
- . Rights with regard to court intervention;
- . Full information about each child being placed, in advance, or in the case of emergency placements, within 30 days of placement, to include the child's health and behavioral status, the placement and discharge goals, the estimated length of time in placement, the relationship with the parents, and the visitation plans.
- . Training to each foster parent in a program approved by the Department.

REQUIRED ACTION

The Department is aware that many of the requirements set forth in these regulations are already incorporated in the practice of many social services districts and authorized agencies. Other requirements differ or go beyond current practice in the field. Therefore, all agencies operating foster boarding homes must review their policies, procedures, and practices to assure that all requirements herein are being fully implemented. Several areas particularly are likely to require changes in agencies' practice and must receive careful attention:

1. The foster parent recruitment and application process including the time limits and procedures called for in Sections 443.2 and 443.3(a).

Part of the application process is the filing of the medical report which covers a physical examination of the applicant(s) and a written statement from a physician regarding the foster family's health. This means that both the husband and wife must have a physical examination. It is left to the discretion of the examining physician to determine whether or not to examine other family members. Note that a previous administrative directive (81-ADM-6 "Payment of Cost of Periodic Medical Examinations Required for the Certification or Re-Certification of Foster Family Boarding Home Care Providers") provides for state reimbursement to districts and agencies that elect to reimburse foster parents for the costs of these required medical examinations.

2. The foster parent orientation and home study process called for in Section 443.3(b) - (h).

An important component of the home study process is the sharing of the written report of the home study with foster parents the agency intends to certify, as called for in Section 443.3(g). In addition, the foster parents should be given the opportunity to enter their reaction and sign the evaluation along with the homefinder. Those requirements shall be operationalized to mean that foster parents shall have the opportunity to review the written summary of the home study, including the homefinders' evaluation and recommendations, to express their views on it in writing as an addendum to the summary and to sign the summary after reviewing it and after the addendum has been attached.

3. The process for obtaining the Department's approval before granting any exception to the requirements for license and certificate described in Part 444 is as follows:
 - . An agency request for an exception should be reported to CCRS on the data entry form (DSS 2843-A).
 - . Exceptions to the following requirements in Section 445.5(b) may be approved when the request for an exception is submitted to CCRS in writing and a statement justifying the exception is included.
 - (4) Foster homes shall have separate bedrooms for children of the opposite sex over 4 years of age.
 - (5) Not more than 3 persons shall occupy any bedroom where children at board sleep.
 - (10) ...Sleeping rooms shall provide at least 15 square feet of floor space for each bed or crib...
 - . Before a certificate can be issued to a foster parent who rents rooms to a lodger or boarder a request for an exception to the clause in regulation 445.5(b)(17) prohibiting this should be obtained. Approval is obtained following the same procedure described in paragraphs above.
 - . Before a certificate can be issued to a foster parent who receives and cares for maternity cases a request for an exception to the clause in regulation 445.4(b)(17) prohibiting this can be based only upon the condition that the maternity care is part of the agency's foster care program. Approval is obtained following the same procedure described in paragraphs above.
 - . Before a certificate can be issued to a foster parent who conducts any business on the premises a request for an exception to the clause in regulation 445.5(b)(17) prohibiting this can be based only upon information that clearly indicates that the business activity would not adversely affect the welfare of the child.
 - . CCRS, upon receiving a request for an exception shall forward agency correspondence regarding the request to the Department's Division of Services for review and a decision to either approve or to disapprove the request. The Division of Services shall return the correspondence to CCRS indicating either approval or disapproval within 48 hours. CCRS will notify the agency of the Department's decision.
4. Maintenance of record on each approved foster home, in accord with section 443.3(o).
5. Development, provision and availability for all foster parents and applicants of a comprehensive manual summarizing agency policy and procedures with a direct or indirect bearing on the role and responsibility of foster parents, in accord with Section 443.3(p).

6. Development and submission to the Department for approval of training programs for foster parents as required in Section 443.3(i); training programs based upon curriculum materials developed by nationally recognized standard setting organizations or by accredited colleges or universities can be approved by the Department. Suggested contents of such training include:

- Orientation/Roles and Responsibilities
- Loss and Separation
- Discipline
- Effective Communication
- Human Development
- Family Systems
- Crisis Intervention

Effective Date: These Regulations became effective on July 7, 1981.


Norris P. Phillips
Deputy Commissioner
Division of Services

STATE DEPARTMENT OF SOCIAL SERVICES

ALBANY, NEW YORK

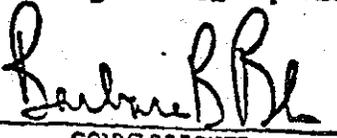
Pursuant to the provisions of Section 20(3) (d), 378(5) of the Social Services Law, I, Barbara B. Blum Commissioner of Social Services, do hereby amend, as hereinafter indicated Parts 443 and 444 of the Official Regulations of the State Department of Social Services being Chapter II of Title 18 NYCRR, effective immediately upon filing with the Secretary of State.

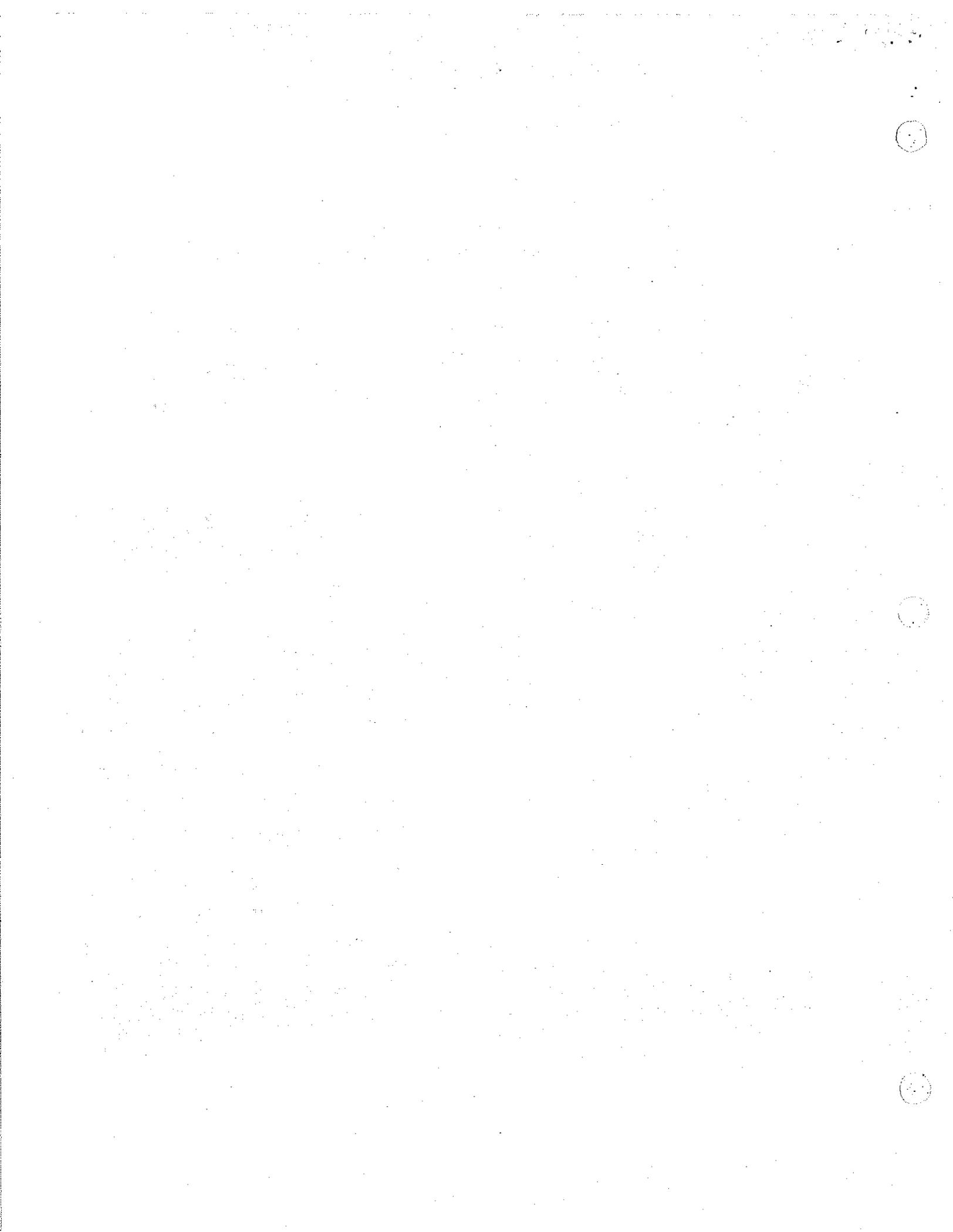
Dated: July 7, 1981

Signed: 
COMMISSIONER

This is to certify that this is the original of an order of the State Department of Social Services, made on July 7, 1981 amending Parts 443 and 444 of the Official Regulations of the State Department of Social Services, being Title 18 NYCRR, a summary of which was published in the New York State Register on September 10, 1980.

Dated: July 7, 1981

Signed: 
COMMISSIONER



Part 443 is hereby repealed and a new Part 443 is hereby enacted to read as follows:

PART 443

CERTIFIED FOSTER FAMILY BOARDING HOMES: AGENCY
PROCEDURE FOR CERTIFICATION AND SUPERVISION
(STATUTORY AUTHORITY: SOCIAL SERVICES LAW §20 (3)(d),
375, 376, 377, 378, 379)

Sec.

- 443.1 Definitions
- 443.2 Community Relations
- 443.3 Agency Requirements
- 443.4 Supervision

Section 443.1 Definitions. (a) Authorized Agency. An "authorized agency" shall mean an authorized agency as defined in paragraph (a) and (b) of Subdivision 10 of Section 371 of the Social Services Law.

(b) Certificate. A certificate to board permits an individual to receive remuneration from an authorized agency for the care at board of a child under the age of 18. Such a certificate may be issued by the public or private authorized agency purchasing such care.

(c) Foster family home care. "Foster family home care" is temporary or long-term care of a child away from his home 24 hours a day in a family home with a foster parent duly certified by an authorized agency or licensed by a Social Services Commissioner.

443.2 Community Relations. Authorized agencies operating a foster family boarding home program shall:

- (a) Keep the community served by the agency informed about the development and progress of the program and the needs of the children who require boarding home care.
- (b) Offer information about the program and the need for boarding homes to organizations, agencies, media representatives and other persons who may be a referral source in the community.
- (c) Seek to recruit persons with the ability and motivation to serve children in need of a substitute family life.

443.3 (a) Agency requirements. Authorized agencies operating a foster family boarding home program shall:

- (1) Respond in writing within ten days to inquiries from persons interested in becoming foster parents and shall have a written procedure for doing this.
- (2) Offer an appointment to each person inquiring about the program or shall arrange for them to attend an orientation meeting about foster family care.
- (3) Provide application and medical report forms to persons interested in the program at the time of the initial interview or the orientation meetings.
- (4) A joint application shall be required to be submitted by married individuals living in the same household.

- (5) The application form shall elicit information including but not limited to the age, health, physical functioning, income, marital status, and employment of the applicants and information regarding the physical facilities of the prospective foster home and the names of those persons who will be sharing living accommodations with the child in foster care, whether any other application for certification has ever been made, whether such was accepted or rejected and if rejected, the reasons therefore.
- (6) Within 10 days of receipt of a completed application form, the agency shall acknowledge receipt of such form and either reject the applicant for home study or accept the applicant for home study. Such acceptance shall be conditioned on either the previous or subsequent submission of an acceptable medical report form.
- (7) An application for home study shall only be rejected based on a lack of current need for foster parents or on the basis of information contained in the application or medical report forms. A person whose application is not accepted shall be advised in writing of the reasons for rejection and, if rejection was on the basis of need, such person shall be advised that the application shall be kept on file and may be reactivated.
- (8) A medical report form shall be filed with the agency either prior to acceptance for a home study or after acceptance

for a home study, conditioned upon submission of an acceptable medical report form. The medical report form shall cover a physical examination of the applicant(s) and shall include a written statement from a physician regarding the foster family's general health, the absence of communicable disease, infection or illness or any physical conditions which might affect the proper care of a foster child. It shall include also the result of an intradermal tuberculin test and an additional report of chest x-rays where such test is positive.

(9) Unless an application has been rejected prior to submission of the medical report form in accordance with paragraph (7) of this Subdivision, within 15 days of receipt of a medical report form an agency shall acknowledge receipt of such form and shall either accept or reject the applicant for a home study. A person whose application is not accepted based on an unacceptable medical report shall be advised in writing of the reasons for such rejection.

(b) Authorized agencies shall orient applicants who have been accepted for a home study to:

(1) The social, family, and personal problems that lead to family breakdown and the need for the placement of children; the problems and reactions of children upon separation, and the function and responsibility of the foster family in relation to the child, the natural parents, and the agency-staff; the agency policy and practice to have defined goals to

achieve permanency for each child entering the foster care system; and the authority of the local social services districts, the department and Family Court to supervise the agency's practice.

- (2) The requirement under Section 424-a of the Social Services Law to make inquiry to the statewide central register of child abuse and maltreatment to determine if the applicant is the subject of an indicated report of child abuse.
 - (3) The nature of the relationship of agency staff to foster parents and children including definitions of the function and responsibility of the social workers assigned to the children and their families; the payments to foster parents for care and expenses; the definition of foster family care, certification of the home, and the rights and responsibilities of a foster parent as defined by a letter of understanding that shall be executed at the time of certification.
- (c) Authorized agencies shall advise applicants at the outset of the home study process that the agency decision to either certify or not to certify them for foster family care will be presented in writing and that applicants who are rejected will be offered a personal interview in accordance with paragraph (1) of subdivision (e) of this section.
- (d) Authorized agencies shall develop a record for each foster parent

applicant which shall include, but not necessarily be limited to:

- (1) The application and medical report;
- (2) Summary of interviews with applicants;
- (3) Summary of agency conference which clarifies the basis for each decision that affects the applicant's status with the agency;
- (4) Copies of correspondence with the applicant.

(e) Authorized agencies shall complete a home study within four months after acceptance of an application unless delays occur as a result of circumstances beyond the control of the agency or unless the schedule for interviews with the applicant is changed by mutual consent of the applicant and the agency representative.

(1) When an authorized agency decides to discontinue a home study or to deny certification upon completion of the home study, it shall advise the applicant in writing of the reasons for the agency's decision and shall offer an interview to discuss the decision.

(2) A plan to discontinue a home study or to deny certification for foster family care shall be reviewed and approved by one or more supervisory level personnel unless the home study was discontinued at the request of the applicant.

(f) A home study shall determine compliance with all of the criteria set forth in Part 444 of this Title. Additionally, the agency

shall evaluate the following factors:

- (1) **Character.** Each applicant shall be required to provide the agency with the names of four persons who may be contacted for references. The agency shall seek signed statements from these persons attesting to the applicant's moral character, mature judgement, ability to manage financial resources, and capacity for developing a meaningful relationship with children. An in-person interview shall be held with at least two of these persons for the purpose of verifying the statement.

- (2) **Ability and Motivation.** The agency shall explore each applicant's ability to be a foster parent and shall discuss the following topics:
 - (i) Reasons a person seeks to become a foster parent;
 - (ii) The understanding of the foster parent role;
 - (iii) The person's concerns and questions about foster care services;
 - (iv) The person's psychological readiness to assume responsibility for a child;
 - (v) The agency's role and authority to supervise the placement;
 - (vi) The attitudes that each person who would be sharing living accommodations with the child in foster care has about foster care and their concept of a foster child's role in the family;
 - (vii) The awareness of the impact that foster care

responsibilities have upon family life, relationships,
and current life style;

- (viii) Principles related to the development and discipline of children and the need of each child for guidance, a supportive relationship, appropriate stimulation, and the opportunity to identify with a parent or surrogate whose history reflects a value system that is socially constructive;
 - (ix) A person's self-assessment of his/her capacity to provide a child with a stable and meaningful relationship.
- (g) When a home study has been completed and an authorized agency intends to certify, the agency shall:
- (1) Arrange for the foster parents to review the written report of the home study, exclusive of any statement by or based on material provided by references, with the agency's homefinder.
 - (2) Encourage the foster parents to express their views on the substance of any significant aspect of the written evaluation.
 - (3) Give foster parents the opportunity to enter their reaction to the evaluation as an addendum to the report.
 - (4) Arrange for the foster parent and the homefinder to sign the evaluation after it has been reviewed and the foster parent addendum has been attached.
- (h) A certificate shall be issued only after the applicant executes the agreement required by subdivision (c) of Section 444.5 of this Title.

- (i) Authorized agencies shall provide training to each certified foster parent in a training program approved by the Department which will prepare foster parents to meet the needs of children in their care so that the best interests of the children placed by the certifying agency will be met.

- (j) Authorized agencies shall provide basic information to foster parents about each child who is to be placed in the home . Where a child is placed on emergency basis, such information shall be provided within 30 days of placement. Information shall include, but need not be limited to, the following topics:
 - (1) The estimated length of time a child may need to be in placement and the assumptions and knowledge on which the estimate is based;
 - (2) The health of the child, including the procedure to be followed in obtaining consent for emergency medical treatment in accordance with Section 507.5 of this Title;
 - (3) Handicaps or behavior problems;
 - (4) School and educational experiences; .
 - (5) The relationship of the child and the natural parents;
 - (6) Requirements and plans for visitation of and by the natural family, including probable location of such visits;
 - (7) Placement and discharge goals.

- (k) Authorized agencies shall provide foster parents with the appropriate forms for maintaining a register of the children placed in the home as required by Section 380 of the Social Services

Law and Section 444.4 of this Title.

- (l) Authorized agencies shall assure foster parents providing care for a child that regular conferences shall, whenever possible, be pre-arranged and held at a mutually convenient time in the foster boarding home at least every 90 days or at such shorter periods as may be required pursuant to this title. In addition, authorized agencies shall arrange for conferences with foster parents regarding acute problems, emergencies or crisis situations whenever necessary to provide services that are responsive to the problems and that protect the best interests of the child.
- (m) Authorized agencies shall require foster care workers to explain the purpose of each regular or emergency conference to the foster parent at the beginning of each conference; and, in addition, at each regular conference, identify and discuss concerns of the foster family about the child in placement, obtain an account of the child's adjustment, relationships, and functioning in the home, school and community.
- (n) Authorized agencies shall have a written policy and procedure governing decisions to remove a child from a foster family home and also provide each foster parent with a copy of such policy and procedure upon certification and at the time of recertification; the provisions shall conform to the requirements of Section 431.10 of this Title (Removal from Foster Family Care).

- (o) Authorized agencies shall maintain a record for each approved foster family home. The record shall include:
- (1) The application;
 - (2) A summary of the home study;
 - (3) Medical reports;
 - (4) Personal references;
 - (5) Agency correspondence with the family;
 - (6) A placement/action sheet listing names of children placed in the home, dates of their placement and removal;
 - (7) A summary of each annual evaluation made pursuant to Section 444.6 of this Title;
 - (8) Physical description of the home, including allocation of space.
- (p) Authorized agencies shall provide each foster family boarding home with a manual that summarizes all current agency policies and procedures that have some direct or indirect bearing upon the role and responsibility of a foster parent.
- (q) Authorized agencies shall summarize in the foster family boarding home record the actions taken pursuant to a decision to remove a child from the home or to a request from a foster family to have a child removed.
- (r) Authorized agencies shall inform each foster parent of the procedure for obtaining administrative review of any grievance or complaint about the agency policy or practice.

- (s) Authorized agencies shall establish and maintain a written procedure and practice for advising foster parents of their rights:
- (1) To have their application to adopt a child who has been continuously in their care at least 18 months given preference and first consideration over all other applicants as provided by Section 383.3 of the Social Services Law.
 - (2) To intervene, as an interested party, in any court proceeding involving the custody of a child who has been in their care for 18 continuous months or longer.
 - (3) To be given notice and a right to participate in any family court review hearing on a child placed voluntarily who has been in their care continuously for a period of 18 months or longer as provided by Section 392.4 of the Social Services Law.
- (t) Authorized agencies shall comply with the requirements of Section 376 of the Social Services Law regarding the number of children in care and with the requirements of Section 373 of the Social Services Law with regard to religious faith.
- (u) Restrictions and limitations. Authorized agencies shall not:
- (1) permit persons certified to provide care in a foster family boarding home, to provide foster family home care for another agency without obtaining the certifying agency's written consent and approval for

each child or minor to be boarded. No person shall be certified by more than one authorized agency;

- (2) permit use of designated "emergency homes" for any foster care purpose other than emergency care of children. An exception may be proposed by an authorized agency when it determines such exception is necessary to board a child, is in the best interest of the child to effect such boarding arrangement, and is consistent with the health, safety and welfare of the children in care. A report on the exception shall be made by the agency to the Department for the purpose of review and ratification;
- (3) initiate action to remove a child from a placement because of change in family composition or circumstances following certification or recertification unless there has been an evaluation of the effect of the change upon the child or children and it is determined that such change is detrimental to the best interests of the child or such change would produce a violation of Part 444, the agreement in subdivision (h) of this section or of any statutory requirement.

443.4 Supervision. Supervision of children placed in foster homes shall be maintained by the placing agency or its representative through visits made to the home at least quarterly in the case of children at board, at least semi-annually in the case of children in free homes, or at such shorter period as may be required by this Title. A written record of such visits showing dates and findings of visitations shall be kept by the placing agency. Such supervision shall be continued in each case until

the child reaches the age of 21 or is adopted or placed under legal guardianship, or married or transferred to the care of another agency or otherwise discharged.

Part 444 is hereby repealed and a new Part 444 is hereby enacted to read as follows:

PART 444

REQUIREMENTS FOR LICENSED AND CERTIFIED
FOSTER FAMILY BOARDING HOMES. (STATUTORY
AUTHORITY: SOCIAL SERVICES LAW §20(3) (d),
375, 376, 377, 378 and 379)

Sec.

444.1 Definitions

444.2 Foster Homes

444.3 Applications and forms

444.4 Register, certificate and license to be kept

444.5 Requirements for license and certificate

444.6 Annual renewal of certificates and licenses

444.7 Non-renewal of certificates or licenses; involuntary decertification

444.1 Definitions.

(a) Certificate. A certificate to board permits an individual to receive remuneration from an authorized agency for the care at board of a child under the age of 18. Such a certificate may be issued by the public or private authorized agency purchasing such care.

(b) A license to board permits an individual to receive remuneration from a parent or legal guardian, other than a social services district, of a child under the age of 16 for the care at board of such child. Such a license may be issued only by a local commissioner of social services.

444.2 Foster Homes.

- (a) Except as provided in subdivision (b) of this section, no child under the age of 16, in the case of placement by a parent or legal guardian, or under the age of 18, in the case of placement by a public or private authorized agency, shall be placed or received at board for remuneration in a foster home unless such home is certified or licensed as provided by the Social Services Law and this Title.
- (b) A license or certificate shall not be required when children are placed or received at board with relatives within the second degree (measured collaterally), with legally appointed guardians, at schools and academies meeting with the requirements of the education law as to compulsory education and at camps operated for profit for the accommodation of school age children during school vacation periods under permits issued by health officers pursuant to Chapter 7 of the State Sanitary Code.
- (c) No child shall be placed in a foster home, either free or at board until such home has been visited and careful inquiry made by the agency proposing to make such placement, or its representatives, and a written report filed describing the conditions and suitability of the home and compliance with requirements of law, this Title, and the rules of local departments of health and social services.

444.3 Applications and forms. (a) Licenses and certificates, pursuant

to Title 1 of Article 6 of the Social Services Law, shall be on forms provided by the State Department of Social Services.

- (b) Licenses or certificates shall specify the name and address and the religious faith, if any, of the person to whom issued, and the maximum number of children to be boarded, and may specify the age and sex of the children to be cared for at board; and shall be valid only for the residence as occupied at the time of issue. A license or certificate issued to married individuals living in the same household must be issued in the name of both individuals.

- (c) Licenses. Application for license to board children shall be made to the Commissioner of Social Services in and for the social services district wherein the premises to be licensed are located in the manner prescribed by the department. The Commissioner of Social Services issuing or renewing any such license shall, in accordance with the directions of the department, transmit a copy or report thereof to the department. Such license shall be valid for not more than one year after date of issue but may be renewed or extended pursuant to the requirements contained in this Part.
- (d) Certificates. Application for certificate to board children shall be made to the authorized agency from which children are to be received upon a form prescribed by the department or upon a substantially equivalent form approved by the department. The agency shall make a written record of each application. Such certificate shall be valid for not more than one year after the date of issue but may be renewed or extended pursuant to the requirements contained in this Part.
- (e) Before any license or certificate shall be issued, careful investigation of application, including inspection of the premises to be occupied, shall be made and a written report filed in the office to which application is made. The investigation and report shall cover all of the requirements of Section 444.5 of this Part.

444.4 Register, certificate and license to be kept.

- (a) Register: Every person who receives, boards, or keeps any child under license or certificate shall keep a record of each child in a register to be provided by the department.
- (b) The register and license or certificate shall be accessible for examination at all reasonable times by the authorized agents of the department, of the authorized agency issuing such certificate or license, and of any incorporated society for the prevention of cruelty to children. Licenses, certificates, and registers are the property of the State and not of the person to whom issued, and shall be delivered upon demand to the issuing agency when renewed, discontinued or revoked.

444.5 Requirements for license and certificate.

- (a) Members of the household of the foster family shall meet the following requirements:
 - (1) Age. Each foster parent must be over the age of 21;
 - (2) Health. Each member of the household of the foster family shall be in good physical and mental health and free from communicable diseases. However, physical handicaps or illness of foster parents or members of their household shall be a consideration only as they affect the ability to provide adequate care to foster children or may affect an individual child's adjustment to the foster family. Cases shall be evaluated on an individual basis with assistance of a medical consultant when indicated. A written report from a

physician on the health of a family including a complete physical examination of the applicant shall be filed with the agency initially and annually thereafter. Additional reports shall be furnished upon request. Such reports shall conform to the standards set forth in subdivision (a) of section 443.3 of this Title.

(3) Employment. Employment of a foster parent outside the home shall be permitted when there are suitable plans for the care and supervision of the child at all times including after school and during the summer. Such plans shall be made part of the foster family record and shall receive prior agency approval, unless only one of the two foster parents are working outside the home.

(4) Marital Status. The marital status of an applicant shall be a factor in determining whether or not a license or certificate shall be granted only as it affects the ability to provide adequate care to foster children, but changes in marital status of holders of certificates or licenses shall be reported to the authorized agency and existing licenses or certificates shall be revoked and new certificates issued consistent with the best interests of the child.

(b) Foster family boarding homes shall meet the following physical plant requirements:

(1) Physical facilities of the foster home shall be in good condition and present no hazard to the health and safety of children.

- (2) Foster homes shall be in substantial compliance with all applicable provisions of state and local laws, ordinances, rules and regulations.
- (3) The physical space, construction, and maintenance of each foster home and premises shall be in good repair and kept in a sufficiently clean and sanitary condition so that the physical well being as well as a reasonable degree of physical comfort is assured the members of the foster family.
- (4) Foster homes shall have separate bedrooms for children of the opposite sex over four years of age.
- (5) Not more than three persons shall occupy any bedroom where children at board sleep.
- (6) Every sleeping room occupied by children at board shall have good natural light and ventilation and shall have one or more windows opening directly to outside air. Beds shall be so arranged as to permit free circulation of air under each.
- (7) Bedrooms shall have sufficient space to ensure privacy for children and to store personal possessions.
- (8) No bed shall be located in any unfinished attic, basement, stairhall or room commonly used for purposes other than sleeping.

- (9) No child above the age of three years shall sleep in the same room with an adult of opposite sex.
- (10) Each child cared for at board shall have a separate bed or crib. Children shall not sleep together in the same bed with an adult. Sleeping rooms shall provide at least 45 square feet of floor space for each bed or crib and beds or cribs must be at least two feet apart, and there shall be a minimum of two feet clearance for passage between furniture. Bunk beds may be used, but not in rooms too small to accommodate the same capacity in single level beds. Each bed or crib shall be of such size as to insure comfort of the child, shall have suitable springs in good condition, a clean and comfortable mattress, with waterproof covering, if needed, and suitable covers adequate to the season.
- (11) The home shall be situated in a neighborhood with sufficient community resources to meet a child's anticipated social, educational, recreational and religious needs.
- (12) There shall be an adequate and accessible supply of water of satisfactory sanitary quality for drinking and household use. Water from wells, springs or other private sources shall be protected against contamination. There shall be provision for hot water for washing and bathing.
- (13) The dwelling shall be effectively screened against flies and other insects.

- (14) Heating apparatus shall be safe and adequate to insure a temperature of at least 68 degrees in the home.
 - (15) Adequate bathing, toilet and lavatory facilities, including any outside toilets or privies shall be provided and kept in sanitary condition.
 - (16) The home shall be free of fire hazards and shall be equipped with at least one smoke detector.
 - (17) No certified or licensed foster parent shall rent rooms to lodgers or boarders or receive and care for maternity cases, except as part of the foster care program, or receive or care for convalescent cases or conduct any business on the premises which might adversely affect the welfare of children.
- (c) Certified or licensed foster parents shall execute an agreement stipulating that the foster family boarding home parent will:
- (1) Enable children received at board to mingle freely and on equal footing with other children in the household and in the community and to be accepted as members of the household and share in its pleasures and responsibilities.
 - (2) Arrange for children of school age to attend school regularly as required by the Education Law.
 - (3) Never leave children under the age of 10 years alone without competent adult supervision, nor children above that age except as might reasonably be done by a prudent parent in case of his own children.

- (4) Never use a foster family boarding home to care for more than two infants under two years of age, including the foster parents' own children, except in those cases where the foster parents have demonstrated the capacity to do so and a sibling group would otherwise have to be separated.
- (5) Supply children with food of good quality, properly prepared and served at regular hours and sufficient in quantity. With due consideration to their age and special needs, children shall join at table in the meals of the household.
- (6) Keep the clothing of children provided by the agency, parent or foster parent in proper condition of repair and cleanliness; endeavor to provide children with a sufficient quantity of clothing, adapted to seasonal conditions, and of such style and quality as not to distinguish them from other children in the community.
- (7) Provide for each child at board individual toilet articles suitable to his age, such as comb, toothbrush, towels and washcloths, and individual drawer and closet space.
- (8) Provide a suitable, well lighted place for children of school age for home study.
- (9) Recognize and respect the religious wishes of the natural parents of children in care and endeavor to protect and preserve their religious faith.

- (10) Endeavor to cooperate with the agency staff in the implementation or review of each child's service or discharge plan and to inform the agency of any incident or event that affects or may affect the child's adjustment, health, safety, or well being and/or may have some bearing upon the current service plan.
 - (11) Provide a family atmosphere of acceptance, kindness, and understanding and endeavor to give each child the support, attention, and recognition that facilitates adjustment to the home and that promotes the child's normal development.
 - (12) Permit an authorized representative of the agency to enter the home to investigate in good faith a formal complaint regarding care of the foster child.
 - (13) Inform the agency of any changes in marital status, family composition or number of persons residing in the home and any changes in the physical facilities comprising the foster home.
- (d) The agreement required pursuant to subdivision (c) of this section shall include a statement of the preference of foster parents as required under subdivision 1-a of Section 374 of the Social Services Law and a statement of the foster parent rights provided under Section 431.10 of this Title.
- (e) Exceptions to the provisions of this Part, other than statutory requirements, may be proposed by an authorized agency when it

determines that such exception is necessary to board a child, is in the best interest of the child to effect such boarding arrangement and is consistent with the health, safety and welfare of the child. Any exception, however, shall be tentative only and subject to review and ratification by the Department. No boarding arrangement shall be made prior to such review. Upon such review, should it be determined that the exception is not necessary or in the best interest of the child to be boarded, upon notice thereof to the agency, the Department shall disapprove the proposed arrangement. A report, with the reason for each such exception, shall be made by the agency upon forms prescribed by the Department.

444.6 Annual renewal of certificates and licenses. Agency practice and procedure for annual renewal of a certificate or license to board children shall include:

- (a) A written evaluation of the home and family that uses the criteria for certification or license as specified in this Part and in Part 443.
- (b) A written evaluation of the care provided children in the home and the working relationship of the foster parents with the agency.
- (c) A written statement from a physician about the foster family's health conforming to the standards set forth in Part 443 of this Title.
- (d) An oral review of the evaluation with the foster parent before the certificate or license is renewed.

444.7 Non-renewal of certificates or licenses; involuntary decertification.

Agency practice and procedure for non-renewal of a certificate of license or for involuntary decertification shall include:

- (a) Advising the foster parents before the expiration date of the certificate or license that the agency does not plan re-certification. The reasons for such action shall be specified in a letter postmarked at least 20 days before the expiration date. Decertification shall be based upon failure to meet one or more of the criteria for licensure or certification. Non-renewal of a person currently licensed or certified may be based upon such failure or upon lack of need for a foster home with its particular characteristics.
- (b) Advising the foster parents that the agency plans to decertify them. The reasons for such action shall be specified in a letter postmarked at least 20 days before the date of decertification.
- (c) Arranging for the foster parent to meet with an official of the agency to review the decision and the reasons for the agency decision.
- (d) When there is a failure to meet one or more of the criteria required for licensure or certification, but it is determined that continuity of the foster family relationships and ongoing care of the child in the home is in the child's best interest and is not inconsistent with the health, safety and welfare of the child, an exception may be made in the same manner and upon the same conditions as for an initial certificate or license as specified in subdivision (e) of Section 444.5 of this Title.