



2017 NARA

NARA Model Family Foster Home Licensing Standards: A Call to Action

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The Annie E. Casey Foundation

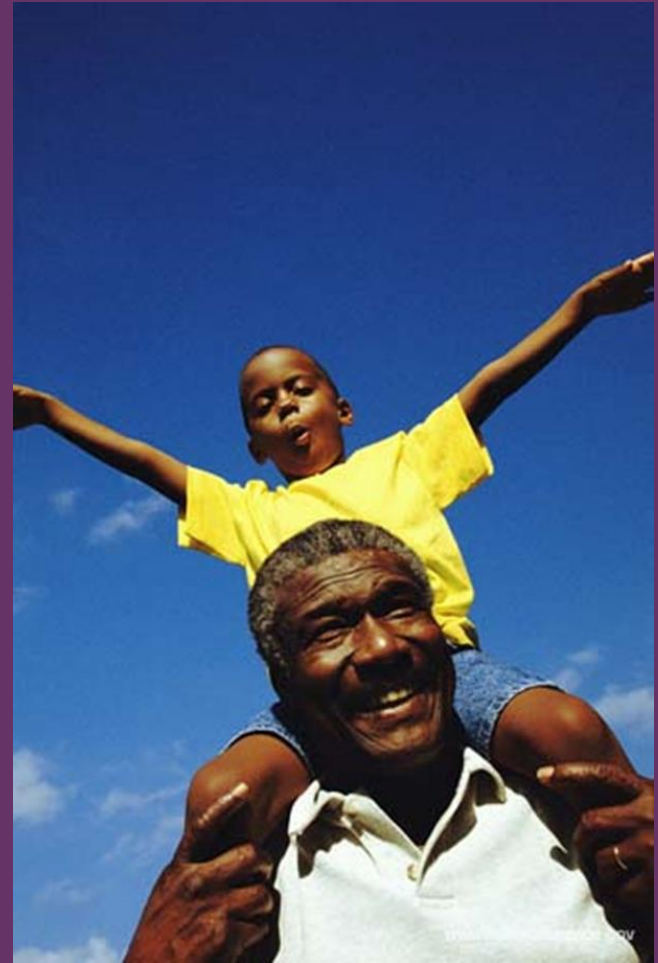
This project has been made possible by the
Annie E. Casey Foundation

We thank them for their support and partnership

www.aecf.org



+ Background





Origins of Project

- Project started in 2011 with the Annie E. Casey Foundation bringing together nonprofits, universities and others to look at family foster home licensing.
- We began knowing that many children in foster care are in the unlicensed care of their relatives. These children and their relative caregivers are part of the child welfare system and, as such, are subject to rules and restrictions, but they have limited or no support.
- With a license (“approval” or “certification” in some states):
 - monthly financial assistance
 - support services
 - access to the federal Guardianship Assistance Program (GAP) in 34 states, DC and 8 tribes
 - court and caseworker oversight



State Licensing Standards

- Anecdotally, we collectively knew that one of the biggest barriers to not being licensed was due to state licensing standards.
- Also knew these standards didn't always lead to safe and appropriate placements in the best interests of the children.



+ Federal Licensing Requirements

Federal law says little about the actual licensing of foster homes:

- States must designate a state authority responsible for standards.
- States have broad flexibility so long as those standards “*are reasonably in accord with recommended standards of national organizations concerned with standards for such institutions or homes, including standards related to admission policies, safety, sanitation, and protection of civil rights...*”
- “*a waiver of any such standard may be made only on a case-by-case basis for non-safety standards (**as determined by the State**) in relative foster family homes for specific children in care.*”

42 U.S.C. § 671(a)(10).

- States must periodically review their licensing standards.

42 U.S.C. § 671 (a)(11).

+ Federal Licensing Requirements cont'd

- The federal Adam Walsh Act also requires states to conduct criminal background and child abuse registry checks. 42 U.S.C. § 671(a)(20)(A).
- Finally, Federal law prohibits a two-tiered system of licensing, one for relatives and another for non-relatives. Final rule to the Adoption and Safe Families Act (ASFA).





Research

- Generations United and the ABA Center on Children and the Law conducted 50 state and DC survey of family foster home licensing standards
- Purpose: identify trends, problematic standards, and barriers specific to relatives
- Paper summarizing findings: *Improving Foster Care Licensing Standards around the United States: Using Research Findings to Effect Change*
- Paper and research available at www.grandfamilies.org



Research Findings

- **Problematic standards** like requiring that applicants be no older than 65.
- **Varying standards** among the states for the same type of requirements that should not vary significantly from jurisdiction to jurisdiction.
- **Model language** that was used to develop our model standards.

+ Model Family Foster Home
Licensing Standards



+ Model Standards

- Uses model language from states
- Includes language from accreditation agencies like Child Welfare League of America and the Council on Accreditation
- Covers family foster home licensing
- Does not cover:
 - licensing processes or procedures
 - care of children after placement in a licensed home
 - other post-licensing requirements like foster parent recordkeeping and reporting
- No waivers or variances needed
- Treatment foster home standards: available at www.grandfamilies.org
- Tribal foster home standards: also available at www.grandfamilies.org



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.

The Grandfamilies State Law and Policy Resource Center

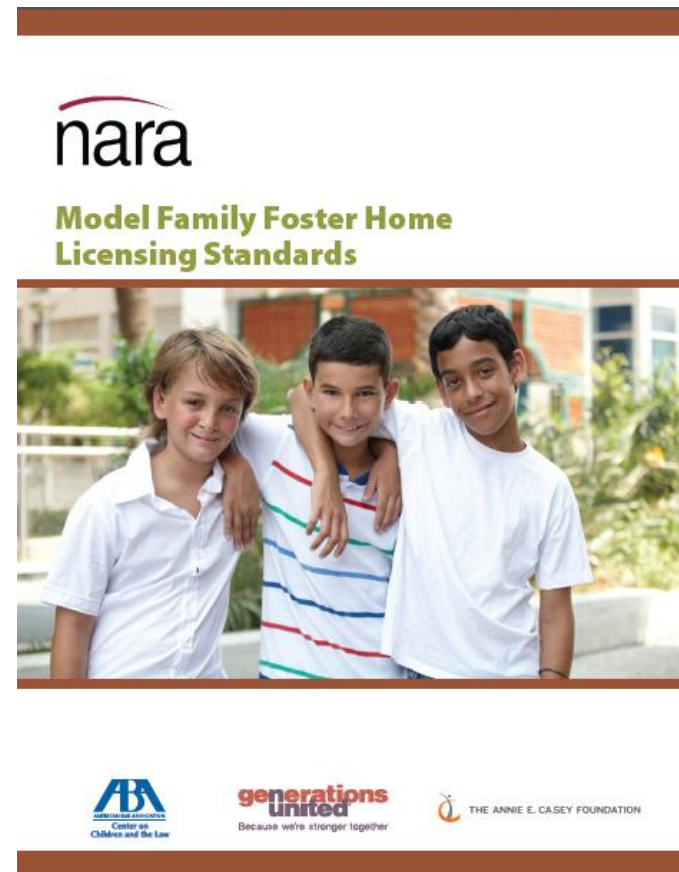
www.grandfamilies.org

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

+ Package of Materials

The package of materials, available free of charge at www.grandfamilies.org and www.naralicensing.org includes:

- a purpose statement
- ten guiding principles
- the model standards
- an interpretive guide
- a crosswalk tool

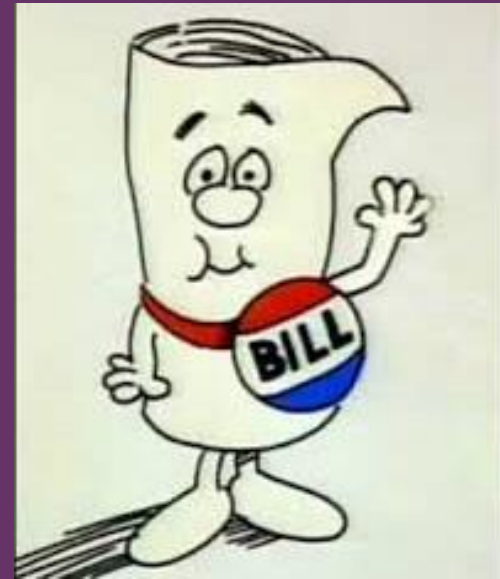


+ Purpose Statement - Summary

- To fulfill the public policy intent behind licensing standards, which is to ensure that children in foster care have safe and appropriate placements.
- To fill the previous void in “national standards.”
- To facilitate the licensing of additional relative and non-relative homes by recognizing and respecting related and non-related foster parents as caregivers who are performing an invaluable service.
- To reflect community standards and be flexible so children in out of home care are placed in the best homes for them.

+ Categories Covered by Model Standards

- Definitions
- Basic Eligibility
- Physical and Mental Health
- Home Study
- Capacity
- Sleeping
- Other living space
- Fire safety/evacuation
- Additional health & safety
- Criminal history records check
- Abuse and neglect records check
- Assurances
- Pre-license training
- Emergency placement



+ Implementation Update

+ South Carolina Act 187

This legislation implementing our Model capacity standard was signed into law on May 31, 2016:

(A) A foster home may not provide full-time care for more than five foster children, with the total number of children residing in the household not to exceed eight, including the foster parent's own children, children of other household members, and other children residing in the household, except:

- (1) to keep a sibling group together;
- (2) to keep a child in the child's home community;
- (3) to return a child to a home in which the child was previously placed;
- (4) to comply with an order of the court; or
- (5) if it is in the best interest of the children as determined by the court.

(B) No more than two of the five foster children referenced in subsection (A) may be classified as therapeutic foster care placements unless one of the exceptions in subsection (A) applies. If one of the exceptions applies, no more than three of the five foster children may be classified as therapeutic foster care placements.

+ The Family First Prevention Services Act

- The Family First Act passed the House of Representatives by voice vote on June 21, 2016, but it did not pass the Senate
- The legislation was reintroduced in the House of Representatives this year, H.R. 253; no Senate bill yet
- The bill includes a number of key provisions impacting child welfare.
- Most significantly it'll open up federal child welfare financing for preventative services for kids who are “candidates” for foster care and their parents and kinship caregivers.
- The bill also includes a provision concerning our Model Standards (without mentioning them by name). The Act seeks to improve state licensing standards for relative foster family homes by “identifying a model” that states can use to compare and align their standards. It also strives to encourage states to use their authority to waive non-safety licensing standards for relatives.

+ Improve Support for Kinship Caregivers Act

- Did not pass the Congress last year.
- We are working to reintroduce it.
- Calls for states to compare and align their standards to the NARA Model Standards. Here's part of that legislation:
 - (1) ...a State with a plan approved under part E of title IV of the Social Security Act shall submit to the Secretary of Health and Human Services a report—
 - (A) comparing the State standards for foster family homes with the NARA Model Family Foster Home Licensing Standards;
 - (B) explaining any barriers to the ability of a relative caregiver to become a State-licensed foster parent, and assessing the role of the State's standards for foster family homes in contributing to these barriers ...
 - (C) describing plans by the State to eliminate the barriers...

+ Tools



+ Interpretative Guide

- This tool gives licensors guidelines to implement the standards
- The guide is organized as follows:
 - The complete standard
 - The 'intent' statement or purpose of the standard
 - The guidelines, which include the assessment methods for evaluating compliance with the standards



+ Crosswalk Tool – Example Use from Kansas

Model Family Foster Home Licensing Standards Cross-Walk Tool

Model Licensing Standards Title and Rule Number	Model Licensing Standards Rule Content	Comparable State Standard	State Standard Source - Indicate the citation for all (statutes, regulations/ administrative codes, policies, etc.)	Alignment with Model Licensing Standards	Identify changes needed to align	Plan to address Alignment – Legislative, Policy or Procedure	Comments
2. ELIGIBILITY STANDARDS							
A.	All applicants must submit a complete application and accompanying documentation for a family foster home license, and keep copies in their home.	License Requirements: Each individual shall meet all of the following requirements to obtain a license and to maintain a license: Recordkeeping requirements; confidentiality. Each licensee shall ensure that all records pertaining to the licensure and operation of the foster home ¹⁻²⁰⁰⁴ are kept at the family foster home and are accessible to the secretary and the sponsoring child-placing agency.	KAR 28-4-802 KAR 28-4-808	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	N/A	N/A	N/A
B.	To apply for a family foster home license: Applicants must be age 18 or older.	Be 21 years or older	KAR 28-4-802 (b)	<input type="checkbox"/> Yes <input type="checkbox"/> No Exceeds	N/A	N/A	Regulation allows for submission of an exception.

+ Model Eligibility Standard

- A. All applicants must submit a complete application and accompanying documentation for a family foster home license, and keep copies in their home.**
- B. To apply for a family foster home license:**
- 1. Applicants must be age 18 or older.**
 - 2. Applicants must be able to communicate with the child in the child's own language.**
 - 3. Applicants must be able to communicate with the licensing agency and health care and other service providers.**
 - 4. At least one applicant in the home must have functional literacy, such as have the ability to read labels on medications in order to properly administer them.**
 - 5. 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 in foster care.**

+ Model Capacity Standard

A. The total number of children in a family foster home, including the family's own children living in the home, must not exceed 8, of which no more than 5 may be children in foster care. The agency may determine lower capacities based on the family assessment and home study.

1. No more than 3 children total under age 2.

1. No more than 4 children total under age 5.

1. No more than 4 children total between the ages of 5-13.

1. No more than 4 children total over the age of 13.

B. The maximum number of children may be increased with agency approval to allow for siblings to remain together or to allow applicants to provide care to a child who has an established, meaningful relationship with the applicants' family, such as a child who was formerly in foster care with the family.

+ Model Criminal Background Check Standard

A. Applicants and any other household members who are adults age 18 or older must submit to fingerprint-based checks of national and state crime information databases and checks of state or local crime information databases before the applicants may be approved for placement of a child.

B. The agency must also check sexual offender registries for mention of the applicants and any other household members who are adults age 18 or older.

C. If a record check reveals a felony conviction for child abuse or neglect, for spousal abuse, for a crime against children (including child pornography), or for a crime involving violence, including rape, sexual assault, or homicide, but not including other physical assault or battery, and a state finds that a court of competent jurisdiction has determined that the felony was committed at any time, approval for placement of a child must not be granted.

D. If a record check reveals a felony conviction for physical assault, battery, or a drug-related offense, and a State finds that a court of competent jurisdiction has determined that the felony was committed within the past 5 years, approval for placement of a child must not be granted.

+ Model Criminal Background Check Continued

E. If an applicant was convicted for a crime other than those included in C. and D., the applicant will not be automatically rejected as a foster parent. The agency must consider the following:

- 1. the type of crime;**
- 2. the number of crimes;**
- 3. the nature of the offenses;**
- 4. the age of the individual at the time of conviction;**
- 5. the length of time that has elapsed since the last conviction;**
- 6. the relationship of the crime and the capacity to care for children;**
- 7. evidence of rehabilitation; and**
- 8. opinions of community members concerning the individual in question.**

F. Applicants and all household members have an ongoing duty to report any juvenile offenses committed by any member of the household. The existence of a household member with a juvenile offense does not automatically exclude the applicants. The agency must consider the suitability of the home based on the criteria used to assess crimes set forth in C.- E. of this standard and standard 11. B. and C.

+ Diligent Recruitment

- **Reduce barriers to licensing or certification for prospective foster parents.** Two suggestions: convene a work group of staff and foster parents to review current requirements and identify and revise policies that create unnecessary roadblocks for approving safe and nurturing families. As a guide, the [*Model Family Foster Home Licensing Standards \(3 MB PDF\)*](#), developed by the National Association for Regulatory Administration (NARA), Generations United, the Annie E. Casey Foundation, and the American Bar Association's Center on Children and the Law, outlines suggested licensing standards that are intended to ensure safety while “also establishing a reasonable, common-sense pathway to enable more relatives and non-related caregivers to become licensed foster parents.” NRCDR at AdoptUSKids

+ Implementation



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+ Implementation questions

- Which standards in your state do you see cause barriers to licensing foster parent applicants?
 - Criminal Background checks
 - Other standards concerning the applicants, like age, education, health, etc.?
 - Standards concerning the home, like square footage, window size, etc.?

- Where are your state's family foster home licensing standards compiled?
 - Statutes
 - State policies
 - Regulations
 - Administrative Codes
 - Combination of the above...
 - Other

- Are your family foster home licensing standards combined with other licensing standards, such as those for child care, institutional care or foster home licensing agencies?
 - Child Care
 - Institutional care
 - Foster home licensing agencies
 - Other

+ Implementation questions cont.

- Is your state under any consent decrees, court orders or agreements with regard to any family foster home licensing issues?
 - Yes/No

- Are there standards in your state that seem to cause more barriers for relatives?
 - Criminal Background checks
 - Other standards concerning the applicants, like age, education, health, etc.?
 - Standards concerning the home, like square footage, window size, etc.?

- Does your state grant waivers or variances on a case-by-case basis for non-safety related licensing standards for relative family foster homes?
 - Yes/No

+ Implementation questions cont.

- When was the last time your family foster home licensing standards were updated?
- Does your state have a timeline in place that routinely reviews or checks for needed updates related to current best practices and/or law changes?
- Other questions/barriers?



Next Steps

- The NARA Standards, are available free of charge at www.grandfamilies.org and www.naralicensing.org.
- We encourage states to use the crosswalk tool and compare and align their standards with the model.
 - A few states have taken this step.
 - There is interest in other states as well and we're happy to help.
- Attorneys at the ABA and GU are available to provide free technical assistance. Contact Ana Beltran at abeltran@gu.org and Heidi Redlich Epstein at Heidi.Epstein@americanbar.org.
- NARA also offers agencies in-depth consulting services. See www.naralicensing.org for more information.

Thank you!

