

+

2015 NARA Licensing Seminar

Model Family Foster Home
Licensing Standards
September 21, 2015

Ana Beltran, Generations United
Joyce DeBolt, National Association for Regulatory Administration
Heidi Redlich Epstein, ABA Center on Children and the Law
Donna Sabo, National Association for Regulatory Administration



+ Today's Agenda

- Background
- Partners
- Research that informed the project
- Model Family Foster Home Licensing and accompanying documents
- Questions & Discussion



2

+ Background

3

+ Origins of Project

4

- 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 31 states, DC and 5 tribes
 - court and caseworker oversight

+ State Licensing Standards

5

- 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

6

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

7

- 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).



+ Partners

8

+ The Annie E. Casey Foundation

9

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

We thank them for their support and partnership.

www.aecf.org



**+ American Bar Association (ABA)
Center on Children and the Law**

- The ABA is the largest voluntary professional association in the world with nearly 400,000 members.
- The ABA Center on Children and the Law improves children's lives through advances in law, justice, knowledge, practice and public policy by focusing on child abuse and neglect, child welfare and protective services system enhancement, family preservation, adolescent health and other child protective legal issues.
- For more information, visit www.americanbar.org/groups/child_law.html



**+ Generations United (GU)
National Center on Grandfamilies**

- Generations United is a national membership organization focused solely on improving the lives of children, youth, and older people through intergenerational collaboration, public policies, and programs for the enduring benefit of all.
- For almost twenty years, Generations United's National Center on Grandfamilies has been at the forefront of national efforts to support grandfamilies through federal and state legislative testimony and briefings, publications, training, and technical assistance.
- For more information, visit www.gu.org



**+ National Association for Regulatory
Administration (NARA)**

- In 2012, NARA joined GU, ABA and AECF to work on the model standards.
- NARA is an international professional organization dedicated to promoting excellence in human care regulation and licensing through leadership, education, collaboration, and services.
- NARA represents all human care licensing, including adult residential and assisted living, adult day care, child care, child welfare and program licensing for services related to mental illness, developmental disabilities and abuse of drugs or alcohol.
- NARA has adopted the model standards as NARA national standards. A webinar on those standards is available at www.naralicensing.org/webinars
- For more information, visit www.naralicensing.org



+ Research

13

+ 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

14

+ 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.

16

+ Problematic Standards

- Upper age limits
- Requirements to have high school diplomas and/or speak English
- Requirements to own a vehicle
- Income requirements with limitations on home businesses
- Potential discrimination on the basis of disability
- Bias against rural families

+ Varying Standards

Standards concerning requirements that should not vary from jurisdiction to jurisdiction like capacity, child abuse and neglect, and criminal background checks and raise questions:

- how are standards determined?
- what are the best standards?



+ Model Family Foster Home Licensing Standards

+ Model Standards

19

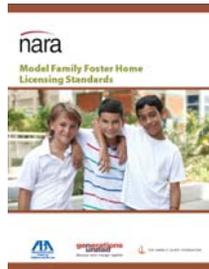
- Uses model language from states
- Includes language from accreditation agencies like Child Welfare League of America and the Council on Accreditation
- Covers family foster home licensing
- Does not cover:
 - licensing processes or procedures
 - care of children after placement in a licensed home
 - other post-licensing requirements like foster parent recordkeeping and reporting

+ Package of Materials

20

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 that summarizes the purpose of each standard and provides instructions for compliance determinations
- a crosswalk tool designed to assist states and counties in comparing and aligning their current standards with the Model



+ Purpose Statement - Summary

21

- 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" by creating clear, practical, common standards that work to ensure that children, regardless of the state in which they live, will be placed in homes that have met the same safety 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.

+ Principles

22

- Started work by creating 10 guiding principles.
- Highlight a few:
 - Each child in state or county custody needs to be in a licensed home.
 - The licensure of family foster homes is typically a distinct process with different standards than the placement of children. These processes must work together to ensure that children are placed in the best homes for them.
 - Family foster home licensing standards must be distinct from licensing standards for child care and adult care settings.
 - Family foster home licensing standards are necessary to promote safety and consistency in licensing assessments and to give licensors the tools to make good decisions. Over regulation should be avoided.

+ Categories Covered by Model Standards

23

- 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

+ For example – “Eligibility”

24

- All the model standards are pulled from state examples with an eye towards not excluding applicants based on socioeconomic or cultural biases –
- Consider “Eligibility”:
 - Require functional literacy
 - Ability to communicate with child in his/her language
 - Ability to communicate with service providers and agency (can occur through translators)
 - “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”

+ Another example – Criminal Background Checks

26

- Follow Adam Walsh
- For other crimes, we used language from Illinois:
 - E. If an applicant was convicted for a crime other than those included in B. and C., the applicant will not be automatically rejected as a foster parent. The agency must consider the following:
 - the type of crime;
 - the number of crimes;
 - the nature of the offenses;
 - the age of the individual at the time of conviction;
 - the length of time that has elapsed since the last conviction;
 - the relationship of the crime and the capacity to care for children;
 - evidence of rehabilitation; and
 - opinions of community members concerning the individual in question.

+ Interpretative Guide

26

- 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

27

Model Family Foster Home Licensing Standards Cross-Walk Tool

Model Licensing Standard Title and Rule Number	Model Licensing Standard Rule Content	Comparable State Standard	State Standard Source: Indicate the citation for all (statutes, regulations, administrative codes, policies, etc.)	Aligned with Model Licensing Standards	Identify changes needed to align	Plan to address Alignment: legislation, Policy or Procedure	Comments
I. Definitions							
A.	"Applicant" – an individual(s) who has submitted an application and is seeking a license from the licensing agency as a family foster home.			<input type="checkbox"/> Yes <input type="checkbox"/> No			
B.	"Community standards" – local norms bounding acceptable conduct. For licensing, the term means acceptable building standards based on the neighborhood.			<input type="checkbox"/> Yes <input type="checkbox"/> No			

+ Next Steps

28

- The Model Standards, which are also 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 reportedly 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.

+ Questions & Discussion

Ana Beltran, abeltran@gu.org
 Joyce DeBolt, jdebolt@theshelternrc.org
 Heidi Redlich Epstein, Heidi.Epstein@americanbar.org
 Donna Sabo, dmscomplianceconsulting@gmail.com

29

+ Implementation Questions

30

- 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?
- How does your state define related and/or relative for purposes of licensing? Are they defined differently in your state's laws or policies for other purposes?
- Who reviews and/or modifies your family foster home licensing standards? What is the process for revision?

+ Implementation Questions cont'd

31

- 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?
- Is your state under any consent decrees, court orders or agreements with regard to any family foster home licensing issues?
- Does your state grant waivers or variances on a case-by-case basis for non-safety related licensing standards for relative family foster homes?
- How are changes to your state's family foster home licensing standards communicated to your providers?
- Other questions/barriers?
