



# Child Placing Agency Standards

June 1, 2020 changes are noted in yellow highlight

## **Chapter 73. Child Placing Agencies—General Provisions**

### **§7301. Purpose**

A. In accordance with R.S. 46:1402, it is the intent of the legislature to protect the health, safety, and well-being of the children and youth of the state who are in out-of-home care on a regular or consistent basis. Toward that end, it is the purpose of this Chapter to establish statewide minimum standards for the safety and well-being of children and youth, to insure maintenance of these standards, and to regulate conditions in these facilities through a program of licensing. It shall be the policy of the state to insure protection of all individuals under care by specialized providers and to encourage and assist in the improvement of programs. It is the further intent of the legislature that the freedom of religion of all citizens shall be inviolate. This Chapter shall not give the Department of Health or the Department of Children and Family Services jurisdiction or authority to regulate, control, supervise, or in any way be involved in the form, manner, or content of any curriculum or instruction of a school or specialized provider sponsored by a church or religious organization so long as the civil and human rights of the children and youth are not violated.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:1407(D).

NOTE: HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Licensing Section, LR 45:352 (March 2019), effective April 1, 2019.

### **§7303. Authority—Foster Care, Adoption, Transitional Placing**

#### A. Legislative Provisions

1. The Specialized Provider Licensing Act, Act 286 of 1985 as amended (R.S. 46:1401et seq.) is the legal authority under which the department prescribes minimum standards for the health, safety, and well-being of children placed in foster care and adoption. The rules are in LAC 67:V., Subpart 8, Chapter 73.

2. In accordance with R.S.46:1403.1, notwithstanding any other provision of law to the contrary, a child in foster care may stay in foster care until his twenty-first birthday to complete any educational course that he began while in foster care including but not limited to a General Education Development course.

3. Public Law 96-272, the Adoption Assistance and Child Welfare Act of 1978 and Act 429 of 1981 authorizes the Louisiana Legislature to make permanency planning for children in foster care a matter of federal and state law and public social policy.

4. Public Law 103-382, the Multiethnic Placement Act of 1994, as amended by Public Law 104-188, the Interethnic Placement Act, the U.S. Constitution, and Title VI of the Civil Rights Act of 1964 provide that an entity which receives federal financial assistance and is involved in adoption or foster care placements may not discriminate on the basis of the race, color, or national origin of the adoptive or foster parent or the child involved. Providers receiving federal funds may not use standards related to income, age, education, family structure and size, or ownership of housing to exclude groups of prospective parents on the basis of race, color, or national origin, where these standards are arbitrary or unnecessary or where less exclusionary standards are available.

5. Providers shall comply with the requirements of the Americans with Disabilities Act, 42 U.S.C. §12101 et seq. (ADA) and regulations promulgated pursuant to the ADA, 28 C.F.R. Parts 35 and 36 and 49 C.F.R. Part 37; §504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. §794, and regulations promulgated pursuant thereto, including 45 C.F.R. Part 84, which includes the right to receive services in the most integrated setting appropriate to the needs of the individual; obtain reasonable modifications of practices, policies, and procedures where necessary (unless such modifications constitute a fundamental alteration of the provider's program or pose undue administrative burdens); receive auxiliary aids and services to enable equally effective communication; equivalent transportation services; and physical access to a provider's facilities.

6. Providers shall comply with the requirements of Children's Code 1167 et seq. with regard to adoptions.

B. Facilities Requiring a License

1. In accordance with R.S. 46:1403, a child-placing agency means any institution, society, agency, corporation, facility, person or persons, or any other group engaged in placing children in foster care or with substitute parents for temporary care or for adoption, or engaged in assisting or facilitating the adoption of children, or engaged in placing youth in transitional placing programs, but shall not mean a person who may occasionally refer children for temporary care.

2. Any agency applying for a child-placing agency license in Louisiana shall have an office and staff in Louisiana.

3. Any out-of-state agency placing a child in Louisiana shall have a license issued by the state in which the main office is located and either make placements in Louisiana in cooperation with the Interstate Compact on the Placement of Children (ICPC) and a child-placing agency licensed in Louisiana or have an office and staff in Louisiana with a Louisiana child-placing agency license.

4. All child-placing agency locations shall be licensed; satellite and branch offices are not permitted.

C. Exemptions

1. In accordance with R.S. 46:1415, all care given without charge, shall be exempt from provisions of R.S. 46:1401 et seq.

2. In accordance with R.S.46:1404, child placing agencies within the Department of Children and Family Services shall be exempt from the provisions of R.S. 46:1401 et seq. The department is authorized and mandated to perform its child-placing functions in accordance with the standards promulgated by the department for licensed child-placing agencies.

D. Penalties

1. As mandated by R.S. 46:1421, whoever operates as a specialized provider, as defined in R.S. 46:1403, without a valid license issued by the department shall be fined not less than \$1,000 per day for each day of such offense.

E. Waiver Request

1. In accordance with R.S. 46:1407(E), the secretary of the department, in specific instances, may waive compliance with a standard, upon determination that the economic impact is sufficiently great to make compliance impractical, as long as the health and well-being of the staff or children and youth are not imperiled.

2. A request for a waiver shall be submitted by a provider to DCFS Licensing Section staff. A request for a waiver shall provide the following information: the standard to be waived, an explanation of the reasons why the standard cannot be met, and why a waiver is being requested, including information demonstrating that the economic impact is sufficiently great to make compliance impractical.

3. All requests for a waiver will be responded to in writing by the DCFS Secretary. A copy of the waiver decision shall be kept on file at the child-placing agency and presented to licensing staff during all licensing inspections, if requested.

4. A waiver is issued at the discretion of the Secretary and continues in effect at his/her pleasure. The waiver may be revoked by the secretary at any time, either upon violation of any condition attached to it at issuance, or upon occurrence of any resolatory or suspensive condition affecting the waiver, or upon failure of any of the statutory prerequisites to issuance of a waiver (i.e., the cost of compliance is no longer so great as to be impractical or the health or safety of any staff or any child/youth is imperiled), or upon his/her determination that continuance of the waiver is no longer in the best interest of the DCFS.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:1407(D).

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Licensing Section, LR 45:352 (March 2019), effective April 1, 2019.

**§7305. Definitions—Foster Care, Adoption, Transitional Placing**

*Abuse*—any of the following acts which seriously endangers the physical, mental, or emotional health and safety of the child.

1. The infliction, attempted infliction, or as a result of inadequate supervision, allowing the infliction or attempted infliction of physical or mental injury upon the child by a parent or any other person.
2. The exploitation or overwork of a child by a parent or any other person, including, but not limited to commercial sexual exploitation of the child.
3. The involvement of the child in any sexual act with a parent or any other person, or the aiding or toleration by the parent, caretaker, or any other person of the child's involvement in any of the following:
  - a. any sexual act with any other person;
  - b. pornographic displays;
  - c. any sexual activity constituting a crime under the laws of this state; or
  - d. the coerced abortion conducted upon a child.

*Adoption Disruption*—the interruption of an adoption after placement of the child and before legal finalization of the adoption.

*Affiliate*—

1. with respect to a partnership, each partner thereof;
2. with respect to a corporation, each officer, director and stockholder thereof;
3. with respect to a natural person, that person and any individual related by blood, marriage, or adoption within the third degree of kinship to that person; any partnership, together with any or all its partners in which that person is a partner; and any corporation in which that person is an officer, director or stockholder, or holds, directly or indirectly, a controlling interest;
4. with respect to any of the above, any mandatory, agent, representative, or any other person, natural or juridical, acting at the direction of or on behalf of the licensee or applicant; or
5. administrator, executive director, or program director of any such DCFS licensed agency or facility.

*Age or Developmentally Appropriate Activities or Items*—activities or items that are generally accepted as suitable for children/youth of the same chronological age or level of maturity or that are developmentally appropriate, based on the cognitive, emotional, physical, and behavioral capacities that are typical for an age or age group; and in the case of a specific child/youth, activities or items that are suitable for that child/youth based on developmental stages attained with respect to cognitive, emotional, physical, and behavioral capacities.

*Agency*—any place, program, agency operated or required by law to operate under a license, including facilities owned or operated by any governmental, profit, nonprofit, private, or church entity.

*Anniversary*—licensure year determined by the month in which the initial license was issued to the child-placing agency and in which the license is eligible for renewal each year.

*Approved Home*—physical address of a home which has been determined by the child-placing agency to meet all the requirements noted herein.

*Babysitting*—care arranged for and paid for by foster/adoptive parents for foster/adoptive children in the absence of the foster/adoptive parents.

*Birth Certificate*—official document issued to record a person's birth, which includes identifying data such as name, gender, date of birth, place of birth, and parentage.

*Case Plan*—plan developed by DCFS child welfare to establish short and long term goals based on the strengths and needs of the family and child/youth.

*Change of Location (CHOL)*—change of physical address of the child-placing agency.

*Change of Ownership (CHOW)*—transfer of ownership of a currently licensed child-placing agency to someone other than the owner listed on the initial application without a break in service. Ownership of the business, not the building, determines the owner. Sale of the juridical entity or lease of the business also constitutes a change of ownership.

*Chemical Restraint*—medication or drug administered to control behavior or to sedate.

*Child*—a person who has not reached the age eighteen or otherwise been legally emancipated. The words "child" and "children" are used interchangeably throughout this chapter.

*Child-placing agency (CPA)*—any institution, society, agency, corporation, facility, person or persons, or any other group engaged in placing children in foster care or with substitute parents for temporary care or for adoption or engaged in assisting or facilitating the adoption of children, or engaged in placing youth in transitional placing programs, but shall not mean a person who may occasionally refer children for temporary care.

*Child Welfare (CW)*—Division within the Department of Children and Family Services.

*Complaint*—an allegation that any person is violating any provision of these standards or engaging in conduct, either by omission or commission, that negatively affects the health, safety, rights, and/or welfare of any child/youth receiving services from a child-placing agency.

*Contractor*—any person who renders professional services, therapeutic services, enrichment services, or counseling to children/youth such as educational consulting, athletic, or artistic services within a child-placing agency, whose services are not integral to either the operation of the child-placing agency or to the care and supervision of children/youth. Contractors may include, but are not limited to social workers, counselors, dance instructors, gymnastic or sports instructors, computer instructors, speech therapists, licensed health care professionals, art instructors, state-certified teachers employed through a local school board, and other outside contractors. A person shall not be deemed a contractor if he is a staff person of the child-placing agency.

*Criminal Background Check (CBC)*—a review of any and all records containing any information collected and stored in the criminal record repository of the Federal Bureau of Investigation, the state Department of Public Safety, and/or any other repository of criminal records, involving a pending arrest or conviction by a criminal justice agency, including, but not limited to, child abuse crime information, conviction record information, fingerprint cards, correctional induction and release information, identifiable descriptions and notations of convictions; provided, however, dissemination of such information is not forbidden by order of any court of competent jurisdiction or by federal law.

*DAL*—the Division of Administrative Law.

*DCFS*—the Department of Children and Family Services.

*Department*—the Department of Children and Family Services.

*Dependent Adult*—a person who is 18 years of age or older who is dependent upon foster/adoptive parents for physical and/or developmental care or support and would be in danger if care or support is withdrawn.

*Dependent Child*—a person who is under the age of 18 years who is dependent upon foster/adoptive parents for physical and/or developmental care or support and would be in danger if care or support is withdrawn.

*Discipline*—positive corrective action used to manage inappropriate behavior in children/youth.

*Disqualification Period*—the prescriptive period during which the department shall not process an application from a provider. Any unlicensed operation during the disqualification period shall interrupt running of prescription until the department has verified that the unlicensed agency/facility has ceased operating.

*Documentation*—written evidence or proof, signed and dated by parties involved (executive director, program director, foster/adoptive parent, staff, children, youth, etc.), on site and available for review.

*Emergency Removal*—a disruption of the current placement whereby removal of the child within 48 hours is requested.

*Executive Director*—the individual responsible for the management, administration, and supervision of the child-placing agency.

*Existing Child-placing agency*—a provider with a valid license at a particular location prior to the effective date of these standards.

*Foster Care*—placement of a child/youth in a foster home, a relative's home, residential home, or other living arrangement approved and supervised by the state for the provision of substitute care for a child.

*Foster Home*—a private home of one or more persons who provide continuous 24-hour substitute parenting for one to six children living apart from their parent(s) or guardians who are placed for foster care under the supervision of the department or a licensed child-placing agency.

*Foster Parent*—an individual(s) who provides foster care with the approval and under the supervision of the department or of a licensed child-placing provider.

*Full-Time*—employment by which a person works a minimum of 35 hours Monday through Friday each week.

*Functional Literacy*—the ability to read and write at the level necessary to participate effectively in society.

*Human Service Field*—the field of employment related to social services such as social work, psychology, sociology, special education, nursing, rehabilitation counseling, criminal justice, juvenile justice, and/or corrections.

*Home Study*—a comprehensive evaluation of the home environment and life of prospective foster and adoptive parents conducted in accordance with applicable requirements of the state in which the home is located to determine the suitability of the family to meet the individual needs of a child, including the child's safety, permanency, health, well-being, and mental, emotional, and physical development.

*Injury of Unknown Origin*—an injury where the source was not observed by any person and/or could not be explained by the child/youth and is suspicious due to the extent of the injury or its location (e.g., an injury located in an area not generally vulnerable to trauma).

*Intercountry*—adoption of a child from another country.

*Interstate Compact on the Placement of Children (ICPC)*—procedures for ensuring the safety and stability of placements of children across state lines.

*Juridical Person/Entity*—a limited liability company, partnership, corporation, church, university, or governmental department/agency.

*Legal Custody*—the right to have physical custody of a child and to determine where and with whom the child shall reside; to exercise the rights and duty to protect, train, and discipline the child; the authority to consent to major medical, psychiatric, and surgical treatment; and to provide the child with food, shelter, education, and ordinary medical care, all subject to any residual rights possessed by the child's parents.

*Legal Guardian*—a person or agency with the legal authority and corresponding duty to care for the person and property of a child/youth.

*Legal Guardianship*—a legal relationship created between a minor and a guardian, which may be a person or institution, that gives the guardian certain rights and obligations such as the authority to make decisions regarding the life and development of the minor and the minor's general welfare until he/she reaches the age of majority.

*License*—a certification issued by the department to operate a child-placing agency as defined in R.S. 46:1403.

*Licensing deficiency review*—formalized process by which a provider may challenge deficiencies cited during a licensing inspection that the provider contends are in whole or part factually inaccurate.

*Lifebook*—a record chronicling accomplishments, milestones, and important persons in a child's life through pictures, words, art, awards, ribbons, and memorabilia.

*Living Unit*—a house, mobile home, or apartment.

*LSP*—Louisiana State Police.

*Mechanical Restraint*—an approved professionally manufactured device used to modify the behavior of a child/youth by restricting his/her free movement.

*Medication*—drugs, topicals, or other remedies used to treat illness or injury or relieve pain whether over-the-counter or prescribed.

*Medically Fragile*—a child/youth with intensive care needs due to chronic and severe conditions and/or functional limitations requiring skilled care from a health care professional or specially trained family or foster family member.

*Natural Person*—a human being and if that person is married and not judicially separated or divorced, the spouse of that person.

*Neglect*—the refusal or unreasonable failure of a parent or caretaker to supply the child with necessary food, clothing, shelter, care, treatment, or counseling for any injury, illness, or condition of the child, as a result of which the child's physical, mental, or emotional health and safety is substantially threatened or impaired.

*Owner or Operator*—individual or juridical entity exercising direct or indirect control over a licensing entity. For licensing purposes the following are considered owners:

1. *Individual Ownership*—individual and spouse listed on the licensing application submitted and who have access to the children/youth in care of the provider and/or children/youth who receive services from the provider and/or who are present at any time on the agency premises when children/youth are present;

2. *Partnership*—all limited or general partners and managers who are listed on the licensing application submitted and who have access to the children/youth in care of the provider and/or children/youth who receive services from the provider, and/or who are present at any time on the agency premises when children/youth are present;

3. *Church Owned, University Owned or Governmental Entity*—any clergy and/or board member who is listed on the licensing application submitted and who has access to the children/youth in care of the provider, and/or children/youth who receive services from the provider, and/or who is present at any time on the agency premises when children/youth are present; or

4. *Corporation* (includes limited liability companies)—individual(s) who is registered as an officer of the board with the Louisiana Secretary of State and/or listed on the licensing application submitted and who has access to the children/youth in care of the provider, and/or children/youth who receive services from the provider, and/or who is present at any time on the agency premises when children/youth are present.

*Ownership*—the right that confers on a person direct, immediate, and exclusive authority over a thing. The owner of that thing may use, enjoy, and dispose of the thing within the limits and under the conditions established by law.

1. *Direct Ownership*—the owner is a natural person with sole control of the child-placing agency.
2. *Indirect Ownership*—the owner is a juridical entity.

*Parent*—any living person who is presumed to be a parent under the Civil Code or a birth or adoptive mother or father of a child.

*Physical Restraint*—emergency physical intervention used to restrict movement of the arms, legs, body or head of a child/youth which includes holding a child in a manner that restricts movement.

*Program Director*—the individual with authority and responsibility for the on-site daily operation of the child-placing agency as recorded with the licensing section.

*Posted*—prominently displayed in a conspicuous location in an area accessible to and regularly used by children/youth and/or staff.

*Provider*—child-placing agency.

*Public Law 115-123*—Title VII Family First Prevention Services Act

*Reasonable and Prudent Parent Standard*—standard that a caregiver shall use when determining whether to allow a child in foster care under the responsibility of the state to participate in extracurricular, enrichment, cultural, and social activities. The standard is characterized by careful and sensible parental decisions that maintain the health, safety, and best interests of a child while at the same time encouraging the emotional and developmental growth of the child.

*Reasonable and Prudent Parent Training*—training that includes knowledge and skills relating to the reasonable and prudent parent standard for the participation of the child in age or developmentally appropriate activities. This includes knowledge and skills relating to the developmental stages of the cognitive, emotional, physical, and behavioral capacities of a child and knowledge and skills relating to applying the standard to decisions such as whether to allow the child to engage in social, extracurricular, enrichment, cultural, and social activities. Activities include sports, field trips, and overnight activities lasting one or more days. Also included is knowledge and skills in decisions involving the signing of permission slips and arranging of transportation for the child to and from extracurricular, enrichment, and social activities.

*Reasonable Suspicion*—to have or acquire information containing specific and articulable facts indicating that an owner, operator, current or potential employee, or volunteer has been investigated and determined to be the perpetrator of abuse and/or neglect of a minor with a justified (valid) finding currently recorded on the state central registry.

*Related or Relative*—a natural or adopted child or grandchild of the caregiver or a child in the legal custody of the caregiver.

*Respite Care*—temporary care arranged by or paid for by the child-placing agency to provide relief to foster or adoptive parents.

*Service Plan*—a written plan of action developed by the child-placing agency for each individual child that identifies needs, sets goals, and describes strategies and timelines for achieving goals.

*Shall or Must*—mandatory.

*Should*—advised or may.

*Staff*—full or part-time paid or non-paid child-placing agency personnel who perform services for the child-placing agency and have direct or indirect contact with children/youth.



*State Central Registry (SCR)*—repository that identifies individuals with certain justified (valid) findings of abuse and/or neglect of a child or children by the Department of Children and Family Services.

*Substantial Bodily Harm*—a physical injury such that a prudent person would conclude that the injury required professional medical attention. It does not include minor bruising, the risk of minor bruising, or similar injuries that heal without professional medical attention.

*Supervision*—the function of observing, overseeing, and guiding a child/youth which includes awareness of and responsibility for the ongoing activity of each child/youth requiring accountability for their care, knowledge of their activities and whereabouts, and knowledge of their individual abilities and needs.

*Temporary Closure*—closure of more than 14 calendar days, but less than 30 calendar days.

*Therapeutic Foster Care*—foster care that accommodates a child or youth whose need for prolonged specialized care and supervision requires continuous professional oversight preventing placement in a standard foster home.

*Transitional Placing Program*—a program that places youth, at least 16 years of age and not older than 21 years of age, in an independent living situation supervised by a provider with the goal of preparing the youth for living independently without supervision.

*Type IV License*—license held by any publicly or privately owned child-placing agency provider.

*Unlicensed Operation*—operation of any specialized provider at any location, without a valid, current license issued by the department.

*Visitor*—anyone who enters a child-placing agency other than child-placing agency staff, contractor, therapeutic professionals, and in the case of a church or school, pastor, principal, teacher, etc.

*Volunteer*—an individual who provides services for the provider and whose work is uncompensated. This may include students, interns, tutors, counselors, and other non-staff individuals who may or may not work directly with children.

*Waiver*—an exemption from compliance with a regulation granted by the secretary of the department.

*Youth*—a person not less than sixteen years of age nor older than twenty-one years of age.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:1407(D).

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### **§7307. Initial Application**

#### **A. Initial Licensing Application Process—Foster Care, Adoption, Transitional Placing**

1. An initial application for licensing as a child-placing agency provider shall be obtained from the department.

Department of Children and Family Services  
Licensing Section  
P. O. Box 260036  
Baton Rouge, LA 70826  
Phone: (225) 342-4350  
Fax: (225) 219-4363  
Web address: [www.dcf.louisiana.gov](http://www.dcf.louisiana.gov)

2. A completed initial license application packet for an applicant shall be submitted to and approved by the department prior to an applicant providing child-placing agency services. The completed initial licensing packet shall include:

- a. completed application and non-refundable fee;
- b. current Office of Fire Marshal approval for occupancy as noted in §7313.B;

- c. current Office of Public Health, Sanitarian Services approval as noted in §7313.B;
  - d. current city fire department approval as noted in §7313.B;
  - e. city or parish building permit office approval for new construction or renovations;
  - f. local zoning approval, if applicable;
  - g. organizational chart or equivalent list of staff positions and supervisory chain of command;
  - h. verification of experience and educational requirements for the program director;
  - i. list of consultant/contract staff to include name, contact info, and responsibilities;
  - j. list of all staff (paid, non-paid, and volunteers) and their position;
  - k. copy of the completed reasonable and prudent parent authorized representative form if providing transitional placing services to youth in DCFS custody;
    - l. three signed reference letters dated within 12 months prior to hire for program director attesting affirmatively to his/her character, qualifications, and suitability to manage the program;
    - m. copy of current general liability coverage;
    - n. copy of current property insurance or rental insurance for transitional placing locations;
    - o. copy of current insurance coverage for child-placing agency and staff owned vehicles used to transport children/youth; and
    - p. any other documentation or information required by the department for licensure.
3. If the initial licensing packet is incomplete, the applicant will be notified of the missing information and will have 180 calendar days to submit the additional requested information. If the department does not receive the requested information within the 180 calendar days, the application will be closed and the fee forfeited. After an initial licensing application is closed, an applicant who is still interested in becoming a child-placing agency shall submit a new initial licensing packet and fee to begin the initial licensing process.
4. Once the department has determined the initial licensing packet is complete, DCFS will attempt to contact the applicant to schedule an initial inspection; however, it is the applicant's responsibility to coordinate the initial inspection. If an applicant fails to schedule the initial inspection within 45 calendar days of the notification, the initial licensing application shall be closed and fee forfeited. After an initial licensing application is closed, an applicant who is still interested in becoming a child-placing agency provider shall submit a new initial licensing packet and fee to begin the initial licensing process.
5. After the completed application and non-refundable fee have been received by the Licensing Section, DCFS will notify the Office of State Fire Marshal, office of city fire department (if applicable), and Office of Public Health that an application for licensure has been submitted. However, it is the applicant's responsibility to request and obtain inspections and approvals.
6. Prior to a license being issued, documentation shall be submitted to the Licensing Section of a fingerprint-based criminal record check as noted in §7309.A, §7309.C, §7309.D, and/or §7314.A-F as applicable for all staff including owners, operators, volunteers, and contractors of the child-placing agency, as required by R.S. 46:51.2 and 15:587.1. CBCs shall be dated prior to the issue date of the initial license, but no earlier than 45 days prior to the application being received by the Licensing Section.
7. Prior to a license being issued, documentation shall be submitted to the Licensing Section of completed State Central Registry clearances noting no justified (valid) finding of abuse and/or neglect for all staff including owners, operators, volunteers, and contractors and shall be dated no earlier than 45 days prior to the application being received by the Licensing Section.
8. Prior to a license being issued, documentation shall be submitted to the Licensing Section of completed out of State Central Registry clearances noting no justified (valid) finding of abuse and/or neglect

for all staff including owners, operators, volunteers, and contractors that lived out of state within the previous five years. These clearances shall be dated prior to the issuance of the initial license, but no earlier than 120 days prior to the initial application being received by the Licensing Section. If the owner resided out of state since receiving the clearance, an updated SCR clearance is required.

**B. Initial Licensing Inspection—Foster Care, Adoption, Transitional Placing**

1. Prior to the initial license being issued to a child-placing agency, an initial licensing inspection shall be conducted on-site at the child-placing agency office and all transitional placing locations to ensure compliance with all licensing standards. The initial licensing inspection shall be an announced inspection. No child/youth shall be provided services by the child-placing agency until the initial licensing inspection has been performed, all deficiencies cleared, requested information received, and the department has issued an initial license. If the provider is in operation in violation of the law, the licensing inspection shall not be conducted. In these instances, the application shall be denied and DCFS shall pursue legal remedies.

2. Once the child-placing agency is compliant with all licensing laws and standards, required statutes, ordinances, rules, regulations, and fees, the department may issue a license to the provider. The license shall be valid until the expiration date shown on the license, unless the license is revoked or suspended. When a license is modified, a new license shall be issued. The license with the most current issue date supersedes all other licenses issued.

3. When issued, the initial child-placing agency license shall specify the services for which the child-placing agency is eligible to provide (foster care services, adoption services, and/or transitional placing services).

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**§7309. Background Checks**

**A. Criminal Background Checks—Owners, Foster Care, and Adoption**

1. Owners shall have a fingerprint based criminal background check from the Louisiana State Police on file with the child-placing agency in accordance with R.S. 46:51.2 and 15:587.1. If an individual has previously obtained a certified copy of their criminal background check from the Louisiana State Police, such certified copy shall be acceptable as meeting the CBC requirements. If an owner obtains a certified copy of their criminal background check from the Louisiana State Police, this criminal background check shall be accepted for a period of one year from the date of issuance of the certified copy. This certified copy shall be kept on file at the facility. Prior to the one-year expiration of the certified criminal background check, a new fingerprint-based satisfactory criminal background check shall be obtained from Louisiana State Police. If the clearance is not obtained prior to the one-year expiration of the certified criminal background check, the owner is no longer allowed on the premises until a clearance is received.

a. This check shall be obtained prior to the license being issued, the addition of a board member who meets the definition of an owner, an individual being present on the premises, or an individual having access to children/youth.

b. No person shall own, operate, or participate in the management or governance of a child-placing agency until such person has submitted his or her fingerprints to Louisiana State Police and it has been determined that such person has not been convicted of, or pled guilty or nolo contendere to any crime listed in R.S. 15:587.1(C).

c. No person who has been convicted of, or pled guilty or nolo contendere to any offense included in R.S. 15:587.1(C), shall own, operate, or participate in the management or governance of a child-placing agency.

d. Any owner or operator who is convicted of, or pled guilty or nolo contendere to any crime listed in R.S. 15:587.1(C) shall not continue in the management or governance after such conviction, guilty plea, or plea of nolo contendere.

e. Only certified CBCs obtained by the individual for themselves from LSP are transferable from one owner to another owner.

2. The following is a listing of individuals by organizational type who are required to submit documentation of a satisfactory fingerprint-based criminal background clearance from the Louisiana State Police:

a. *Individual Ownership*—individual and spouse listed on the licensing application submitted and who have access to the children/youth in care of the provider and/or children/youth who receive services from the provider and/or who are present at any time on the agency premises when children/youth are present;

b. *Partnership*—all limited or general partners and managers who are listed on the licensing application submitted and who have access to the children/youth in care of the provider and/or children/youth who receive services from the provider, and/or who are present at any time on the agency premises when children/youth are present;

c. *Church Owned, University Owned or Governmental Entity*—any clergy and/or board member who is listed on the licensing application submitted and who has access to the children/youth in care of the provider, and/or children/youth who receive services from the provider, and/or who is present at any time on the agency premises when children/youth are present; or

d. *Corporation* (includes limited liability companies)—individual(s) who is registered as an officer of the board with the Louisiana Secretary of State and/or listed on the licensing application submitted and who has access to the children/youth in care of the provider, and/or children/youth who receive services from the provider, and/or who is present at any time on the agency premises when children/youth are present.

3. When an individual is listed on the licensing application or the Secretary of State's website as an officer and does not have access to children/youth in care or who receive services from the provider and/or is not present at any time on the agency premises when children/youth are present, a DCFS approved attestation form signed and dated by the individual is acceptable in lieu of a satisfactory fingerprint based CBC from LSP. The attestation form shall be accepted for a period of one year from the date individual signed attestation form.

4. Effective June 1, 2020, CBCs/attestation forms shall be dated prior to the initial license being issued, but no earlier than 45 days prior to the initial application being received by the Licensing Section.

5. Owners with the subprogram of transitional placing (TP) in addition to foster care and/or adoption shall request fingerprint-based criminal background checks through the Federal Bureau of Investigation (FBI) as noted in §7309.C and/or §7309.D, as applicable. LSP checks are only acceptable for owners with the subprogram of foster care and/or adoption.

B. State Central Registry—Owners, Foster Care, Adoption, Transitional Placing

1. Prior to April 1, 2019, in accordance with R.S. 46:1414.1, all owners and operators affiliated with an agency were required to have on file a state central registry clearance form from child welfare stating that the owners/operators were not listed on the state central registry. No person recorded on any state's child abuse and neglect registry with a justified (valid) finding of abuse or neglect of a child shall be eligible to own, operate, or participate in the governance of a child-placing agency.

a. When an individual is listed on the licensing application or the Secretary of State's website as an officer and does not have access to children/youth in care or children/youth who receive services from the provider and/or is not present at any time on the agency premises when children/youth are present, a DCFS approved attestation form signed and dated by the individual is acceptable in lieu of a state central

registry clearance. The attestation form shall be accepted for a period of one year from the date individual signed attestation form.

2. Prior to April 1, 2019, all owners and operators affiliated with an agency were required to have on file a clearance from any other state's child abuse and neglect registry in which the owner/operator resided within the proceeding five years. No person recorded on any state's child abuse and neglect registry with a justified (valid) finding of abuse and/or neglect of a child was eligible to own, operate, or participate in the governance of the child-placing agency.

3. In accordance with R.S. 46:1414.1, an inquiry of the State Central Registry for all owners and operators shall be conducted prior to a license being issued or if currently licensed, prior to the addition of a new board member who meets the definition of an owner. The Louisiana State Central Registry clearance form shall be dated no earlier than 45 days prior to the application being received by the Licensing Section or the addition of a new board member who meets the definition of an owner. For states other than Louisiana, clearance forms shall be dated no earlier than 120 days prior to the application being received by the Licensing Section or the addition of a new board member who meets the definition of an owner; however, individuals who continue to reside outside of the state of Louisiana but own/operate a child placing agency in Louisiana, their clearances shall be dated prior to the issuance of the initial license, but no earlier than 45 days prior to the initial application being received by the Licensing Section. No person who is recorded on any state's child abuse and neglect registry with a valid justified (valid) finding of abuse or neglect of a child shall be eligible to own, operate, or participate in the governance of the child-placing agency.

a. When an individual is listed on the licensing application or the Secretary of State's website as an officer and does not have access to children/youth in care or children/youth who receive services from the provider and/or is not present at any time on the agency premises when children/youth are present, a DCFS approved attestation form signed and dated by the individual is acceptable in lieu of a state central registry clearance. The attestation form shall be accepted for a period of one year from the date individual signed the attestation form.

4. If an owner/operator resided in another state within the proceeding five years, provider shall request a check and obtain clearance information from that state's child abuse and neglect registry prior to the license being issued or if currently licensed, prior to the addition of a new board member who meets the definition of an owner. No person who is recorded on any state's child abuse and neglect registry with a justified (valid) finding of abuse and/or neglect of a child shall be eligible to own, operate, or participate in the governance of a child-placing agency.

a. If the provider requests an out-of-state state central registry check and that state advises that they are unable to process the request due to statutory limitations, documentation of such shall be kept on file.

5. Upon notification from child welfare that an owner/operator(s) is not listed on the state central registry, the provider shall maintain on file the child welfare notification that the owner's name does not appear on the registry with a justified (valid) finding of abuse and/or neglect.

6. A request for a state central registry clearance shall be submitted by provider for all owners/operators to child welfare every five years prior to the date noted on the state central registry clearance notification and at any time upon the request of DCFS if reasonable suspicion exists that an individual may be listed on the state central registry.

7. If the owner/operator receives a justified (valid) finding after receiving notification from child welfare that he was not listed on the state central registry and the owner/operator advises the provider prior to his/her appeal rights being exhausted, licensing shall be notified within 24 hours or no later than the next business day, whichever is shorter.

a. The owner/operator shall be directly supervised by a paid staff (employee) of the child-placing agency and at any and all times when he/she is in the presence of a child/youth. The employee responsible

for supervising the individual must not be a suspected perpetrator with a justified (valid) determination of abuse and/or neglect.

b. Under no circumstances shall the owner/operator, with the justified (valid) finding of abuse and/or neglect, be left alone and unsupervised with a child/youth pending the official determination from child welfare that the individual is or is not listed on the state central registry.

8. Upon notification to the provider from child welfare that the owner/operator is listed on the State Central Registry, the owner/operator shall no longer be eligible to own, operate, or participate in the governance of the child-placing agency. The owner/operator may voluntarily withdraw the application for licensure or if he/she chooses not to withdraw the application, the application shall be immediately denied. If the individual with the justified (valid) finding of abuse and/or neglect is a member of the child-placing agency board, the provider shall submit a signed, dated statement to licensing within 24 hours or no later than the next business day indicating that the board member has resigned his position on the board or has been relieved of his position on the board with the effective date of the resignation/removal. Within seven calendar days of the notification, provider shall also submit to licensing documentation verifying that the individual's name has been removed from the Secretary of State's website if the CPA is owned/operated by a corporation. After receipt of the statement, the application for licensure may continue to be processed.

9. Any information received or knowledge acquired by a provider that a current owner is a perpetrator of abuse and/or neglect with a justified (valid) determination of abuse or neglect prior to receipt of official notification from child welfare, shall be immediately reported verbally to licensing management staff and followed up in writing no later than the close of business on the next business day. Prior to receipt of the official notification and immediately upon the knowledge that a justified (valid) finding has been issued by DCFS, the individual shall be directly supervised by a paid staff (employee) of the child-placing agency, at any and all times when he/she is present on the premises and/or is in the presence of a child/youth. The employee responsible for supervising the individual must not be a suspected perpetrator with a justified (valid) determination of abuse and/or neglect. Under no circumstances shall the individual with the valid (justified) finding of abuse and/or neglect be left alone and unsupervised with a child/youth pending the official determination from child welfare that the individual is or is not listed on the state central registry.

10. State central registry clearances are not transferable from one owner to another.

#### C. Criminal Background Checks—Current Owners—Transitional Placing as of June 1, 2020

1. Effective June 1, 2020, and in accordance with Public Law 115-123 and R.S. 15:587.1, provider shall submit a request for a fingerprint-based criminal background check through the Federal Bureau of Investigation (FBI) for all owners/operators operating a transitional placing program. The request for the FBI check shall be submitted no later than June 12, 2020. Documentation of submission shall be available for review and submitted upon request of the Licensing Section.

2. Upon notification that the owner/operator has been convicted of a crime listed in R.S.15:587.1(C), the owner/operator shall no longer be eligible to own, operate, or participate in the governance or management of the child placing agency. The owner/operator can voluntarily close the business or if he/she chooses not to close the business, the license shall be immediately revoked. If the owner/operator is a member of the board or clergy, the provider shall submit a signed, dated statement to Licensing within 24 hours or no later than the next business day after the notification has been made indicating that the individual has resigned or been relieved of his position with the effective date of the resignation/removal. If the statement is not received within the aforementioned timeframe, the license shall be immediately revoked. Provider shall also submit documentation to Licensing within seven calendar days of the notification being made verifying that the individual's name has been removed from the Secretary of State's website if owned by a corporation.

3. Upon notification that additional information is required in order to make a decision, the provider has seven calendar days to submit the requested information to the requesting agency. Documentation of the date the requesting agency requested additional information shall be available for review. If the information is not submitted as requested within seven calendar days, the owner/operator shall not be

present at the agency. However, if the information is not submitted within 30 calendar days, owner/operator can voluntarily close the business or if he/she chooses not to close the business, the license shall be immediately revoked. If the owner/operator is a member of the board or clergy, the provider shall submit a signed, dated statement to Licensing within 24 hours or no later than the next business day after the thirtieth day indicating that the individual has resigned or been relieved of his position with the effective date of the resignation/removal. If the statement is not received within the aforementioned timeframe, the license shall be immediately revoked. Provider shall also submit documentation to Licensing within seven calendar days after the thirtieth day verifying that the individual's name has been removed from the Secretary of State's website if owned by a corporation.

4. Criminal background clearances are not transferable between owners.

5. The FBI check shall be obtained prior to the addition of a board member who meets the definition of an owner.

6. No person shall own, operate, or participate in the management or governance of a child-placing agency until such person has submitted his or her fingerprints through the FBI and it has been determined that such person has not been convicted of, or pled guilty or *nolo contendere* to any crime listed in R.S. 15:587.1(C).

7. Any owner or operator who is convicted of, or pled guilty or *nolo contendere* to any crime listed in R.S. 15:587.1(C) shall not continue in the management or governance after such conviction, guilty plea, or plea of *nolo contendere*.

8. The following is a listing of individuals by organizational type who are required to submit documentation to Licensing of a satisfactory fingerprint-based criminal background clearance through the FBI:

a. *Individual Ownership*—individual and spouse listed on the licensing application submitted and who have access to the children/youth in care of the provider and/or children/youth who receive services from the provider and/or who are present at any time on the agency premises when children/youth are present;

b. *Partnership*—all limited or general partners and managers who are listed on the licensing application submitted and who have access to the children/youth in care of the provider and/or children/youth who receive services from the provider, and/or who are present at any time on the agency premises when children/youth are present;

c. *Church Owned, University Owned or Governmental Entity*—any clergy and/or board member who is listed on the licensing application submitted and who has access to the children/youth in care of the provider, and/or children/youth who receive services from the provider, and/or who is present at any time on the agency premises when children/youth are present; or

d. *Corporation* (includes limited liability companies)—individual(s) who is registered as an officer of the board with the Louisiana Secretary of State and/or listed on the licensing application submitted and who has access to the children/youth in care of the provider, and/or children/youth who receive services from the provider, and/or who is present at any time on the agency premises when children/youth are present.

9. When an individual is listed on the licensing application or the Secretary of State's website as an officer and does not have access to children/youth in care or who receive services from the provider and/or is not present at any time on the agency premises when children/youth are present, a DCFS approved attestation form signed and dated by the individual is acceptable in lieu of a satisfactory fingerprint-based CBC through the FBI. The attestation form shall be accepted for a period of one year from the date individual signed the attestation form.

**D. Criminal Background Checks – Prospective Owners as of June 1, 2020-Transitional Placing**



1. Effective June 1, 2020, and in accordance with Public Law 115-123 and R.S. 15:587.1, documentation of a satisfactory fingerprint-based criminal background check through the Federal Bureau of Investigation (FBI) for all owners/operators of transitional placing programs is required prior to the date the initial license is issued. The satisfactory criminal record check shall be dated prior to the issuance of the initial license, but no earlier than 45 days prior to the initial application being received by the Licensing Section. Documentation of a satisfactory fingerprint-based FBI check shall be available for review.

a. This check shall be obtained prior to the license being issued, board member who meets the definition of an owner, an individual being present on the agency premises when children/youth are present, or an individual having access to children/youth.

b. No person shall own, operate, or participate in the management or governance of a child-placing agency until such person has submitted his or her fingerprints through the FBI and it has been determined that such person has not been convicted of, or pled guilty or *nolo contendere* to any crime listed in R.S. 15:587.1(C).

c. Any owner or operator who is convicted of, or pled guilty or *nolo contendere* to any crime listed in R.S. 15:587.1(C) shall not continue in the management or governance after such conviction, guilty plea, or plea of *nolo contendere*.

2. The following is a listing of individuals by organizational type who are required to submit documentation to Licensing of a satisfactory fingerprint-based criminal background clearance from the FBI:

a. *Individual Ownership*—individual and spouse listed on the licensing application submitted and who have access to the children/youth in care of the provider and/or children/youth who receive services from the provider and/or who are present at any time on the agency premises when children/youth are present;

b. *Partnership*—all limited or general partners and managers who are listed on the licensing application submitted and who have access to the children/youth in care of the provider and/or children/youth who receive services from the provider, and/or who are present at any time on the agency premises when children/youth are present;

c. *Church Owned, University Owned or Governmental Entity*—any clergy and/or board member who is listed on the licensing application submitted and who has access to the children/youth in care of the provider, and/or children/youth who receive services from the provider, and/or who is present at any time on the agency premises when children/youth are present; or

d. *Corporation* (includes limited liability companies)—individual(s) who is registered as an officer of the board with the Louisiana Secretary of State and/or listed on the licensing application submitted and who has access to the children/youth in care of the provider, and/or children/youth who receive services from the provider, and/or who is present at any time on the agency premises when children/youth are present.

3. When an individual is listed on the licensing application or the Secretary of State's website as an officer and does not have access to children/youth in care or who receive services from the provider and/or is not present at any time on the agency premises when children/youth are present, a DCFS approved attestation form signed and dated by the individual is acceptable in lieu of a satisfactory fingerprint-based CBC through the FBI. The attestation form shall be accepted for a period of one year from the date individual signed the attestation form.

4. Criminal background clearances are not transferable between owners.

E. Agency Location and Equipment—Foster Care, Adoption, Transitional Placing

1. The provider shall have suitable space for an office and reception area, which provide comfort, safety, privacy, and convenience for children/youth and staff.

2. The provider shall have furnishings, which are clean and safe.



3. The provider shall have suitable space for confidential meetings with parent(s) and children/youth and visitation between parent(s) and children/youth.

4. The provider shall have suitable storage areas for personnel and child/youth records which provide controlled access, retrieval, and confidentiality.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:1407(D).

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Licensing Section, LR 45:357 (March 2019), effective April 1, 2019, LR 46:679 (May 2020), effective June 1, 2020.

### **§7311.Licensing Requirements—Foster Care, Adoption, Transitional Placing**

#### **A. General Provisions**

1. Any provider with a valid child-placing agency license upon the effective date of these standards shall meet all of the requirements herein, unless otherwise stated.

2. Prior to beginning operation, it is mandatory to obtain a license from DCFS by meeting all requirements noted herein.

3. Licensing Section shall determine the period for which a license is valid. A license is valid for the period for which it is issued unless it is modified, revoked, or suspended.

4. A license shall be valid only for a particular owner and only for the address on the license and is not transferable to another person, juridical entity, location, or subject to sale. Any change of ownership or change of location automatically renders the license null and void. A change of ownership of the property on which the licensed child-placing agency is located shall not affect the license; however, loss of the right to use the premises by the licensee (whether through eviction, termination of lease, etc.) shall void the license as provided above.

5. With the exception of a change of ownership application, an application from a new provider for the same program shall not be processed if an application or license is currently on file with the Licensing Section for the same physical address.

6. The license shall be displayed in a prominent place at the CPA. Child placing agencies operated by a church or religious organization are exempt from this requirement provided the license is available upon request.

7. DCFS representatives shall be admitted into the child-placing agency office without delay and shall be given immediate access during regular business hours to all records and areas of a child-placing agency office, including but not limited to its grounds. DCFS representative shall also be given immediate access to transitional placing locations and children/youth. Provider shall facilitate the coordination of visits to prospective and certified foster/adoptive parents' homes chosen by DCFS licensing staff.

8. In order to maintain a license, a CPA shall operate at least one day per week for at least four consecutive hours. This four hour timeframe shall occur Monday through Friday between the hours of 7:30 am and 5 pm.

9. If any area of a child-placing agency office is set aside for private use, DCFS representatives shall be permitted to verify that no child/youth is present in that portion and that the private areas are inaccessible to children/youth.

10. DCFS staff shall be allowed to confidentially interview any staff member, child/youth, and prospective and certified foster/adoptive parents as determined necessary by DCFS.

11. All new construction or renovation to a currently licensed child-placing agency requires approval from the Office of State Fire Marshal as noted in §7313.B, Office of Public Health, city fire (if applicable), and the Licensing Section prior to a child or children/youth occupying the new space.

12. The provider shall notify the Licensing Section in writing of a child placing office closure of more than 14 calendar days. Notification shall be submitted within five calendar days prior to the scheduled

closure or within three calendar days of an unscheduled closure. Notification shall include child-placing agency's name, license number, dates, the reason for closure, and provider signature. Closures of more than 30 calendar days render the license null and void.

13. Prior to closure, the provider shall make adequate preparation and arrangements for the care, custody, and control of any children in the care, custody, and/or control of the provider.

14. The email address provided to the Licensing Section on the licensing application is the official email address unless the provider subsequently submits written notification of a change of email address to the Licensing Section and the request is acknowledged as received by licensing staff.

15. The provider shall make any information required by the Licensing Section as outlined in the current standards and any information reasonably related to determine compliance with these standards available to the department.

16. The provider shall show proof of compliance with all relevant standards and requirements established by federal, state, local, and municipal regulatory bodies.

B. Fees and Notification of Changes—Foster Care, Adoption, Transitional Placing

1. All fees are non-refundable and shall be payable to DCFS Licensing Section by money order, certified check, or electronic payment, if available.

2. In accordance with R.S 46:1406(F), there shall be a non-refundable fee of \$50 for a license or renewed license, payable to the department with the initial licensing application, CHOL application, CHOW application, and prior to the last day of the anniversary month of the license.

3. A non-refundable fee of \$5 is required to issue a duplicate license with no changes.

4. A non-refundable fee of \$25 is required when a change to the license is requested or noted by licensing staff.

5. The provider shall notify the Licensing Section on a DCFS change of information form prior to making changes to child-placing agency operations as noted below. There is no fee charged when the request is noted on the renewal application and all required inspections and approvals are received prior to the expiration of the current license; however, the change shall not be effective until the first day of the month following the expiration of the current license.

a. Removal of a service (foster care services, adoption services, or transitional placing services) is effective upon receipt of a completed change of information form.

b. Name change is effective when the following are received by the licensing section:

- i. completed change of information form; and
- ii. \$25 non-refundable change fee.

c. Change to add foster care services or adoption services is effective when the following are received and approved by the licensing section:

- i. completed change of information form;
- ii. \$25 non-refundable change fee; and
- iii. inspection by the Licensing Section noting compliance with regulations regarding the service which will be provided.

d. Change to add transitional placing services is effective when the following are received and approved by the licensing section:

- i. completed change of information form;
- ii. \$25 non-refundable change fee;

- iii. current approvals as noted in §7313.B;
  - iv. inspection of each transitional placing location by the Licensing Section noting compliance with regulations regarding the service which will be provided;
  - v. copy of property insurance or rental insurance coverage for each transitional placing location;
  - vi. copy of a current FBI criminal background clearance or current attestation form as noted in §7309.C and/or 7309.D, as applicable for all owners as required by R.S. 46:51.2 and 15.587.1;
  - vii. copy of a criminal background clearance through the FBI as noted in §7314.C-F, as applicable for the program director, staff, volunteers, and contractors and required by R.S. 46:51.2 and 15.587.1; and
  - viii. copy of current State Central Registry clearances for new staff, volunteers, and contractors hired and/or providing services for the transitional placing program.
- e. Change to add an additional transitional placing location under current CPA license is effective when the following are received and approved by the licensing section:
- i. completed change of information form;
  - ii. \$25 non-refundable change fee;
  - iii. current approvals as noted in §7313.B;
  - iv. inspection of each transitional placing location by the Licensing Section noting compliance with regulations regarding the service which will be provided; and
  - v. copy of property insurance or rental insurance coverage for each transitional placing location;
- f. Change to age range for which services are provided is effective when the following are received and approved by the licensing section:
- i. completed change of information form and;
  - ii. \$25 non-refundable change fee;
- g. Change in program director is effective when the following are received and approved by the licensing section:
- i. completed change of information form;
  - ii. documentation of program director's qualifications as noted in §7313.H.6;
  - iii. three signed letters of reference dated within 12 months prior to hire attesting affirmatively to his/her character, qualifications, and suitability to manage the program;
  - iv. CBC clearance dated no earlier than 45 days prior to hire;
  - v. Louisiana State Central Registry clearance dated no earlier than 45 days prior to hire; and
  - vi. if an individual resided in a state other than Louisiana in the previous five years, State Central Registry clearance from those states dated no earlier than 120 days prior to hire; however, individuals who continue to reside outside of the state of Louisiana and work for a licensed provider in the state of Louisiana, their clearances shall be dated no earlier than 45 days prior to hire and/or having access to children/youth.
- h. Change to add an individual to the existing ownership structure is effective when the following are received and approved by the Licensing Section:
- i. completed change of information form;
  - ii. name of the individual(s) being added;
  - iii. effective date of addition;

iv. satisfactory SCR clearance form from Child Welfare dated no earlier than 45 days of the individual being added to the existing ownership structure, being present on the premises, and/or having access to children/youth; and

v. satisfactory fingerprint-based criminal background check completed as noted in §7309.A., §7309.C. and/or §7309.D., as applicable and required by R.S. 46:51.2 and 15.587.1 dated no earlier than 45 days of the individual being added to the existing ownership structure, being present on the premises, and/or having access to children/youth.

6. If a child-placing agency is found to be non-compliant with regard to a particular service offered or with a particular age group of children/youth, DCFS may require the child-placing agency to cease providing the service and/or restrict the age of the children/youth for which the child-placing agency is licensed to provide services.

C. Renewal of License—Foster Care, Adoption, Transitional Placing

1. The license shall be renewed on an annual basis prior to the last day of the anniversary month of the license.

2. The provider shall submit, prior to the license expiration date, a completed renewal application form and \$50 non-refundable fee. The following documentation shall also be included:

- a. current Office of Fire Marshal approval for occupancy as noted in §7313.B;
- b. current Office of Public Health, Sanitarian Services approval as noted in §7313.B;
- c. current city fire department approval as noted in §7313.B;
- d. copy of current general liability coverage;
- e. copy of current property insurance or rental insurance coverage for each transitional placing locations;

f. copy of current insurance coverage for child-placing agency and staff vehicles used to transport children/youth;

g. copy of criminal background clearances or current attestation forms as noted in §7309.A, 7309.C, 7309.D, 7314.A, 7314.C, and/or 7314.D, as applicable for all owners and program directors and required by R.S. 46:51.2 and 15.587.1;

h. copy of state central registry clearances or current attestation forms referenced in §7309.B for all owners and program directors as required by R.S. 46:1414.1; and

i. copy of the completed reasonable and prudent parent authorized representative form if providing transitional placing services.

3. Prior to renewing the child-placing agency's license, an on-site inspection shall be conducted to ensure compliance with all licensing laws and standards. If the child-placing agency is found to be in compliance with the licensing laws and standards, and any other required statutes, laws, ordinances, and regulations, the license shall be renewed for a 12 month period.

4. If areas of noncompliance or deficiencies are cited and have not been corrected or new deficiencies or areas of non-compliance are cited prior to the expiration of the license, the department may issue an extension of the license not to exceed 60 days.

5. When it is determined by the department that such non-compliances or deficiencies have been corrected and no new areas of noncompliance or deficiencies have been cited, a license shall be issued through the last day of the anniversary month.

6. If it is determined that all areas of noncompliance or deficiencies have not been corrected or new areas of noncompliance or deficiencies have been cited prior to the expiration date of the extension, the department may revoke the license.

D. Change of Location (CHOL)—Foster Care, Adoption, Transitional Placing

1. When a provider changes the physical location of the child-placing agency office, it is considered a new operation and a new license is required prior to opening. The license at the existing location shall not transfer to the new child-placing agency location.

2. After the child-placing agency's new location has been determined, a complete CHOL licensing packet shall be submitted to the licensing section. A complete CHOL licensing packet shall include:

- a. completed application and \$50 non-refundable fee;
- b. current Office of Fire Marshal approval for occupancy as noted in §7313.B;
- c. current Office of Public Health, Sanitarian Services approval as noted in §7313.B;
- d. current city fire department approval as noted in §7313.B;
- e. city or parish building permit office approval for new construction or renovation
- f. local zoning approval, if applicable;
- g. organizational chart or equivalent list of staff positions and supervisory chain of command;
- h. verification of experience and educational requirements for the program director if current director is replaced;
- i. list of consultant/contract staff to include name, contact info, and responsibilities;
- j. list of all staff (paid, non-paid, and volunteers) and their position;
- k. copy of the completed reasonable and prudent parent authorized representative form if providing transitional placing services;
- l. three signed reference letters dated within 12 months prior to hire for program director if a new director is hired attesting affirmatively to his/her character, qualifications, and suitability to manage the program;
- m. copy of current general liability insurance coverage;
- n. copy of current property insurance coverage or rental insurance coverage for each transitional placing location;
- o. copy of current insurance coverage for child-placing agency and staff vehicles used to transport children/youth;
- p. list of youth currently being served in transitional placing;
- q. documentation of new fingerprint-based satisfactory criminal record checks for owners of the agency, as noted in section §7309.A., §7309.C., and/or §7309.D., as applicable and required by R.S. 46:51.2 and 15:587.1, dated prior to the date the license is issued, but no earlier than 45 days prior to the CHOL application being received by the Licensing Section;
- r. documentation of new Louisiana State Central Registry clearance forms for owners dated no earlier than 45 days prior to the CHOL application being received by the Licensing Section as noted in §7309.B;
- s. documentation of out of State Central Registry clearance forms for owners dated no earlier than 120 days prior to the CHOL application being received by the Licensing Section as noted in §7309.B ; however, individuals who continue to reside outside of the state of Louisiana but own/operate a child placing agency in the state of Louisiana, their clearances shall be dated prior to the issuance of the initial CHOL license, but no earlier than 45 days prior to the initial application being received by the Licensing Section.
- t. documentation of new national criminal background checks through the Federal Bureau of Investigation (FBI) for currently certified foster/adoptive parents and any member of the parent's household

aged 18 years and older, excluding youth in DCFS custody, in accordance with R.S. 46:51.2 for any crime enumerated under R.S. 15:587.1(C) and Public Law 105-89. These checks shall be dated no earlier than 45 days prior to the CHOL application being received by the Licensing Section as noted in §7315.B;

u. documentation of new State Central Registry clearance forms for currently certified foster/adoptive parents and any member of the parent's household aged 18 years and older, excluding youth in DCFS custody. Louisiana checks shall be dated no earlier than 45 days prior to the CHOL application being received by the Licensing Section as noted in §7315.C;

v. documentation of out of State Central Registry clearance forms for foster/adoptive parents and household members age 18 years and older, excluding youth in DCFS custody, dated no earlier than 120 days prior to the CHOL application being received by the Licensing Section as noted in §7315.C; however, for household members over the age of 18 years who continue to reside outside of the state of Louisiana, but their official domicile is a certified foster/adoptive home in the state of Louisiana, their clearances shall be dated prior to the issuance of the initial license, but no earlier than 45 days prior to the initial CHOL application being received by the Licensing Section;

w. documentation of new fingerprint-based satisfactory criminal record checks for all staff (paid, non-paid, and volunteers) and contractors of the agency, as noted in §7314.A.-F. as applicable and required by R.S. 46:51.2 and 15:587.1. CHOLs occurring April 1, 2019 or after, CBCs shall be dated no earlier than 45 days prior to the CHOL application being received by the Licensing Section as noted in §7313.I.9. and/or §7313.M.1., as applicable;

x. documentation of new Louisiana State Central Registry clearance forms for all staff (paid, non-paid, and volunteers) and contractors dated no earlier than 45 days prior to the CHOL application being received by the Licensing Section;

y. documentation of out of State Central Registry clearance forms for staff (paid, non-paid, and volunteers) and contractors dated no earlier than 120 days prior to the application being received by the Licensing Section as noted in §7313.I.9. and/or §7313.M.1., as applicable; however, individuals who continue to reside outside of the state of Louisiana, but volunteer with, provide services for, and/or work for a licensed provider in the state of Louisiana, their clearances shall be dated no earlier than 45 days prior to hire and/or having access to children/youth.

z. any other documentation or information required by the department for licensure.

3. Services shall not be provided at the new location until a license is issued for that location.

4. The license for the new location may be effective upon receipt of all items listed in §7311.D.2 with the approval of DCFS, however; it shall not be effective prior to the first day operations begin at the new location.

5. The license for the old location shall be null and void on the last day services were provided at that location, but no later than the effective date of the new location's license. The child-placing agency shall submit documentation noting the last day services will be provided at the old location.

#### E. Change of Ownership (CHOW)—Foster Care, Adoption, Transitional Placing

1. Any of the following constitutes a change of ownership for licensing purposes:

a. change in the federal tax id number;

b. change in the state tax id number;

c. change in profit status;

d. any transfer of the business from an individual or juridical entity to any other individual or juridical entity;

e. termination of services by one owner and beginning of services by a different owner without a break in services to the children/youth; and/or

f. addition of an individual, with the exception of a board member, to the existing ownership on file with the licensing section.

2. When a child-placing agency changes ownership, the current license is not transferable. Prior to the ownership change and in order for a new license to be issued, the new owner shall submit a CHOW application packet containing the following:

- a. completed application and \$50 non-refundable fee;
- b. current Office of Fire Marshal approval for occupancy from current owner as noted in §7313.B;
- c. current Office of Public Health, Sanitarian Services approval from current owner as noted in §7313.B;
- d. current city fire department approval, if applicable; as noted in §7313.B;
- e. city or parish building permit office approval for renovations or new construction;
- f. local zoning approval, if applicable;
- g. organizational chart or equivalent list of staff titles and supervisory chain of command;
- h. verification of experience and educational requirements for the program director if new owner replaces current director;
- i. list of consultant/contract staff to include name, contact info, and responsibilities;
- j. list of all staff (paid, non-paid, and volunteers) and their position;
- k. copy of the completed reasonable and prudent parent authorized representative form if providing transitional placing services;
- l. three signed reference letters dated within three months prior to hire for program director if new owner replaces current director attesting affirmatively to his/her character, qualifications, and suitability to manage the program;
- m. copy of current general liability coverage;
- n. copy of current property insurance or rental insurance coverage for each transitional placing locations;
- o. copy of current insurance for child-placing agency and staff owned vehicles used to transport children/youth;
- p. documentation of new fingerprint-based satisfactory criminal record checks for owners or current attestation forms as noted in §7309.A., 7309.C., and/or 7309.D., as applicable and as required by R.S. 46:51.2 and 15:587.1. These checks shall be dated no earlier than 45 days prior to the CHOW application being received by the Licensing Section;
- q. documentation of new Louisiana State Central Registry clearance forms for owners or attestation forms dated no earlier than 45 days prior to the CHOW application being received by the Licensing Section as noted in §7309.B;
- r. documentation of out of State Central Registry clearance forms for owners dated no earlier than 120 days prior to the CHOW application being received by the licensing section as noted in §7309.B ;however, individuals who continue to reside outside of the state of Louisiana but own/operate a child placing agency in the state of Louisiana, their clearances shall be dated prior to the issuance of the initial license, but no earlier than 45 days prior to the initial CHOW application being received by the Licensing Section.
- s. documentation of new fingerprint-based satisfactory criminal record checks for all staff (paid, non-paid, and volunteers) and contractors of the agency, as noted in §7314.A. - F., as applicable and

required by R.S. 46:51.2 and 15:587.1, dated no earlier than 45 days prior to the CHOW application being received by the Licensing Section;

t. documentation of new Louisiana State Central Registry clearance forms for all staff (paid, non-paid, and volunteers) and contractors dated no earlier than 45 days prior to the CHOW application being received by the Licensing Section;

u. documentation of out of State Central Registry clearance forms for staff (paid, non-paid, and volunteers) and contractors dated no earlier than 120 days prior to the CHOW application being received by the Licensing Section as noted in §7313.I.10. and/or §7313.M.2., as applicable, ; however, individuals who continue to reside outside of the state of Louisiana but volunteer with, provide services for, and/or work for a licensed provider in the state of Louisiana, their clearances shall be dated no earlier than 45 days prior to hire and/or having access to children/youth.

v. documentation of new national criminal background checks through the Federal Bureau of Investigation (FBI) for currently certified foster/adoptive parents and any member of the parent's household aged 18 years and older, excluding youth in DCFS custody, in accordance with R.S. 46:51.2 for any crime enumerated under R.S. 15:587.1 and Public Law 105-89. These checks shall be dated no earlier than 45 days prior to the CHOW application being received by the Licensing Section;

w. documentation of new Louisiana State Central Registry clearance forms for currently certified foster/adoptive parents and any member of the parent's household aged 18 years and older, excluding youth in DCFS custody. These checks shall be dated no earlier than 45 days prior to the CHOW application being received by the Licensing Section;

x. documentation of out of State Central Registry clearance forms for foster/adoptive parents and household members age 18 years and older, excluding youth in DCFS custody, dated no earlier than 120 days prior to the application being received by the Licensing Section as noted in §7315.C ; however; for household members over the age of 18 years who continue to reside outside of the state of Louisiana, but their official domicile is a certified foster/adoptive home in the state of Louisiana, their clearances shall be dated prior to the issuance of the initial license, but no earlier than 45 days prior to the initial CHOW application being received by the Licensing Section.

y. any other documentation or information required by the department for licensure.

3. The prior owner's current Office of State Fire Marshal and Office of Public Health approvals are only transferrable for 60 calendar days. The new owner shall obtain approvals dated after the effective date of the new license from these agencies within 60 calendar days. The new owner will be responsible for forwarding the approval or extension from the Office of the State Fire Marshal and the Office of Public Health as noted in §7313.B to the Licensing Section on or prior to the sixtieth day in order for their license to be extended.

4. A licensing inspection shall be conducted within 60 calendar days of the license being issued to verify compliance with the licensing standards.

5. All staff/children/youth information shall be updated under the new ownership prior to or on the last day services are provided by the existing owner.

6. If all information in §7311.E.2 of this section is not received prior to or on the last day services are provided by the existing owner, the new owner shall not operate until a license is issued. The new owner is not authorized to provide services until the licensure process is completed in accordance with §7311.E.2.

7. In the event of a change of ownership, the children/youth records shall remain with the new child-placing agency.

8. A child-placing agency facing adverse action shall not be eligible for a CHOW. An application involving a child-placing agency facing adverse action shall be treated as an initial application rather than a change of ownership application.

F. Change in Ownership Structure—Foster Care, Adoption, Transitional Placing



1. Although the following does not constitute a change of ownership for licensing purposes, a change of information form is required. The change of information form shall be submitted to the Licensing Section within 14 calendar days of the change:

- a. if individual ownership, upon death of the spouse; or
- b. if individual ownership, upon death of the spouse and execution of the estate, if the surviving spouse remains as the only owner.

2. The change of information form shall be submitted to the Licensing Section within seven calendar days of the change:

- a. if individual ownership, undergoing a separation or divorce, until the judicial termination of the community assets and gains is signed by both parties;
- b. change in board members for churches, corporations, limited liability companies, universities, or governmental entities; or
- c. removal of any person from the existing ownership structure under which the child-placing agency is currently licensed.

G. Denial, Revocation, or Non-Renewal of License—Foster Care, Adoption, Transitional Placing

1. Even if a child-placing agency is otherwise in compliance with these standards, an application for a license may be denied, or a license revoked or not renewed for any of the following reasons:

- a. cruelty or indifference to the welfare of the children/youth in care;
- b. violation of any provision of the standards, rules, regulations, or orders of the department;
- c. disapproval from any agency whose approval is required for licensing;
- d. any validated instance of abuse, neglect, corporal punishment, physical punishment, or cruel, severe or unusual punishment as noted on the state central registry, if the owner is responsible or if the staff member who is responsible remains in the employment of the licensee;
- e. any validated instance of abuse, neglect, corporal punishment, physical punishment, or cruel, severe or unusual punishment as noted on the state central registry, in a foster/adoptive home if the home remains certified;
- f. closing with no plans for reopening and no means of verifying compliance with minimum standards for licensure;
- g. any act of fraud such as falsifying or altering documents required for licensure;
- h. refusing to allow the Licensing Section staff to perform mandated duties, i.e., denying entrance to the agency, not cooperating with licensing mandates, intimidation or threats to DCFS staff, etc.;
- i. the owner, director, officer, board member, or any person designated to manage or supervise the provider or any staff providing care, supervision, or treatment to a child/youth has been convicted of or pled guilty or nolo contendere to any offense listed in R.S. 15:587.1 or to any offense involving a juvenile victim. A copy of a criminal record check performed by the Louisiana State Police (LSP) or other law enforcement provider, or by the Federal Bureau of Investigation (FBI), or a copy of court records in which a conviction or plea occurred, indicating the existence of such a plea or conviction shall create a rebuttal presumption that such a conviction or plea exists;
- j. the provider, after being notified that an officer, director, board member, manager, supervisor, or any employee has been convicted of or pled nolo contendere to any offense referenced above, allows such officer, director, or employee to remain employed, or to fill an office of profit or trust with the provider. A copy of a criminal record check performed by the LSP or other law enforcement provider, or by the FBI, or a copy of court records in which a conviction or plea occurred, indicating the existence of such a plea or conviction shall create a rebuttal presumption that such a conviction or plea exists;

- k. failure of the owner, director, or any employee to report a known or suspected incident of abuse or neglect to child protection authorities;
- l. revocation or non-renewal of a previous license issued by a state or federal provider;
- m. a history of non-compliance with licensing statutes or standards, including but not limited to failure to take prompt action to correct deficiencies, repeated citations for the same deficiencies, closure to avoid revocation, or revocation or denial of any previous license issued by the department;
- n. failure to submit an application for renewal or required documentation or to pay required fees prior to the last day of the anniversary month;
- o. operating any unlicensed agency, program, or facility;
- p. permitting an individual to be on the premises or to have access to children/youth when listed on the state central registry;
- q. own a child-placing agency and have been convicted of or have pled guilty or nolo contendere to any crime in which an act of fraud or intent to defraud is an element of the offense; or
- r. failure of the child-placing agency to decertify a foster/adoptive home after licensing violations are noted and not timely corrected which pose an imminent risk to the health and/or safety of children/youth placed in the home.

#### H. Posting of Notices of Revocation—Foster Care, Adoption, Transitional Placing

1. The DCFS shall prominently post a notice of revocation action at each public entrance of the child-placing agency within one business day of such action. This notice shall remain visible to the general public, other placing agencies, parents, guardians, and other interested parties of individuals that receive services from the provider.
2. It shall be a violation of these rules for a provider to permit the obliteration or removal of a notice of revocation that has been posted by the department. The provider shall ensure that the notice continues to be visible to the general public, other placing agencies, parents, guardians, and other interested parties throughout the pendency of any appeal of the revocation.
3. The provider shall notify the department's licensing management staff verbally and in writing immediately if the notice is removed or obliterated.
4. Failure to maintain the posted notice of revocation required under these rules shall be grounds for denial, revocation, or non-renewal of any future application or license.

#### I. Appeal Process for Denial, Non-Renewal, or Revocation—Foster Care, Adoption, Transitional Placing

1. The DCFS Licensing Section, shall advise the applicant, program director or owner by letter of the reasons for revocation of the license, or denial of an application, and the right of appeal. If the director or owner is not present at the agency, delivery of the written reasons for such action may be made to any staff of the agency. Notice to a staff person shall constitute notice to the child-placing agency of such action and the reasons thereof. A request for appeal shall include a copy of the letter from the Licensing Section that notes the reasons for revocation, denial, or non-renewal, together with the specific areas of the decision the appellant believes to be erroneous and/or the specific reasons the decision is believed to have been reached in error, and shall be mailed to: Department of Children and Family Services, Appeals Section, P.O. Box 2944, Baton Rouge, LA 70821-9118.
2. A provider shall have 15 calendar days from receipt of the letter notifying of the revocation to request an appeal in accordance with R.S. 46:1420. Provider may continue to operate during the appeal process as provided in the Administrative Procedure Act.
3. If the provider's license will expire during the appeal process, the provider shall submit prior to its license expiration date, a complete renewal packet as noted in §7311.C. Each provider is solely responsible for obtaining the application form. All information shall be received on or postmarked by the last day of the

month in which the license expires or the provider shall cease operation by the close of business on the expiration date noted on the license. A complete renewal packet includes:

- a. completed application form;
- b. non-refundable \$50 fee;
- c. current Office of State Fire Marshal approval for occupancy as noted in §7313.B;
- d. current Office of Public Health, Sanitarian Services approval as noted in §7313.B;
- e. current city fire department approval, if applicable; as noted in §7313.B;
- f. copy of current general liability coverage;
- g. copy of current property insurance or rental insurance coverage for each transitional placing locations;
- h. copy of current insurance coverage for child-placing agency and staff owned vehicles used to transport children/youth;
- i. copy of criminal background clearances or current attestation forms as referenced in §7309.A., §7309.C., §7309.D., §7314.A., §7314.C., and/or §7314.D., as applicable for all owners and program directors as required by R.S. 46:51.2 and 15.587.1;
- j. copy of state central registry clearance forms as referenced in §7309.B and §7313.I.10 for all owners and program directors as required by R.S. 46:1414.1; and
- k. copy of the completed reasonable and prudent parent authorized representative form if providing transitional placing services.

4. A provider shall have 30 calendar days from receipt of the letter notifying of the denial of an application for a license to request an appeal.

5. The appeals section shall notify the Division of Administrative Law of receipt of an appeal request. Division of Administrative Law shall conduct a hearing. The appellant will be notified by DAL of the decision, either affirming or reversing the original decision of DCFS.

6. If the decision of DCFS is affirmed or the appeal dismissed, the provider shall terminate operation of the child-placing agency immediately. If the provider continues to operate without a license, the DCFS may file suit in the district court in the parish in which the child-placing agency is located for injunctive relief.

7. If the revocation or non-renewal decision of DCFS is reversed, the license will be re-instated and the appellant may continue to operate. If the denial of application decision is reversed, DCFS will begin processing the application for licensure.

#### J. Disqualification of Agency and Provider—Foster Care, Adoption, Transitional Placing

1. If a child-placing agency's application is denied, license revoked or not renewed due to failure to comply with state statutes and/or licensing rules, the department shall not process a subsequent application from the provider for that child-placing agency or any other license issued by DCFS for a minimum period of 24 months after the effective date of denial or revocation or non-renewal or a minimum period of 24 months after all appeal rights have been exhausted, whichever is later (the disqualification period). Any pending application by the same provider shall be treated as an application for a new agency for purposes of this section and shall be denied and subject to the disqualification period. Any subsequent application for a license shall be reviewed by the Secretary or her designee prior to a decision being made to grant a license. The department reserves the right to determine, at its sole discretion, whether to issue any subsequent license.

2. Any voluntary surrender of a license by a child-placing agency facing the possibility of adverse action against its license (revocation or non-renewal) shall be deemed to be a revocation for purposes of this rule and shall trigger the same disqualification period as if the license had actually been revoked

3. In the event a license is revoked or renewal is denied, (other than for cessation of business or non-operational status), or voluntarily surrendered to avoid adverse action any owner, officer, member, manager, program director, or executive director of such licensee shall be prohibited from owning, managing, directing, or operating another licensed agency for a period of not less than two years from the date of the final disposition of the revocation or denial action. If the action was not appealed, the effective date is the last day for which an appeal could have been requested. The lapse of two years shall not automatically restore a person disqualified under this provision. The department, at its sole discretion, may determine that a longer period of disqualification is warranted under the facts of a particular case.

4. If a license is revoked or not renewed or application denied or refused, an application or license shall also be denied or refused to any affiliate of the licensee or applicant. The disqualification period provided in this section shall include any affiliate of the provider.

#### K. Complaint Process—Foster Care, Adoption, Transitional Placing

1. In accordance with R.S. 46:1418, the department shall investigate all complaints (except complaints concerning the prevention or spread of communicable diseases), including complaints alleging abuse or neglect. All licensing complaint investigations shall be initiated within 30 days.

2. All licensing complaint investigations shall be unannounced.

3. Providers shall advise staff, foster/adoptive parents, and youth in the transitional placing program of the licensing authority of DCFS and that they may contact the Licensing Section with any unresolved complaints. Providers shall post the current telephone number, email address, and mailing address of the Licensing Section in the child-placing agency office in an area regularly utilized by staff. Documentation of notification of the licensing authority of DCFS to foster/adoptive parents and youth in the transitional placing program shall consist of a signed and dated statement by the foster/adoptive parents and the youth.

#### L. Corrective Action Plans—Foster Care, Adoption, Transitional Placing

1. A corrective action plan (CAP) shall be submitted for all deficiencies noted by Licensing Section staff regarding any licensing law or standard, or any other required statute, ordinance, or standard. The request for submission of the CAP does not restrict the actions which may be taken by DCFS. If the department does not specify an earlier timeframe for submitting the CAP, the CAP shall be submitted within 10 calendar days from receipt of the deficiencies. Receipt of the deficiencies by any staff person constitutes notice to the child-placing agency. The CAP shall include a description of how the deficiency will be corrected, the date by which correction(s) will be completed, and outline the steps the child-placing agency plans to take in order to prevent further deficiencies from being cited in these areas, and the plan to maintain compliance with the licensing standards. If the CAP is not sufficient and/or additional information is required, the provider shall be notified and informed to submit additional information within five calendar days. If it is determined that all areas of noncompliance or deficiencies have not been corrected, the department may revoke the license.

2. Provider may challenge a specific deficiency or any information within a cited deficiency which the provider contends is factually inaccurate. The provider shall have one opportunity to request a review of a licensing deficiency within the timeframe specified for the submission of the CAP. A statement of why the deficiency is being disputed and supporting documents (if applicable) shall be submitted with the corrective action plan within the timeframe specified for the submission of the CAP.

3. The statement of deficiencies for which a review has been requested will not be placed on the internet for viewing by the public until a decision has been reached. As a result of the licensing deficiency review request, a deficiency may be upheld with no changes, the deficiency may be removed, or the deficiency may be upheld and revised to include pertinent information that was inadvertently omitted. Once a decision has been reached, provider will be informed in writing of the decision and the reason for the

decision. If information within the deficiency was cited in error or the cited deficiency is revised by the DCFS Licensing Section staff, provider will receive a revised "statement of deficiencies" with the decision letter. If any enforcement action was imposed solely because of a deficiency or finding that has been deleted through the licensing deficiency review process, the action will be rescinded.

M. Critical Violations/Fines—Foster Care, Adoption, Transitional Placing

1. In accordance with R.S. 46:1430, when a provider is cited for violations in the following areas, the department may at its' discretion elect to impose sanctions, revoke a license, or both:

a. §7309.A, §7309.C.1-9, §7309.D.1-4, §7311.B.5.d.vi-vii., §7311.B.5.g.iv., §7311.B.5.h.v., §7311.C.2.g, §7313.I.9, §7313.L.5, §7313.M.1, §7314.A-G, and/or 7315.B - criminal background check;

b. §7313.N.2, N.6, and/or N.7—critical incidents; and/or

c. §7319.D, §7321.H, and/or §7323.F.2-5—supervision.

2. The option of imposing other sanctions shall not limit the right of DCFS to revoke and/or not renew a provider's license to operate if it determines that the violation poses an imminent threat to the health, safety, rights, or welfare of a child/youth. Only when the department finds that the violation does not pose an imminent threat to the health, safety, rights, or welfare of a child/youth will the department consider sanctions in lieu of revocation or non-renewal; however, the absence of such an imminent threat does not preclude the possibility of revocation or non-renewal in addition to sanctions, including fines.

3. In determining whether multiple violations of one of the above categories have occurred, both for purposes of this section and for purposes of establishing a history of non-compliance, all such violations cited during any 24-month period shall be counted.

4. For the first violation of one of the aforementioned categories, if the department does not revoke or not renew the license, the department may issue a formal warning letter noting the department's intent to take administrative action if further violations of the same category occur.

5. The warning letter shall include a directed corrective action plan (CAP) which shall outline the necessary action and timeframe for such action that a provider shall take in order to maintain compliance with the licensing standards. The provider shall acknowledge receipt of the warning letter by submitting a written response to the CAP within 10 calendar days of receipt of the letter. Failure by the provider to submit requested information and/or failure to implement the CAP as evidenced by a repeated violation of the same category of the standards may result in either the assessment of a civil fine, revocation/non-renewal of license, or both.

6. For the second violation of one of the same aforementioned categories within a 24-month period, provider may be assessed a civil fine of up to \$250 per day for a violation in each of the aforementioned categories (if same category cited twice) and fined for each day the provider was determined to be out of compliance with one of the aforementioned categories according to the schedule of fines noted in §7311.M.7-9.

7. The base fine level for all violations shall be \$200 per day. From the base fine level, factor in any applicable upward or downward adjustments, even if the adjustment causes the total to exceed \$250. If the total fine after all adjustments exceeds \$250, reduce the fine for the violation to \$250 as prescribed by law.

a. When the violation resulted in death or serious physical or emotional harm to a child/youth or placed a child/youth at risk of death or serious physical or emotional harm, the fine shall be increased by \$50.

b. When the provider had a previous license revoked for the same critical violation cited, the fine shall be increased by \$25.

c. When the critical violation was cited and occurred despite the objective good faith best efforts of licensee to comply, the fine shall be decreased by \$25.

d. When the cited critical violation was for a criminal background check not being completed prior to hire as required, but obtained before the individual was on the premises and/or had access to a child/youth, the fine shall be decreased by \$25.

e. When the cited critical violation was for criminal background check not being completed prior to the individual being on the premises and/or having access to a child/youth, the fine shall be increased by \$25.

f. When the provider self reports the critical incident which resulted in the death or serious physical or emotional harm to the child/youth; however it is reported outside of the timeframe as specified by licensing regulations, the fine shall be decreased by \$25.

g. When the provider fails to report the critical incident which resulted in the death or serious physical or emotional harm to the child/youth, the fine shall be increased by \$25.

h. When a critical violation for supervision was cited due to staff not providing supervision as required to youth in transitional placing program, the fine shall be increased by \$25.

i. When a critical violation for supervision was cited due to staff not conducting required visits to the foster/adoptive parent or child, the fine shall be increased by \$25.

8. For the third violation of one of the same aforementioned categories within a 24 month period, the provider's license may be revoked.

9. The aggregate fines assessed for violations determined in any consecutive 12 month period shall not exceed \$2,000 as prescribed by law. If a critical violation in a different category is cited by DCFS that warrants a fine and the provider has already reached the maximum allowable fine amount that could be assessed by the department in any consecutive 12 month period and the department does not revoke or not renew the license, the department may issue a formal warning letter noting the department's intent to take administrative action if further violations of the same category re-occur. The warning letter shall include a directed CAP which shall outline the necessary action and timeframe for such action that a provider shall take in order to maintain compliance with the licensing standards. The Provider shall acknowledge receipt of the warning letter by submitting a written response to the CAP within 10 calendar days of receipt of the letter. Failure by the provider to submit requested information and/or failure to implement the CAP as evidenced by a repeated violation of the same category of the standards may result in revocation/non-renewal of license.

#### N. Departmental Reconsideration and Appeal Procedure for Fines—Foster Care, Adoption, Transitional Placing

1. When a fine is imposed under these standards, the department shall notify the program director or owner by letter that a fine has been assessed due to deficiencies cited at the child-placing agency and the right of departmental reconsideration. The notification may be sent by certified mail or hand delivered to the child-placing agency. If the program director or owner is not present at the child-placing agency, delivery of the written reason(s) for such action may be made to any staff of the child-placing agency. Notice to a staff person shall constitute notice to the child-placing agency of such action and the reasons therefore. The letter shall specify the dates and the violation cited for which the fine(s) shall be imposed. Fines are due within 30 calendar days from the date of receipt of the letter unless the provider request a reconsideration of the fine assessment. The provider may request reconsideration of the assessment by asking DCFS for such reconsideration in writing within 10 calendar days from the date of receipt of the letter. A request for reconsideration shall include a copy of the letter from the Licensing Section that notes the reasons for assessment of the fine together with the specific reasons the provider believes assessment of the fine to be unwarranted and shall be mailed to Department of Children and Family Services, Licensing Section, P.O. Box 260036, Baton Rouge, LA 70826. If the provider withdraws the request for reconsideration, the fine is payable within seven calendar days of the withdrawal or on the original date that the fine was due, whichever is later.

2. The department shall advise the program director or owner by letter of the decision of DCFS after reconsideration and the right to appeal. The notification may be sent by certified mail or hand delivered to the child-placing agency. If the program director or owner is not present at the child-placing agency, delivery of the written decision may be made to any staff of the child-placing agency. Notice to a staff person shall constitute notice to the child-placing agency of such action.

a. If DCFS finds that the licensing section's assessment of the fine is justified, the provider shall have 15 calendar days from the receipt of the reconsideration letter to appeal the decision to the Division of Administrative Law (DAL). A request for appeal shall include a copy of the letter from the Licensing Section that notes the reasons for assessment of the fine and a copy of the reconsideration decision letter together with the specific areas of the decision the appellant believes to be erroneous and/or the specific reasons the decision is believed to have been reached in error, and shall be mailed to Department of Children and Family Services, Appeals Section, P.O. Box 2944, Baton Rouge, LA 70821-9118.

b. The DCFS appeals section shall notify the DAL of receipt of an appeal request. DAL shall conduct a hearing in accordance with the Administrative Procedure Act and shall render a decision. The appellant will be notified by DAL of the decision, either affirming or reversing the DCFS's decision.

c. If the provider has filed a timely appeal and the DCFS's assessment of fines is affirmed by an administrative law judge of the DAL, the fine shall be due within 30 calendar days after mailing notice of the final ruling from DAL or, if a rehearing is requested, within 30 calendar days after the rehearing decision is rendered. The provider shall have the right to seek judicial review of any final ruling of the administrative law judge as provided in the Administrative Procedure Act. If the appeal is dismissed or withdrawn, the fines shall be due and payable within seven calendar days of the dismissal or withdrawal. If a judicial review is denied or dismissed, either in district court or by a court of appeal, the fines shall be due and payable within seven calendar days after the provider's suspensive appeal rights have been exhausted.

3. If the provider does not appeal within 15 calendar days of receipt of the DCFS's reconsideration decision, the fine is due within 30 calendar days of receipt of the DCFS's reconsideration decision and shall be mailed to Department of Children and Family Services, Licensing Section, P.O. Box 260036, Baton Rouge, LA 70826. If the provider files a timely appeal, the fines shall be due and payable on the date set forth in §7311.N.2.c. If the provider withdraws the appeal, the fine is payable within seven calendar days of the withdrawal or on the original date that the fine was due, whichever is later.

4. If the provider does not pay the fine within the specified timeframe, the license shall be immediately revoked and the DCFS shall pursue civil court action to collect the fines, together with all costs of bringing such action, including travel expenses and reasonable attorney fees. Interest shall begin to accrue at the current judicial rate on the day following the date on which the fines become due and payable.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:477 and R.S. 46:1401 et seq.

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Licensing Section, LR 45:359 (March 2019), effective April 1, 2019, LR 46:681 (May 2020), effective June 1, 2020.

### **§7313. Administration and Operation**

#### **A. Department Access—Foster Care, Adoption, Transitional Placing**

1. Once a child-placing agency provider has been issued a license, the department shall conduct licensing and other inspections at intervals deemed necessary by the department to determine compliance with licensing standards, as well as, other required statutes, laws, ordinances, rules, regulations, and fees. These inspections shall be unannounced.

2. The department shall remove any child/youth or all children/youth from any provider or certified home when it is determined that one or more deficiencies exist that place the health and well-being of children/youth in imminent danger. The children/youth shall not be returned to the provider until such time as it is determined by the department that the imminent danger has been removed.

#### **B. Other Jurisdictional Approvals—Foster Care, Adoption, Transitional Placing**

1. The provider shall comply and show proof of compliance with all relevant standards, regulations, and requirements established by federal, state, local, and municipal regulatory bodies including initial and annual approval by the following:

- a. Office of Public Health, Sanitarian Services:
  - i. all child-placing agency offices shall have documentation of approval;
  - ii. each transitional placing location shall have documentation of approval;
- b. Office of State Fire Marshal:
  - i. all child-placing agency offices shall have documentation of approval;
  - ii. each transitional placing location housing four or more youth shall have documentation of approval;
- c. city fire department; if applicable:
  - i. each transitional placing location housing four or more youth in a one or two family dwelling shall have documentation of approval;
- d. local governing authority or zoning approval (if applicable); and
- e. city or parish building permit office approval for new construction or renovations; and
- f. Department of Education, if educational services are provided onsite.

C. Policies and Procedures—Foster Care, Adoption, Transitional Placing

- 1. The provider shall have a written statement of its philosophy, purpose, and program.
- 2. Child-placing agency policies shall include the provider's scope of services and limitations.
- 3. Child-placing agency policies shall include the geographical area to be served.
- 4. Child-placing agency policies shall include the ages of children and types of behaviors accepted for placement.
- 5. The provider shall have a clearly defined intake policy in keeping with its stated purpose and it shall be clear from the practices of the provider that it is carrying out these purposes.
- 6. Provider intake policy shall prohibit discrimination on the basis of race, color, creed, sex, national origin, disability, or ancestry. This shall not be construed to restrict the hiring or admission policies of a church or religious organization, which may give preference in hiring or admission to members of the church or denomination relating to foster care or adoption. DCFS may not limit or otherwise restrict the rights of religious sectarian child placing agencies to consider creed in any decision or action relating to foster care or adoption.
- 7. A provider shall have a written description of admission policies and criteria which expresses the needs, problems, situations, and patterns best addressed by its' program. These policies shall be available to the legal guardian for any child/youth referred for placement.
- 8. The provider policies and procedures shall include, but are not limited to the following areas:
  - a. personnel;
  - b. admission and discharge criteria;
  - c. services provided to children/youth placed with provider;
  - d. services offered to birth parent pre and post placement, if applying or licensed to provide adoption services;
  - e. services offered to foster parent pre and post-placement, if applying to or licensed to provide foster care services;



- f. services offered to adoptive parent pre and post-placement if applying to or licensed to provide adoption services;
- g. fees and cost charged for services paid by foster parents if applying to or licensed to provide foster care services;
- h. fees and cost charged for services paid by adoptive parents if applying to or licensed to provide adoption services;
- i. types of medical services offered to children/youth;
- j. supervisory contact and visitation requirements;
- k. behavior management techniques;
- l. confidentiality;
- m. records;
- n. complaints;
- o. grievances; and
- p. fees and cost for services for transitional placing youth if applying to or licensed to provide transitional placing services.

9. The provider shall have written policies and procedures regarding staff persons who serve as foster parents, adoptive parents, or respite care providers.

10. Staff shall not serve as foster parents, adoptive parents, or respite care providers prior to completing the certification requirements.

11. The provider shall have written policies and procedures for board members, staff, and contract staff that address the prevention or appearance of a conflict of interest or misuse of influence.

12. The provider shall not conduct or approve the home study for any of its staff, board members, relatives, volunteers, or others with a direct affiliation with the agency. For all home studies certified on April 1, 2019 or after, arrangements shall be made with another licensed child-placing agency or a licensed clinical social worker, licensed master social worker with 3 years of experience in adoption or foster care services, licensed professional counselor, licensed psychologist, medical psychologist, licensed psychiatrist, or licensed marriage and family therapist to conduct and approve the home study, approve placements, and provide post placement supervision for its staff, board members, relatives, volunteers, or anyone with a direct affiliation with the agency.

13. In accordance with R.S. 46:1428, DCFS will provide information regarding influenza to providers prior to November 1 each year. The child-placing agency shall provide to all foster/adoptive parents, child's legal guardian with the exception of DCFS, and to all youth aged eighteen or above information relative to the risks associated with influenza and the availability, effectiveness, known contraindications, and possible side effects of the influenza immunization. This information shall include the causes and symptoms of influenza, the means by which influenza is spread, the places a parent or legal guardian may obtain additional information, and where a child/youth may be immunized against influenza.

14. As required by chapter 55 of Title 46 of R.S. 46:2701-2711, the child-placing agency shall post the current copy of "The Safety Box" newsletter issued by the Office of the Attorney General in the child-placing agency's office. The child-placing agency shall provide a copy of the safety box newsletter to all foster parents, adoptive parents, and youth in transitional placing programs. Items listed as recalled in the newsletter shall not be used and shall be immediately removed from the home/premises. Provider shall document in the foster/adoptive parent record and transitional placing youth's record receipt of the newsletter and confirmation with the foster/adoptive parent and transitional placing youth that the home and environment were checked and the recalled products were removed.

D. Requirements for Respite Services for Foster and Adoptive Parents

1. The provider shall develop written policies and procedures to address the respite care needs of a child/youth or a foster/adoptive parent.
2. Respite care shall not be used as a substitute for placement of a child/youth.
3. Respite care shall be provided by a certified foster/adoptive parent in a child-placing agency approved home.
4. Prior to providing respite, respite provider shall receive from the CPA or foster/adoptive parent pertinent information regarding the child/youth's history, current behavior, and information regarding the service plan of the child.

E. Records—Foster Care, Adoption, Transitional Placing

1. The administrative record shall contain a written plan describing the services and programs offered by the provider.
2. The administrative record shall contain an organizational chart.
3. The administrative record shall contain all leases, contracts, and purchase-of-service agreements to which the provider is a party.
4. The provider shall ensure that all entries in records are legible, signed by the person making the entry, and accompanied by the date on which the entry was made.
5. All records shall be maintained in an accessible, standardized order and format.
6. Provider shall maintain a list of all certified foster and adoptive parents, approved homes, and transitional placing locations.
7. The child-placing agency shall provide a certificate to foster/adoptive parents which note names of foster/adoptive parents, approved home address, and date of expiration of certification. Certification shall expire one year from the date of original certification and shall be renewed annually thereafter.

F. Confidentiality of Records—Foster Care, Adoption, Transitional Placing

1. Records shall be the property of the provider and shall be secured against loss, tampering, and unauthorized use or access.
2. The provider shall maintain the confidentiality of all children's records including, but not limited to all court related documents, educational and medical records. Staff shall not disclose or knowingly permit the disclosure of any information concerning the child/youth or his/her family, directly or indirectly, to other children/youth or other unauthorized person.
3. When a youth has reached the age of majority and is not interdicted, a provider shall obtain the youth's written, informed consent prior to releasing any information in which the youth or his/her family may be identified. Consent is not needed for authorized state and federal agencies.
4. When the child/youth is a minor or is interdicted, the provider shall obtain written, informed consent from the legal guardian(s) prior to releasing any information from which the child/youth or his family may be identified. Consent is not needed for authorized state and federal agencies.
5. Upon request, the provider shall make available information in the record with written authorization from the legal guardian. If, in the professional judgment of the provider, it is believed that information contained in the record would be injurious to the health or welfare of the child/youth, the provider may deny access to the information in the record. In any such case, the provider shall document written reasons for denial in the child/youth's file.
6. The provider may use information from the child/youth's record for teaching and research purposes, development of the governing body's understanding, and knowledge of the provider's services, or similar educational purposes, provided names are deleted, other identifying information redacted or concealed,

and written authorization to include signature and date is obtained from the child/youth's legal guardian(s). If 18 years or older, written authorization to include signature and date shall be obtained from the youth.

7. All records shall be retained and disposed of in accordance with state and federal laws. In accordance with CHC 1186, any person who violates the requirement of confidentiality shall be fined not more than five hundred dollars or imprisoned for not more than ninety days or both.

G. Retention of Records—Foster Care, Adoption, Transitional Placing

1. For licensing purposes, documentation of the child-placing agency's previous 12-months' activity shall be available for review during all licensing inspections. Records shall be accessible during the provider's office hours.

2. For licensing purposes, children/youth's information shall be kept on file and available for review during all licensing inspections and for a minimum of one year from date of discharge from the program.

3. For licensing purposes, records of owner, operator, staff, volunteers, and contractors shall be kept on file and available for review during all licensing inspections and for a minimum of one year from termination/resignation/providing services for the agency.

4. All records shall be retained and disposed of in accordance with state and federal laws.

5. Adoption case records shall be maintained indefinitely following final placement of a child.

6. If the provider closes, the provider shall submit adoption case records to DCFS in an electronic format with encryption details or provide the department a notarized statement within 30 calendar days of closure, indicating that the records are retained and by whom. Records may be retained by another licensed child-placing agency or with a secure storage vendor.

H. Personnel Requirements and Qualifications—Foster Care, Adoption, Transitional Placing

1. The provider shall ensure that all staff members are properly certified or licensed as required by law and appropriately qualified in accordance with child-placing agency regulations

2. Staff may work in more than one capacity provided they meet the qualifications and training requirements for each position and are able to fulfill the job duties for each position.

3. Each child-placing agency shall have a qualified full-time Program Director who shall supervise child placement activities and casework services performed by the agency. In addition to ensuring that licensing requirements are met, the program director is responsible for planning, managing, and controlling the agency's daily activities, as well as responding to staff, foster/adoptive parents, and children/youth concerns.

4. The program director or person authorized to act on behalf of the program director shall be accessible to staff, certified foster/adoptive parents, and representatives of the department at all times (24 hours per day, 7 days per week).

5. In the short term absence of the program director, which shall not exceed 120 calendar days in a calendar year, an individual who may or may not qualify for the position shall be delegated the same authority and responsibility of the program director.

6. The program director shall possess at least one of the following qualifications if hired on or after April 1, 2019:

a. a doctorate degree in a human services field or in administration or business;

b. a master's degree in a human services field or in administration or business and one year of work experience in a human services agency;

c. a bachelor's degree in a human services field or in administration or business and at least two years of work experience in a human services agency.; or

d. six years of work experience in a human services field or a combination of college credits and work experience for a total of six years. Applicants may receive credit for college coursework in business, management, or a human service field with 15 credit hours substituting for 6 months of work experience not to exceed 60 credit hours.

7. Effective April 1, 2019, staff conducting supervisory visits with foster/adoptive parents and/or children shall possess, at a minimum, a bachelor's degree in social work or a human service related bachelor's degree.

I. Staff Records—Foster Care, Adoption, Transitional Placing

1. The provider shall have a record for each staff person.

2. Staff record shall contain an application for employment denoting education, training, and experience of staff person.

3. Staff record shall contain documentation of applicable professional or paraprofessional credentials/certifications according to state law.

4. Staff record shall contain a written job description signed and dated by staff person.

5. Staff record shall contain three signed and dated reference checks or documentation of telephone reference checks dated within 12 months prior to hire attesting affirmatively to the individual's character, qualifications, and suitability for the position assigned. References shall be obtained from individuals not related to the staff person.

6. Staff record shall contain staff's hire and termination/resignation dates.

7. Staff record shall contain a copy of the current driver's license for staff who transport children/youth.

8. Staff record shall contain reports, corrective action, and disciplinary action relating to the staff's employment with the provider.

9. Prior to employment, staff record shall contain a satisfactory fingerprint-based criminal background check as noted in §7314.A., §7314.C., and/or §7314.D., as applicable and required by R.S.15:587.1 and 46:51.2.

a. Staff shall have a criminal background check on file with the child-placing agency in accordance with R.S.15:587.1(C) and R.S 46:51.2.

b. This check shall be obtained prior to the individual being hired, present on the premises, or having access to children/youth.

c. No person shall be hired or present on the premises of the child-placing agency until such person has submitted his or her fingerprints as noted in §7309.C. -D., §7314.A. - G., and/or §7315.B., as applicable and it has been determined that such person has not been convicted of, or pled guilty or *nolo contendere* to any crime listed in R.S. 15:587.1(C).

d. No person who has been convicted of, or pled guilty or *nolo contendere* to any offense included in R.S. 15:587.1(C), shall be hired by, continue employment, or be present in any capacity on the premises of the child-placing agency.

e. Any employee who is convicted of, or pled guilty or *nolo contendere* to any crime listed in R.S. 15:587.1(C) shall not continue employment after such conviction, guilty plea, or plea of *nolo contendere*.

f. For staff hired effective April 1, 2019, CBCs shall be dated no earlier than 45 days of the individual being hired, being present on the premises, or having access to children/youth.

10. Prior to employment, staff record shall contain a state central registry clearance form indicating that the staff person is not listed on the state central registry with a justified finding of child abuse and/or neglect.

a. Prior to April 1, 2019, all staff were required to have on file a state central registry clearance form from child welfare noting that the staff person is not listed on the state central registry in accordance with R.S. 46:1414.1. No person who is recorded on any state's child abuse and neglect registry with a valid (justified) finding of abuse and/or neglect shall be eligible for employment in a licensed child-placing agency.

b. Prior to April 1, 2019, all staff were required to have on file a clearance from any other state's child abuse and neglect registry in which the staff person resided within the proceeding five years. No person who is recorded on any state's child abuse and neglect registry with a valid (justified) finding of abuse and/or neglect shall be eligible for employment in a licensed child-placing agency.

c. In accordance with R.S. 46:1414.1, an inquiry of the State Central Registry for all staff (paid, non-paid and volunteer staff) shall be conducted prior to employment being offered to a potential hire. Staff persons who have resided in another state within the proceeding five years, provider shall request a check and obtain State Central Registry clearance from that state's child abuse and neglect registry. Louisiana State Central Registry clearance forms shall be dated no earlier than 45 days prior to the staff being present on the premises or having access to children/youth. Other states' State Central Registry clearance forms shall be dated no earlier than 120 days prior to the staff being present on the premises or having access to children/youth; however, individuals who continue to reside outside of the state of Louisiana, but volunteer with and/or work for a licensed provider in the state of Louisiana, their clearances shall be dated no earlier than 45 days prior to hire and/or having access to children/youth. No person who is recorded on any state's child abuse and neglect registry with a valid (justified) finding of abuse and/or neglect shall be eligible for employment in a licensed child-placing agency.

i. If the provider requests an out-of-state state central registry check and that state advises that they are unable to process the request due to statutory limitations, documentation of such shall be kept on file.

d. Upon notification from child welfare that the staff is not listed on the state central registry, the provider shall maintain on file the state central registry clearance form noting that the staff's name does not appear on the registry with a justified (valid) finding of abuse and/or neglect. A request shall be submitted to child welfare every five years for staff prior to the issue date noted on the state central registry clearance form and at any time upon the request of DCFS if reasonable suspicion exists that a staff may be listed on the state central registry.

e. If after the initial state central registry clearance form is received by provider from child welfare noting that the staff is not listed on the state central registry and due to a new valid finding, the staff receives a subsequent notice that he/she is listed on the state central registry (issued after the provider was licensed) and advises the provider of the new information prior to their appeal rights being exhausted, licensing shall be notified within 24 hours or no later than the next business day, whichever is shorter. The staff with the valid (justified) finding of abuse and/or neglect shall be directly supervised by another paid staff (employee) of the child-placing agency, at any and all times when he/she is present on the premises and/or is in the presence of a child/youth. The employee responsible for supervising the individual shall not be suspected to be a perpetrator with a justified (valid) determination of abuse and/or neglect. Under no circumstances shall the staff with the valid (justified) finding of abuse and/or neglect be left alone and unsupervised with a child/youth pending the official determination from child welfare that the individual is or is not listed on the state central registry.

f. Upon notification to the provider from child welfare that the staff is listed on the state central registry, the staff shall no longer be eligible for employment with the child-placing agency. The provider shall submit a signed, dated statement to licensing within 24 hours, but no later than the next business day indicating that the staff with the valid (justified) finding of abuse and/or neglect has been terminated. If this statement is not received by licensing within the aforementioned timeframe, the application shall be denied or license shall be immediately revoked.

g. Any information received or knowledge acquired by the provider that a current staff (paid, non-paid and volunteer) is a perpetrator of abuse and/or neglect with a justified (valid) determination of abuse

or neglect prior to receipt of official notification from child welfare, shall be immediately reported verbally to licensing management staff and followed up in writing no later than the close of business on the next business day. Prior to receipt of the official notification and immediately upon the knowledge that a justified (valid) finding has been issued by DCFS, the individual shall be directly supervised by a paid staff (employee) of the child-placing agency, at any and all times when he/she is present on the premises and/or is in the presence of a child/youth. The employee responsible for supervising the individual must not be suspected to be a perpetrator with a justified (valid) determination of abuse and/or neglect. Under no circumstances shall the individual with the valid (justified) finding of abuse and/or neglect be left alone and unsupervised with a child/youth pending the official determination from child welfare that the individual is or is not listed on the state central registry.

h. State central registry clearances are not transferable from one owner to another.

11. A new fingerprint-based criminal background clearance and Louisiana State Central Registry clearance as referenced in §7313.I.9, §7313.I.10., §7313.L., §7313.M., and/or §7314.A.-F., as applicable are required if an individual is terminated, resigns, or no longer provides services for longer than one 24 hour period and is then re-instated.

J. Staff Orientation—Foster Care, Adoption, Transitional Placing

1. All staff hired effective April 1, 2019 or after, shall complete the DCFS “mandated reporter training” available at [dcfs.la.gov](http://dcfs.la.gov) within the individual’s first five working days from the date of hire and prior to exercising job duties. Documentation of training shall be the certificate obtained upon completion of the training.

2. Staff shall complete orientation training within the first 15 working days from date of hire. Provider’s orientation program shall include the following:

- a. child-placing agency philosophy and goals;
- b. staff job duties and responsibilities;
- c. organizational policies;
- d. children/youth’s rights;
- e. detecting and reporting suspected abuse and neglect;
- f. confidentiality of information and records;
- g. reporting and documenting incidents;
- h. children/youth grievance procedure;
- i. behavior management;
- j. LGBTQ awareness;
- k. recognizing mental health concerns;
- l. detecting signs of illness or dysfunction that warrant medical or nursing intervention;
- m. safe self-administration and handling of medications;
- n. administrative procedures;
- o. prohibited practices for foster/adoptive parents;
- p. cultural sensitivity;
- q. transportation of children/youth;
- r. foster/adoptive parent grievance procedure;

s. child-placing agency rules for transitional placing programs if licensed to provide transitional placing services;

t. prohibited practices for transitional placing programs if licensed to provide transitional placing services; and

u. emergency and safety procedures for transitional placing programs if licensed to provide transitional placing services.

3. Documentation of the orientation training shall consist of a statement/checklist in the staff record signed and dated by the staff person and program director or designee, attesting to having received the applicable orientation training and the dates of the orientation training.

4. Staff shall not exercise job duties until orientation is completed.

5. The provider shall maintain orientation training materials which shall be available for review.

6. All staff hired effective April 1, 2019 or after working with foster/adoptive parents shall complete the Reducing the Risk of SIDS in Early Education and Child Care training available at [www.pedialink.org](http://www.pedialink.org) within the individual's first 15 working days after hire. Documentation of training shall be the certificate obtained upon completion of the training.

7. All new direct care staff hired effective April 1, 2019 or after working in the transitional placing program shall receive certification in adult cardiopulmonary resuscitation (CPR) and first aid within 60 days of employment. No staff person shall be left unsupervised with youth until he/she has completed all required training.

K. Staff Annual Training—Foster Care, Adoption, Transitional Placing

1. All staff having direct contact with children/youth shall receive annual training on the following:

- a. philosophy and goals;
- b. job duties and responsibilities;
- c. organizational policies;
- d. children/youth's rights;
- e. detecting and reporting suspected abuse and/or neglect;
- f. confidentiality of information and records;
- g. reporting and documenting incidents;
- h. children/youth grievance procedure;
- i. behavior management;
- j. LGBTQ awareness;
- k. recognizing mental health concerns;
- l. detecting signs of illness or dysfunction that warrant medical or nursing intervention;
- m. safe self-administration and handling of medications;
- n. administrative procedures;
- o. cultural sensitivity;
- p. transportation of children/youth;
- q. prohibited practices for foster/adoptive parents if licensed to provide foster/adoptive services;
- r. foster/adoptive parent grievance procedure if licensed to provide foster/adoptive services;

s. prohibited practices for transitional placing programs if licensed to provide transitional placing services; and

t. emergency and safety procedures for transitional placing programs if licensed to provide transitional placing services.

2. Documentation of the annual training shall consist of a statement/checklist in the staff record signed and dated by the staff person and program director or designee, attesting to having received the applicable annual training and the dates of the annual training.

3. The provider shall maintain training materials which shall be available for review.

4. Effective April 1, 2019, all staff that have direct contact with children shall complete the DCFS mandated reporter training available at [dcfs.la.gov](http://dcfs.la.gov) within 45 days and updated annually. Documentation of training shall be the certificate obtained upon completion of the training.

5. Effective April 1, 2019 all staff that have direct contact with children shall complete the "Reducing the Risk of SIDS in Early Education and Child Care" training available at [www.pedialink.org](http://www.pedialink.org) within 45 days and updated annually. Documentation of training shall be the certificate obtained upon completion of the training.

6. Effective April 1, 2019, direct care staff working in the transitional placing program shall receive certification in adult cardiopulmonary resuscitation (CPR) and first aid within 60 days. CPR and first aid shall be updated prior to the expiration of the certification as indicated by the American Red Cross, American Heart Association, or equivalent organization.

L. Volunteers—Foster Care, Adoption, Transitional Placing

1. Providers shall be responsible for the actions of volunteers.

2. Volunteers shall complete orientation training as outlined in §7313.J.2. Documentation of the training shall consist of a statement/checklist in the record signed and dated by the volunteer and program director or designee, attesting to having received the applicable orientation training and the dates of the orientation training.

3. Volunteer record shall contain three documented reference checks dated within 12 months prior to beginning volunteer services. The three signed and dated reference checks or telephone notes shall attest affirmatively to the individual's character, qualifications, and suitability for the position assigned. References shall be obtained from individuals not related to the volunteer.

4. Volunteer record shall contain documentation of duties and responsibilities signed and dated by the program director or designee and volunteer.

5. Prior to providing volunteer services, volunteer record shall contain a satisfactory fingerprint-based criminal background check as noted in §7313.I.9.

6. Prior to providing volunteer services, volunteer record shall contain a state central registry clearance form as noted in §7313.I.10.

M. Contractors—Foster Care, Adoption, Transitional Placing

1. Contractors who provide services to children/youth unaccompanied by paid staff or have access to children/youth unaccompanied by a paid staff shall have on file a satisfactory fingerprint-based criminal background check as noted in §7314.B., §7314.E., and/or §7314.F., as applicable. This check shall be obtained prior to providing services unaccompanied by a paid staff or having access to children/youth unaccompanied by a paid staff.

a. No contractor shall provide services until such person has submitted his or her fingerprints as noted in §7314.B., §7314.E., and/or §7314.F., as applicable and it has been determined that such person has not been convicted of, or pled guilty or *nolo contendere* to any crime listed in R.S. 15:587.1(C).



b. No person who has been convicted of, or pled guilty or nolo contendere to any offense included in R.S. 15:587.1(C), shall provide services, continue to provide services, or be present in any capacity on the premises of the child-placing agency.

c. Any contractor who is convicted of, or pled guilty or nolo contendere to any crime listed in R.S. 15:587.1(C) shall not continue to provide services after such conviction, guilty plea, or plea of nolo contendere.

d. Effective April 1, 2019, CBCs shall be dated no earlier than 45 days of the individual providing services, being present on the premises, or having access to children/youth.

2. Contractors who provide services to children/youth unaccompanied by paid staff or have access to children/youth unaccompanied by a paid staff shall have on file at the agency a state central registry clearance form which indicates that the contractor is not listed on any State Central registry with a valid finding of child abuse and/or neglect.

a. Prior to April 1, 2019, all contractors providing services to the child-placing agency were required to have on file a state central registry clearance form from child welfare that the contractor is not listed on the state central registry in accordance with R.S. 46:1414.1. No person who is recorded on any state's child abuse and neglect registry with a valid (justified) finding of abuse and/or neglect shall be eligible for employment or provide services in a licensed child-placing agency.

b. Prior to April 1, 2019, all contractors providing services to the child-placing agency were required to have on file a clearance from any other state's child abuse and neglect registry in which the contractor resided within the proceeding five years. No person who is recorded on any state's child abuse and neglect registry with a valid (justified) finding of abuse and/or neglect shall be eligible for employment or provide services in a licensed child-placing agency.

c. For individuals who have resided in another state within the proceeding five years, provider shall request a check and obtain clearance information from that state's child abuse and neglect registry prior to providing services or having access to children/youth.

i. If the provider requests an out-of-state state central registry check and that state advises that they are unable to process the request due to statutory limitations, documentation of such shall be kept on file.

d. Louisiana State Central Registry clearance forms shall be dated no earlier than 45 days prior to the individual providing services or having access to children/youth. Other states' State Central Registry clearance information shall be dated no earlier than 120 days prior to the individual providing services or having access to children/youth; however, individuals who continue to reside outside of the state of Louisiana, but contract with and/or work for a licensed provider in the state of Louisiana, their clearances shall be dated no earlier than 45 days prior to hire and/or having access to children/youth. No person who is recorded on any state's child abuse and neglect registry with a valid (justified) finding of abuse and/or neglect shall be eligible for employment in a licensed child-placing agency.

e. Upon notification from child welfare that the individual is not listed on the state central registry, the provider shall maintain on file the state central registry clearance indicating that the individual's name does not appear on the registry with a justified (valid) finding of abuse and/or neglect. No person who is recorded on any state's child abuse and neglect registry with a valid (justified) finding of abuse and/or neglect shall be eligible to provide services in a licensed child-placing agency.

f. A request shall be submitted to child welfare every five years for contractors prior to the issue date noted on the state central registry clearance form and at any time upon the request of DCFS if reasonable suspicion exists that a staff may be listed on the state central registry.

g. If after the initial state central registry clearance form is received by provider from child welfare noting that the individual is not listed on the state central registry and due to a new valid finding, the contractor receives a subsequent notice that he/she is listed on the state central registry (issued after the provider was licensed) and advises the provider of the new information prior to their appeal rights being

exhausted, licensing shall be notified within 24 hours or no later than the next business day, whichever is shorter. The individual with the valid (justified) finding of abuse and/or neglect shall be directly supervised by a paid staff (employee) of the child-placing agency at any and all times when he/she present on the premises and/or is in the presence of a child/youth. The employee responsible for supervising the individual must not be suspected to be a perpetrator with a justified (valid) determination of abuse and/or neglect. Under no circumstances shall the individual with the valid (justified) finding of abuse and/or neglect be left alone and unsupervised with a child/youth pending the official determination from child welfare that the individual is or is not listed on the state central registry.

h. Upon notification to the provider from child welfare that the contractor is listed on the state central registry, the individual shall no longer be eligible to provide services for the child-placing agency. The provider shall submit a signed, dated statement to licensing within 24 hours or no later than the next business day indicating that the individual with the valid (justified) finding of abuse and/or neglect has been relieved of his duties with the child-placing agency with the effective date of termination of services. If this statement is not received by licensing within the aforementioned timeframe, the license shall be immediately revoked.

i. Any information received or knowledge acquired by the provider that a current contractor is a perpetrator of abuse and/or neglect with a justified (valid) determination of abuse or neglect prior to receipt of official notification from child welfare, shall be immediately reported verbally to licensing management staff and followed up in writing no later than the close of business on the next business day. Prior to receipt of the official notification and immediately upon the knowledge that a justified (valid) finding has been issued by DCFS, the individual shall be directly supervised by a paid staff (employee) of the child-placing agency, at any and all times when he/she is present on the premises and/or is in the presence of a child/youth,. The employee responsible for supervising the individual must not be suspected to be a perpetrator with a justified (valid) determination of abuse and/or neglect. Under no circumstances shall the individual with the valid (justified) finding of abuse and/or neglect be left alone and unsupervised with a child/youth pending the official determination from child welfare that the individual is or is not listed on the state central registry.

j. State central registry clearances are not transferable from one owner to another.

#### N. Foster Care, Adoption, and Transitional Placing

1. The provider shall have and adhere to written policies and procedures for documenting, reporting, investigating, and analyzing all incidents and other situations or circumstances affecting the health, safety, or well-being of a child/youth.

2. The provider shall submit a written report of the following incidents to the Licensing Section within one calendar day, excluding when the incident occurs on a weekend or state holiday. If the incident occurs on a weekend or state holiday, provider shall submit a written report on the first working day following the weekend or state holiday:

- a. attempted suicide;
- b. serious threat or injury to the child/youth's health, safety, or well-being;
- c. elopement or unexplained absence of a child/youth;
- d. unplanned hospitalizations or emergency room visits;
- e. use of restraints;
- f. evacuation of children/youth;
- g. injuries of unknown origin; and

h. any other unplanned event or series of unplanned events, accidents, incidents, and other situations or circumstances affecting the health, safety or well-being of a child/youth.

3. The program director or designee shall:

- a. immediately verbally notify the legal guardian of any incident noted in §7313.N.2; and
- b. immediately verbally notify the appropriate law enforcement authority in accordance with state law.

4. If requested, the provider shall submit a final written report of the incident to the legal guardian as soon as possible, however no later than five working days of the incident.

5. All children/youth shall be accompanied by foster/adoptive parents or staff when emergency services are needed.

6. The provider shall verbally notify state office licensing management staff immediately in the event of a death and follow up with a written report within one calendar day of the verbal report. If the death occurs on a weekend or State holiday, provider shall verbally notify state office licensing management staff as soon as possible on the first working day following the weekend or State holiday and follow up with a written report the same day as the verbal notification. The provider shall immediately verbally notify the legal guardian and law enforcement in the event of a death. Report shall contain elements noted in §7313.N.8.

7. After reporting suspected abuse and/or neglect as required by Louisiana law, provider shall submit a written report to the Licensing Section immediately or the next working day if the suspected abuse and/or neglect occurred on a weekend or state holiday. For licensing purposes, the report shall contain elements noted in §7313.N.8.

8. At a minimum, the incident report shall contain the following:

- a. date and time the incident occurred;
- b. a brief description of the incident;
- c. where the incident occurred;
- d. names of any child, youth, foster/adoptive or respite parent, and staff involved in the incident;
- e. immediate treatment provided, if any;
- f. date and signature of the staff completing the report;
- g. name and contact information of witnesses;
- h. date and time the legal guardian, law enforcement, and licensing were notified; and
- i. any follow-up actions required.

9. Program director or designee shall review each incident report within three calendar days and take appropriate corrective steps to prevent future incidents from occurring. Documentation to include the following:

- a. actions taken regarding staff or foster/adoptive parents involved;
- b. corrective action;
- c. signature of program director or designee conducting review; and
- d. date of review.

10. A copy of all written reports shall be maintained in a centralized record.

#### O. Data Collection and Quality Improvement—Foster Care, Adoption, Transitional Placing

1. The provider shall have written policies and procedures for maintaining a quality improvement program.

2. Provider shall perform a quarterly review of all incidents. Documentation of the quarterly review of incidents shall include:

- a. date, time, list of children/youth, staff, and foster/adoptive parents involved in each incident;
  - b. patterns of behavior by specific child/youth, staff, and foster or adoptive parents;
  - c. plan of action for improvement in identified areas;
  - d. date review was completed; and
  - e. the signature of the staff person completing the review.
3. Documentation related to the quality improvement program shall be maintained for at least one year.

P. Abuse and Neglect—Foster Care, Adoption, Transitional Placing

1. The provider shall establish and follow written policies and procedures for detecting and reporting suspected abuse and/or neglect.
2. Child-placing agency policies shall include current definitions of abuse and neglect, mandated reporting requirements to the child protection agency, and applicable laws.
3. Child-placing agency policies and procedures shall protect the child/youth from potential harassment during the investigation.
4. Child-placing agency policies and procedures shall ensure that the provider does not delay reporting suspected abuse and/or neglect to the Child Protection Statewide Hotline 1-855-4LA-KIDS (1-855-452-5437).
5. Child-placing agency policies and procedures shall ensure that the provider does not require staff, including unpaid staff, to report suspected abuse/neglect to the provider or management prior to reporting to the Child Protection Statewide Hotline.
6. Child-placing agency policies and procedures shall ensure the staff involved in the incident does not work directly with the child/youth involved in the allegation(s) until an internal investigation is conducted by the provider and no evidence of wrongdoing is found or the department does not recommend further action.
7. Child-placing agency policies and procedures shall ensure that the staff person allegedly involved in the incident is not involved in conducting the investigation.
8. Child-placing agency policies and procedures shall ensure that confidentiality of the incident is protected.
9. Child-placing agency policies and procedures shall include abuse and neglect reporting protocol that requires all staff to report any incidents of abuse and/or neglect whether that abuse or neglect was perpetrated by another staff member, a family member, any other person.
10. As mandated reporters, all staff, owners, volunteers, and contractors shall report any suspected abuse and/or neglect of a child/youth whether that abuse or neglect was perpetrated by a staff member, a family member, or any other person in accordance with R.S 14:403 to the Louisiana Child Protection Statewide Hotline, 1-855-4LA-KIDS (1-855-452-5437). This information shall be posted in an area regularly used by staff.
11. Youth receiving transitional placing services shall be informed of the current definitions of abuse and neglect. Documentation in youth's file shall consist of a signed and dated statement by youth attesting that the information was provided or discussed.
12. Youth receiving transitional placing services shall be provided with the current Child Protection Statewide Hotline 1-855-4LA-KIDS (1-855-452-5437) for reporting abuse and/or neglect. Documentation in youth's file shall consist of a signed and dated statement by youth that the telephone number was provided.

Q. Children and Youth's Rights—Foster Care, Adoption, Transitional Placing

1. The provider shall have written policies and procedures that ensure each child/youth's rights are guaranteed and protected.

2. A child/youth's rights shall not be infringed upon or restricted in any way unless such restriction is necessary and noted in the child/youth's service or case plan. When individual rights are restricted, the provider shall clearly explain and document the restriction or limitation on those rights, the reasons the restrictions are necessary, and the extent and duration of those restrictions. Any restriction to the child's/youth's rights shall be approved by the legal guardian. The documentation shall be signed by child-placing agency staff, the child/youth, if developmentally appropriate, and the child/youth's legal guardian(s). Neither the service nor the case plan shall restrict the access of a child/youth to legal counsel or state or local regulatory officials.

3. A child/youth has the right to personal privacy and confidentiality. Any records and other information about the child/youth shall be kept confidential and released only with the legal guardian's expressed written consent or as required by law. If youth is 18 years of age or older, youth's written consent shall be obtained.

4. A child/youth shall not be photographed or recorded without the express written consent of the child's legal guardian(s). All photographs and recordings shall be used in a manner that respects the dignity and confidentiality of the child/youth. If youth is 18 years of age or older, youth's written consent shall be obtained.

5. A child/youth shall not participate in research projects without the express written consent of the child/youth's legal guardian(s). If youth is 18 years of age or older, youth's written consent shall be obtained.

6. A child/youth shall not participate in activities related to fundraising and publicity without the express written consent of the child/youth's legal guardian(s). If youth is 18 years of age or older, youth's written consent shall be obtained.

7. A child/youth has the right to be free from mental abuse, emotional abuse, physical abuse, and neglect.

8. Physical restraints shall not be used on children/youth except when child/youth pose an immediate danger to self or others.

9. A child/youth's civil rights shall not be abridged or abrogated solely as a result of placement in the provider's program.

10. A child/youth has the right to be treated with dignity in the delivery of services.

11. A child/youth has the right to receive preventive, routine, and emergency health care according to his individual needs to promote his or her growth and development.

12. A child/youth has the right to be involved, as appropriate to age, development, and ability, in assessment and service planning.

13. A child/youth has the right to consult with clergy and participate in religious services in accordance with his/her faith, but shall not be forced to attend religious services. The provider shall have a written policy of its' religious orientation, particular religious practices that are observed and any religious restrictions on admission. This description shall be provided to the child/youth and the child/youth's legal guardian(s). When appropriate, the provider shall determine the wishes of the legal guardian(s) with regard to religious observance and make every effort to ensure that these wishes are carried out. The provider shall ensure the foster parent arranges transportation and encourages participation by children/youth who desire to participate in religious activities in the community.

R. Right to Contact with Family and Collateral—Foster Care and Transitional Placing

1. A child/youth has the right to consult and have visits with his/her family (including but not limited to his or her mother, father, grandparents, brothers, and sisters), legal guardian(s) and friends subject only

to reasonable rules. The reasons for any restrictions shall be recorded in the child/youth's service or case plan, approved by the legal guardian, and explained to the child/youth and his family. The child-placing agency representative shall review the restrictions in the service plan every 30 days and, if restrictions are renewed, written approval by the legal guardian and the reasons for renewal shall be recorded in the child/youth's service plan. Documentation shall include signature and date of staff person reviewing the restrictions.

2. Written approval shall be required from the legal guardian prior to home visits being granted for youth receiving foster care or transitional placing services.

3. A child/youth has the right to telephone communication. The provider shall allow a child/youth to receive and place telephone calls in private subject only to reasonable rules and to any restrictions in the child/youth's service or case plan. The legal guardian shall approve any restriction on telephone communication in a child/youth's service plan. The child-placing agency representative shall review the restrictions in the service plan every 30 days and, if restrictions are renewed, approval by the legal guardian and the reasons for renewal shall be recorded in the child/youth's service plan. There shall be no restrictions on communication between a child/youth and the child/youth's legal counsel.

4. A child/youth has the right to send and receive mail and electronic mail. The provider shall allow children/youth to receive and send all mail unopened, uncensored, and unread by staff unless contraindicated by the child/youth's service or case plan and approved by the legal guardian. The child-placing agency representative and legal guardian shall review the restriction in the service plan every 30 days. Documentation shall include signature and date of staff person reviewing restrictions. Children/youth shall have access to all materials necessary for writing and sending letters and when necessary, shall receive assistance.

5. A child/youth has the right to consult freely and privately with legal counsel, as well as, the right to employ legal counsel of his/her choosing.

6. A child/youth has the right to communicate freely and privately with state and local regulatory officials.

7. The provider shall have written strategies to foster ongoing positive communication and contact between children/youth and their families, friends, and others significant in their lives.

#### S. Acknowledgement of Rights—Foster Care, Adoption, Transitional Placing

1. At the time of admission and when changes occur, each child/youth shall be fully informed and provided with a copy of all rights appropriate to his age and development noted in Sections 7313.P,Q, and R and of all rules and regulations governing child/youths' conduct and responsibilities. There shall be documentation signed and dated by the program director or designee, legal guardian, and the child/youth, if age appropriate acknowledging receipt of the rights, rules, and regulations.

#### T. Prohibited Practices by Foster Parents, Adoptive Parents, and Staff

1. The provider shall have written policies and procedures regarding its discipline and behavior management program. The policy shall include approved and prohibited methods of discipline and behavior management.

2. The provider shall ensure its discipline and behavior management policy is maintained in writing, is current, and is available to the child and the child's legal guardian.

3. The provider shall maintain a list of prohibited practices for foster/adoptive parents and staff that shall include the following:

- a. use of chemical or mechanical restraint;
- b. use of a belt or in any other object for disciplinary purposes;
- c. use of corporal punishment such as slapping, spanking, paddling;

- d. use of marching, standing, or kneeling;
- e. use of physical discomfort except as required for medical, dental, or first aid procedures necessary to preserve the child/youth's life or health;
- f. denial or deprivation of sleep or nutrition except under a physician's order;
- g. denial of access to bathroom facilities;
- h. use of verbal abuse, ridicule, humiliation, shaming, or sarcasm;
- i. use of derogatory remarks about the child, child's family members, race, or gender;
- j. withholding of meals, except under a physician's order;
- k. requiring a child/youth to remain silent for a long period of time;
- l. denial of shelter, clothing or bedding;
- m. use of harsh physical labor;
- n. withholding of family visitation or communication with family;
- o. withholding of emotional support;
- p. denial of school services;
- q. denial of therapeutic services;
- r. use of painful stimulus to control or direct behavior;
- s. use of hyperextension of any body part beyond normal limits;
- t. use of joint or skin torsion;
- u. use of straddling, pressure, or weight on any part of the body;
- v. use of maneuvers that obstruct or restrict circulation of blood or obstructs an airway;
- w. use of choking;
- x. use of head hold where the head is used as a lever to control movement of other body parts;
- y. use of punching, hitting, poking, pinching, or shoving;
- z. use of punishment for actions over which the child has no control such as enuresis, encopresis, or incidents that occur in the course of toilet training activities;
  - aa. threatening child/youth with a prohibited action even though there is/was no intent to follow through with the threat;
  - bb. use of cruel, severe, unusual, degrading, or unnecessary punishment;
  - cc. use of yelling, yanking, shaking;
  - dd. use of exercise as a form of discipline
  - ee. exposing a child or youth to extreme temperatures;
  - ff. placing any object in a child's mouth as a form of discipline;
  - gg. use of abusive or profane language;
  - hh. covering mouth, nose, eyes, or any part of the face;
  - ii. placing a child or youth into uncomfortable positions;
  - jj. use of other impingements on the basic rights of children/youth for care, protection, safety, and security;

- kk. use of organized social ostracism, such as codes of silence; or
- ll. punishing a group of children/youth for actions committed by one or a selected few.

4. The child/youth, where appropriate, and the child/youth's legal guardian(s) shall receive a list of the prohibited practices within 10 calendar days of admission. If the child/youth is unable to read and comprehend the list of prohibited practices, the provider shall explain the list using developmentally appropriate language. There shall be documentation signed and dated acknowledging receipt of the list of prohibited practices by the child/youth where appropriate, and the child/youth's legal guardian(s) in the child/youth's record.

U. Grievance Process—Foster Care, Adoption, Transitional Placing

1. The provider shall have written policies and procedures outlining the process by which a child/youth may file a grievance against the child-placing agency or foster/adoptive parent without fear of retaliation.
2. The written grievance procedure shall include a formal process for the child/youth to file grievances including procedures for filing verbal, written, or anonymous grievances.
3. The written grievance procedure shall include a formal process for the provider to respond to the child/youth's grievance within five calendar days of receipt of the grievance.
4. The provider shall have documentation signed and dated by the child/youth, if developmentally appropriate acknowledging that a written copy of the grievance procedure was provided to the child/youth within 10 calendar days of entering the program.
5. The provider shall maintain a log documenting all verbal, written, and anonymous grievances filed. This documentation shall include the date of the grievance, action taken by the provider in response to the grievance, and any follow up action involving the child/youth.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:1407(D).

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Licensing Section, LR 45:368 (March 2019), effective April 1, 2019, LR 46:683 (May 2020), effective June 1, 2020.

**§7314. Criminal Background Checks**

**A. Criminal Background Checks for Staff and Volunteers—Foster Care and Adoption**

1. Prior to employment, staff (paid and non-paid) record shall contain satisfactory fingerprint-based Louisiana State Police check.

a. Staff shall have a criminal background check on file with the child-placing agency in accordance with R.S.15:587.1 and R.S 46:51.2. If an individual has previously obtained a certified copy of their criminal background check from the Louisiana State Police, such certified copy shall be acceptable as meeting the CBC requirements. This certified copy of the criminal background check shall be accepted for a period of one year from the date of issuance of the certified copy. This certified copy shall be kept on file at the facility. Prior to the one-year expiration of the certified criminal background check, a new fingerprint-based satisfactory criminal background check shall be obtained from Louisiana State Police. If the clearance is not obtained prior to the one-year expiration of the certified criminal background check, the staff is no longer allowed on the premises until a clearance is received.

b. This check shall be obtained prior to the individual being hired, present on the premises, or having access to children/youth.

c. No person shall be hired or present on the premises of the child-placing agency until such person has submitted his or her fingerprints to the Louisiana State Police and it has been determined that such person has not been convicted of, or pled guilty or *nolo contendere* to any crime listed in R.S. 15:587.1(C).

d. No person who has been convicted of, or pled guilty or *nolo contendere* to any offense included in R.S. 15:587.1(C), shall be hired by, continue employment, or be present in any capacity on the premises of the child-placing agency.



e. Any employee who is convicted of, or pled guilty or *nolo contendere* to any crime listed in R.S. 15:587.1(C) shall not continue employment after such conviction, guilty plea, or plea of *nolo contendere*.

f. For staff hired effective April 1, 2019, CBCs shall be dated no earlier than 45 days of the individual being hired, being present on the premises, or having access to children/youth.

g. Only certified CBCs obtained by the individual for themselves from LSP are transferable from one owner to another owner.

h. A fingerprint-based criminal background check through the FBI as required in §7314.C. and §7314.D. is acceptable in lieu of a fingerprint-based check from the Louisiana State Police for staff (paid and non-paid) in foster care and adoption programs.

#### B. Criminal Background Checks for Contractors—Foster Care and Adoption

1. Contractors who provide services to children/youth unaccompanied by paid staff or have access to children/youth unaccompanied by a paid staff shall have on file a satisfactory fingerprint-based check from the Louisiana State Police. This check shall be obtained prior to providing services unaccompanied by a paid staff or having access to children/youth unaccompanied by a paid staff.

a. No contractor shall provide services until such person has submitted his or her fingerprints to the Louisiana State Police and it has been determined that such person has not been convicted of, or pled guilty or *nolo contendere* to any crime listed in R.S. 15:587.1(C).

b. No person who has been convicted of, or pled guilty or *nolo contendere* to any offense included in R.S. 15:587.1(C), shall provide services, continue to provide services, or be present in any capacity on the premises of the child-placing agency.

c. Effective April 1, 2019, CBCs shall be dated no earlier than 45 days of the individual providing services, being present on the premises, or having access to children/youth.

d. Only certified CBCs obtained by the individual for themselves from LSP are transferable from one owner to another owner.

e. A fingerprint-based criminal background check through the FBI is acceptable in lieu of a fingerprint-based check from the Louisiana State Police for contractors in foster care and adoption programs.

#### C. Criminal Background Checks for Current Staff and Volunteers as of June 1, 2020—Transitional Placing

1. Effective June 1, 2020, and in accordance with Public Law 115-123 and R.S. 15:587.1, provider shall submit a request for a fingerprint-based criminal background check through the Federal Bureau of Investigation (FBI) for all currently employed staff (paid and non-paid staff and volunteers). The request shall be submitted to the FBI no later than June 12, 2020. Documentation of submission shall be available for review and submitted upon request of the Licensing Section.

2. Upon notification that the staff person has been convicted of a crime listed in 15:587.1(C), the individual shall no longer be eligible for employment or able to provide services for the provider. The provider shall submit a signed, dated statement to Licensing within 24 hours or no later than the next business day after notification has been made indicating that the staff has been terminated or individual will no longer be providing services. If this statement is not received by Licensing within the aforementioned timeframe, the license shall be immediately revoked.

3. Upon notification that additional information is required in order to make a decision, the provider has seven calendar days to submit the requested information to the requesting agency. Documentation of the date the requesting agency requested additional information shall be available for review. If the information is not submitted as requested within seven calendar days, the individual is ineligible to return to work or provide services. The provider shall submit a signed, dated statement to Licensing within 24 hours or no later than the next business day after the seventh day indicating that the individual has been suspended or no longer providing services. However, if the information is not submitted within 30 calendar

days, the individual shall be terminated or no longer eligible to provide services for the provider. If the information is not submitted before the thirty-first calendar day following the request for information, the individual shall be terminated or no longer eligible to provide services for the provider. The provider shall submit a signed, dated statement to Licensing within 24 hours or no later than the next business day after the thirtieth day indicating that the individual has been relieved of his position with the effective date of the termination/removal. If the statement is not received within the aforementioned timeframe, the license shall be immediately revoked.

4. Criminal background clearances are not transferable between owners.

D. Criminal Background Checks for Prospective Staff and Volunteers effective June 1, 2020—Transitional Placing

1. Effective June 1, 2020, and in accordance with Public Law 115-123 and R.S. 15:587.1, documentation of a satisfactory criminal background check through the Federal Bureau of Investigation (FBI) is required prior to the individual (paid and non-paid staff and volunteers) being present in the facility or having access children/youth. No person who has been convicted of, or pled guilty or *nolo contendere* to any offense included in R.S. 15:587.1 shall be hired by or present in any capacity in the facility.

2. Criminal background checks (CBC) through the Federal Bureau of Investigation (FBI) shall be dated no earlier than 45 days of the individual being present in the facility or having access to children/youth.

3. Criminal background clearances are not transferable between owners.

E. Criminal Background Checks for Current Contractors as of June 1, 2020—Transitional Placing

1. Contractors who provide services to children/youth unaccompanied by paid staff or have access to children/youth unaccompanied by a paid staff shall have on file a satisfactory fingerprint-based check from the FBI. This check shall be obtained prior to providing services unaccompanied by a paid staff or having access to children/youth unaccompanied by a paid staff.

2. Contractors hired to perform work which does not involve any contact with children/youth, shall not be required to have a criminal background check if accompanied at all times by a staff person when children/youth are present in the agency.

3. A person shall not be deemed a contractor if he/she is a staff person of the facility.

4. Effective June 1, 2020, and in accordance with Public Law 115-123 and R.S. 15:587.1, provider shall submit a request for a criminal background check through the Federal Bureau of Investigation (FBI) for all current contractors. The request shall be submitted to the FBI no later than June 12, 2020. Documentation of submission shall be available for review and submitted upon request of the Licensing Section.

5. Upon notification that the contractor has been convicted of a crime listed in 15:587.1(C), the individual shall no longer be eligible to provide services for the provider. The provider shall submit a signed, dated statement to Licensing within 24 hours or no later than the next business day after notification has been made indicating that the contract has been terminated and the individual is no longer allowed access to the children or children of residents. If this statement is not received by Licensing within the aforementioned timeframe, the license shall be immediately revoked.

6. Upon notification that additional information is required in order to make a decision, the provider has seven calendar days to submit the requested information to the requesting agency. Documentation of the date the requesting agency requested additional information shall be available for review. If the information is not submitted as requested within seven calendar days, the individual is ineligible to return to work or provide services. The provider shall submit a signed, dated statement to Licensing within 24 hours or no later than the next business day after the seventh day indicating that the individual has been suspended or no longer providing services. However, if the information is not submitted within 30 calendar days, the individual shall be terminated or no longer eligible to provide services for the provider. If the information is not submitted before the thirty-first calendar day following the request for information, the

individual shall be terminated or no longer eligible to provide services for the provider. The provide shall submit a signed, dated statement to Licensing within 24 hours or no later than the next business day after the thirtieth day indicating that the individual has been relieved of his position with the effective date of the termination/removal. If the statement is not received within the aforementioned timeframe, the license shall be immediately revoked.

F. Criminal Background Checks for Prospective Contractors effective June 1, 2020—Transitional Placing

1. Contractors hired to perform work which does not involve any contact with residents or children of residents, shall not be required to have a criminal background check if accompanied at all times by a staff person when residents or children of residents are present in the facility.

2. A person shall not be deemed a contractor if he/she is a staff person of the facility.

3. Contractors hired to perform work which involves contact with residents or children of residents, shall be required to have documentation of a satisfactory fingerprint-based criminal background check through the Federal Bureau of Investigation (FBI) as required by R.S. 15:587.1 and R.S. 46:51.2. This check shall be obtained prior to the individual being present in the facility or having access to the residents or children of residents.

4. No person who has been convicted of, or pled guilty or *nolo contendere* to any offense included in 15:587.1(C), shall be hired by or present in any capacity in the facility.

G. Criminal Background Checks for Louisiana Department of Education staff—Foster Care, Adoption, and Transitional Placing effective June 1, 2020

1. Effective June 1, 2020, provider shall provide documentation that a fingerprint-based satisfactory criminal background check (CBC) through the Federal Bureau of Investigation (FBI) as required by R.S. 15:587.1 and R.S. 17:15 for all Louisiana Department of Education staff or local school district staff that interact with children/youth prior to the individual providing services to children/youth has been conducted. This check shall be obtained prior to the individual being present in the facility or providing services for the facility. No person who has been convicted of, or pled guilty or *nolo contendere* to any offense included in 15:587.1(C), shall be present in any capacity in any licensed facility.

a. For the first school year that a LDE staff person or local school district staff person provides services to a child or children, that LDE staff person or local school district staff person shall provide documentation of a fingerprint-based satisfactory criminal record clearance through the Federal Bureau of Investigation (FBI) as required by R.S.17:15 and R.S. 15:587.1 or shall provide the original, completed, signed, notarized, DCFS-approved affidavit dated June 1, 2020, or after to the provider prior to being present and working with a child or children at the facility. A photocopy of the original affidavit shall be kept on file at the facility. This affidavit will be acceptable for the entire school year noted in the text of the affidavit and expires on May thirty-first of the current school year. For all subsequent school years following the first year, the LDE staff or local school district staff person shall present a new affidavit or an original, completed, and signed letter from the superintendent of the school district or designee or superintendent of LDE or designee noting that the individual continues to meet certain specific requirements. The provider will need to view the original letter presented by the LDE staff or local school district staff person and keep a photocopy of the original letter on file at the facility. This letter will be acceptable for the entire school year noted in the text of the letter and expires on May thirty-first of the current school year. The letter is acceptable only if all the following conditions are met:

i. the LDE staff person or local school district staff person has remained employed with the same school district as noted in the affidavit the provider has on file;

ii. the provider has maintained a copy of the affidavit on file; and

iii. the letter is presented on school district letterhead or LDE letterhead and signed by the superintendent of the school district or designee or superintendent of LDE or designee

iv. the letter notes the following:

(a). individual is an employee and/or representative of the school district for the (ex. 2020-2021) school year and is not employed or contracted on an emergency basis nor pursuant to written approval of any district judge or district attorney under to R.S. 17:15(A). As a prerequisite of employment and/or representative status, he/she underwent a criminal background check as required by R.S. 17:15 and R.S. 15:587.1.

(b). the superintendent or designee certifies that, according to that criminal background check, he/she has not been convicted of, or pled guilty or *nolo contendere* to, any of the criminal offenses set forth in R.S. 17:15 and/or R.S.15:587.1(C).

(c). the superintendent or designee certifies that he/she will notify the director of DCFS Licensing in writing if superintendent/designee becomes aware that the individual is convicted of an offense enumerated in R.S. 17:15 and/or 15:587.1(C) during the school year which nullifies the affidavit and/or letter.

2. No person who has been convicted of, or pled guilty or *nolo contendere* to any offense included in R.S. 15:587.1(C), shall be hired by or present in any capacity in the facility.

3. Criminal background clearances are not transferable between owners.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:1407(D).

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Licensing Section, LR 46:683 (May 2020), effective June 1, 2020.

### **§7315. Foster and Adoptive Certification**

#### A. Home Study—Foster and Adoptive Home

1. Prior to placement of a child/youth in the home, the provider shall complete a home study of the foster/adoptive parent and their home. The home study shall be signed and dated by the person completing the home study and approved, signed, and dated by a licensed clinical social worker, licensed master social worker with 3 years of experience in adoption or foster care services, licensed professional counselor, licensed psychologist, medical psychologist, licensed psychiatrist, or licensed marriage and family therapist prior to certification of the foster/adoptive parents.

2. The provider shall assess information gathered regarding the family, housing, and environment to either approve or deny certification for prospective foster/adoptive parents.

3. The provider shall conduct at least three consultation visits with prospective foster/adoptive families two of which shall be conducted in the home with the third visit either in the home or child-placing agency office. The consultation visits shall be conducted on three different dates. The following interviews shall be conducted during each of the three consultation visits:

- a. one joint interview with the prospective foster/adoptive parents;
- b. one individual interview with each prospective foster/adoptive parent; and
- c. one group interview with all individuals living in the home.

4. In addition to the interviews noted in §7315.A.3, one individual interview with each child six years old or older and capable of verbal communication living either full- or part-time in the home shall be conducted in the home.

5. In addition to the interviews noted in §7315.A.3. and 4., one individual interview with each other person living in the home either full or part-time shall be conducted in the home or the child-placing agency office.

6. The following interviews shall be conducted either in person or by telephone for the following:

- a. each minor child of the prospective foster/adoptive parents not living in the home age 6 years of age or older and capable of verbal communication;

- b. at least one adult child of the prospective foster/adoptive parents not living in the home; and
- c. a family member not living in the home and not yet interviewed.

7. Documentation of the consultation visits shall include the date, time, method of contact, duration of each interview, those present at each interview, relationship to the prospective foster/adoptive parents, and a summary of each interview.

8. Foster/adoptive parents and adults of the household interviewed in person shall sign and date summary or home study written by the interviewer to ensure accuracy.

9. If the prospective foster/adoptive parents have school age children, an interview or reference letter shall be obtained from at least two school personnel who are unrelated to the foster/adoptive parents that can provide an opinion of the prospective foster/adoptive parents' suitability to provide care for children in foster care or available for adoption. If the child is home schooled by someone other than the prospective foster/adoptive parents, then an interview or reference letter is required from that individual regarding their opinion of the prospective foster/adoptive parents' suitability to provide care for children in foster care or available for adoption. If provider is unable to obtain reference information due to school policy, documentation of attempts to secure information is required.

10. Throughout the home study process, the provider shall document and assess the following with regard to prospective foster/adoptive parents:

- a. motivation and willingness to provide a foster/adoptive home placement for a child;
- b. capacity to provide a foster/adoptive home placement for a child;
- c. the number, age, and sex of children the foster/adoptive parent are willing to foster/adopt;
- d. behaviors, health, or developmental conditions of the children which prospective foster/adoptive parents are willing to accept for placement;
- e. prospective foster/adoptive parents feelings about their own childhoods and parents, including any history of abuse and/or neglect and their resolution of those experiences;
- f. the nature and quality of prospective foster/adoptive parents respective roles and how those roles may change the present marital status or significant interpersonal relationship;
- g. history of previous marriages or significant relationships and the reasons why those relationships ended;
- h. prospective foster/adoptive parents religious faith, affiliation, practices, attitudes towards religion, openness to the religion of others, the role of religion in rearing children and willingness to respect and encourage a child's religious affiliation if different from their own;
- i. prospective foster/adoptive parents sensitivity and personal feelings with regard to children who have been abused and/or neglected; understanding of the dynamics of child abuse and neglect and how these issues and experiences will affect their families, the children in their care, and themselves;
- j. disciplinary beliefs and practices including how prospective parents were disciplined as children, their reactions to the discipline received, their ability to recognize and respect differences in children, and the need to use discipline methods that suit the individual child;
- k. prospective foster/adoptive parents sensitivity and feelings regarding a child's experiences of separation from or loss of their birth families;
- l. prospective foster/adoptive parents feelings about the child's parents, including the issue of abuse or neglect of the child by the child's parents or other family members; and sensitivity and reactions to the child/youth's parents;

m. prospective foster/adoptive parents sensitivity and acceptance of the child/youth's relationships with his siblings; their willingness to support the child/youth's relationships with parents, siblings, and extended family including support for contacts between the child/youth and the child/youth's family;

n. prospective foster/adoptive parent's attitude, sensitivity, tolerance, and acceptance of a child's race/ethnicity, heritage, and/or culture and willingness to respect, support, and encourage a child's connection to their culture of origin;

o. prospective foster/adoptive parents' formative experiences with foster care or adoption;

p. prospective foster/adoptive parents' plan for child care if foster/adoptive parents work outside of the home;

q. assessment of support systems shall include extended family available to foster/adoptive parents and support the family may receive from these resources and those available as caregivers during an unexpected event or crisis, such as an illness or disability of a foster/adoptive parent, loss of transportation, or the death of an immediate family member;

r. family background;

s. family traditions;

t. potential effect of foster/adoptive child on family relationships;

u. hobbies and interests of foster/adoptive parents and household members;

v. contact with extended family, integration into/involvement in community and the effect the addition of a new child will have on the family;

w. the impact the extended family's attitudes will have on the family's ability to provide foster/adoptive care;

x. plan in the event the foster/adoptive parent is unable to assist the child academically;

y. location of weapons, firearms, and ammunition and plans for safety once placement occurs;

z. attitude and capacity for handling a disruption if it occurs; and

aa. openness to adopt from a foster care situation should the opportunity present itself.

11. At least one applicant shall be functionally literate as required by Public Law 115-123.

12. For each prospective foster/adoptive household, the child-placing agency shall document, assess, and verify that the prospective foster parents have income separate from foster care reimbursement to meet the needs of the family. Social Security Disability, Social Security, and/or other sources of income such as family support, Supplemental Nutrition Assistance Program (SNAP), and Temporary Assistance for Needy Families (TANF) shall be included to determine financial stability.

13. The child-placing agency shall assess the potential negative impacts on the child/youth and family if a business open to the public adjoins the prospective foster/adoptive parent's household and assessment shall include the hours of operation, type of business, and clientele.

14. The prospective foster/adoptive parent shall be allowed the opportunity to review and obtain a copy of their home study in accordance with agency policy whether the application was approved or denied for certification. Any quotes from reference letters or other third party letters or telephone reports from agencies or professionals or information obtained from or referencing criminal background clearances shall be deleted. Identifying information regarding the child/youth's birth family shall be removed, unless a release of information is obtained from the legal guardian. Information shall be made available to the applicant within seven calendar days of the request.

B. Criminal Background Clearances—Foster and Adoptive Parents

1. Prior to certification, provider shall submit a request to DCFS for a criminal background check through the Federal Bureau of Investigation (FBI) for any applicant(s) and any member of the applicant's household aged 18 years and older in accordance with R.S. 46:51.2 for any crime enumerated under R.S. 15:587.1 and Public Law 105-89. Provider shall submit a request to DCFS for a criminal background check through the FBI within 30 calendar days of the household member, excluding children in DCFS custody, attaining their 18th birthday.

2. Effective April 1, 2019, CBCs shall be accepted for a period of three years from the date of issuance and shall be kept on file at the agency. Prior to three years from the date of issuance noted on the CBC, a new satisfactory fingerprint-based CBC shall be obtained for all household members aged 18 years and older, excluding children in DCFS custody, from DCFS through the FBI.

a. CBCs obtained prior to April 1, 2019, are acceptable for three years from date of issuance. For CBCs dated prior to April 1, 2016, the provider shall submit a new request to DCFS for a criminal background check through the FBI no later than April 1, 2020.

3. Effective April 1, 2019, CBCs shall be dated no earlier than 45 days of the applicant being certified and/or having access to children/youth or a household member moving into the home. CBCs are not transferable from one owner to another.

4. No applicant, having any supervisory or other interaction with children/youth, shall be certified by the agency until such person has submitted his or her fingerprints to DCFS for a criminal background check through the Federal Bureau of Investigation, and it has been determined that such person has not been convicted of or pled nolo contendere to a crime listed in R.S. 15:587.1(C).

5. Any foster/adoptive parent(s) who is subsequently convicted of or pleads nolo contendere to any crime listed in R.S. 15:587.1(C) after certification, shall no longer be certified to foster or adopt children/youth through the child-placing agency after such conviction/guilty plea of nolo contendere. The children placed in the home shall be immediately removed and foster/adoptive parents decertified.

#### C. State Central Registry Clearances—Foster and Adoptive Parents

1. An inquiry of the state central registry for members of the household 18 years of age and older, excluding children in DCFS custody shall be conducted prior to certification and annually thereafter. No person whose name is recorded on the state central registry with a valid (justified) finding of abuse or neglect of a child shall reside in the home.

2. If any member of the household 18 years of age or older resided in another state within the preceding five years, the provider shall request and obtain clearance information from that state's child abuse and neglect registry prior to certifying the foster/adoptive parents. Out of state clearances shall be requested and clearance information obtained after the application is received by the child-placing agency and prior to certification and placement of a child in the home. No person whose name is recorded on any state central registry with a valid (justified) finding of abuse or neglect of a child shall reside in the home.

3. An inquiry of the state central registry shall be submitted within 30 calendar days of a household member, excluding children in DCFS custody, attaining their 18th birthday. No person who is recorded on any state's child abuse and neglect registry with a valid (justified) finding of abuse and/or neglect of a child can reside in the home.

4. Prior to any person 18 years or older moving into the home, excluding children in DCFS custody, a state central registry clearance shall be obtained. No person who is recorded on any state's child abuse and neglect registry with a valid (justified) finding of abuse and/or neglect of a child can reside in the home.

5. If an individual recorded on the state central registry is found to be living in the home, the children placed in the home shall be immediately removed and the foster/adoptive parents decertified.

6. The DCFS State Central Registry clearance form shall be dated no earlier than 45 days of the foster/adoptive parents being certified or household members over the age of 18 years being present in the home. Out-of-state clearance forms shall be dated no earlier than 120 days of foster/adoptive parents



being certified. However, for household members over the age of 18 years who continue to reside outside of the state of Louisiana but their official domicile is a certified foster/adoptive home in the state of Louisiana, their clearances shall be dated no earlier than 45 days prior to certifying the foster/adoptive parents.

7. If foster/adoptive parent receives a valid finding after receiving state central registry clearance form from child welfare indicating that he/she was not listed on the state central registry and the child-placing agency is notified prior to the individual's appeal rights being exhausted, licensing shall be notified within 24 hours or no later than the next business day, whichever is shorter. The child-placing agency shall follow the recommendations of the department regarding any DCFS children in the care of the foster/adoptive parents.

8. State central registry clearances are not transferable from one owner to another.

#### D. Foster and Adoptive Parent Responsibilities

1. Foster/adoptive parents shall recognize and encourage acceptable behavior.

2. Foster/adoptive parents shall teach by example and use fair and consistent rules with logical consequences.

3. Foster/adoptive parents shall use methods of discipline that are relevant to the behavior.

4. Foster/adoptive parents shall supervise with understanding, firmness, and discipline.

5. Foster/adoptive parents shall give clear directions and provide guidance consistent with the child's level of understanding.

6. Foster/adoptive parents shall redirect the child by stating alternatives when behavior is unacceptable.

7. Foster/adoptive parents shall express themselves so the child understands that his/her feelings are acceptable and certain actions or behavior are not.

8. Foster/adoptive parents shall help the child learn what conduct is acceptable and appropriate in various situations.

9. Foster/adoptive parents shall encourage the child to control his/her own behavior, cooperate with others and solve problems by talking.

10. Foster/adoptive parents shall communicate with the child by showing affection and concern.

11. Foster/adoptive parents shall encourage the child to consider others' feelings.

12. Neither foster nor adoptive parent(s) shall care for unrelated adults on a commercial basis nor accept children into the home for day care at the same time they are certified to provide foster care.

13. Foster/adoptive parents shall obtain written approval from the legal guardian prior to allowing a child to be away from the foster or adoptive home for more than three consecutive days.

14. Foster/adoptive parents shall obtain medical care for a child/youth as needed.

15. Foster/adoptive parents shall notify the child-placing agency prior to a change in address.

16. Foster/adoptive parents shall notify the child-placing agency of a significant change in circumstances in the home which effects the foster/adoptive child including, but not limited to a job loss of a caretaker, serious injury or death of a caretaker, or a change of persons living in the home.

17. Foster/Adoptive parents shall provide structure and daily activities designed to promote the individual, social, intellectual, spiritual, and emotional development of the child/youth in the home.

18. Foster/Adoptive parents shall assist the child/youth in developing skills and performing tasks which will promote independence and the ability to care for themselves.



19. Foster/adoptive children may assume age appropriate household responsibilities commensurate with those expected of foster/adoptive parent's own children.

20. Foster/adoptive parents shall teach money management, budgeting, and making responsible purchases as age appropriate.

21. Foster/adoptive parents shall teach/promote personal hygiene and grooming skills appropriate to the child's sex, age, and culture through daily monitoring.

E. Foster/Adoptive Parent(s) Record

1. The provider shall maintain a record for each foster/adoptive parent, which shall contain the following information and shall be updated as changes occur:

a. household composition: the full legal names of all persons residing in the home, birth dates, relationship to one another, name preferred to be called, level of education, and marital status;

b. copy of home study;

c. copy of a valid, current driver's license for all household members providing transportation for children in foster care and through adoption finalization (prior to certification, prior to placement of a child/youth in the home, and throughout the time a child/youth is placed in the home);

d. proof of current liability insurance for all vehicles used to transport foster children or children prior to finalization owned or leased by the foster family (prior to certification, prior to placement of a child/youth in the home, and throughout the time a child/youth is placed in the home);

e. expiration date of the inspection sticker for all vehicles used to transport foster children or children prior to finalization (prior to certification, prior to placement of a child/youth in the home, and throughout the time a child/youth is placed in the home);

f. current copy of vehicle registration for all vehicles used to transport children/youth (prior to certification, prior to placement of a child/youth in the home, and throughout the time a child/youth is placed in the home);

g. criminal record check reports as required in §7315.B for all household members 18 years of age and older, excluding youth in DCFS custody;

h. state central registry clearances as required in §7315.C for all household members 18 years of age and older, excluding youth in DCFS custody;

i. history of prior applications to foster and/or adopt and the reason for withdrawals or closures. If a prospective foster parent was previously certified as a foster/adoptive parent by another provider or DCFS and the prospective foster/adoptive parent's home was closed, verification of the closure and a statement to indicate whether the closure was at the request of the prospective foster/adoptive parent or the provider shall be obtained by the provider from the other agency;

j. contract/placement agreement between the child-placing agency and the foster/adoptive parent;

k. documentation of current immunizations from a licensed veterinarian for all pets in the household;

l. documentation of marital status of prospective foster/adoptive parent if legally married, divorced or widowed;

m. for a prospective foster/adoptive parent who is separated and whose spouse no longer resides in the home, a notarized statement from the prospective foster/adoptive parent indicating such and attesting that the child-placing agency will be notified in writing prior to the spouse moving back into the home is required;

n. copy of a current federal or state issued photo identification card;

o. documentation that the prospective foster parent is at least 21 years of age or if a relative certified by DCFS child welfare, that the relative meets the age requirements set forth in DCFS child welfare policy;

p. documentation of quarterly contact between the provider and prospective foster parent noting foster parents continued interest and availability to foster from time of application until placement.

2. Proof of the prospective foster/adoptive family's income for the past 60 days shall be included in the record.

3. Documentation of itemized monthly expenses to include the following shall be maintained in the foster/adoptive parent's record:

- a. mortgage/rent;
- b. utility cost;
- c. transportation costs;
- d. food costs;
- e. medical expenses;
- f. clothing allowance;
- g. insurance cost;
- h. credit card payments;
- i. loan payments;
- j. child support obligations;
- k. alimony obligations;
- l. pet costs;
- m. entertainment/miscellaneous costs; and
- n. other household expenses.

4. A statement of health dated within three months prior to certification and updated every three years for each member of the prospective foster/adoptive parent's household signed by a licensed physician or licensed health care professional verifying that the individual:

a. has no past nor present physical or mental illness or condition that would present a health and safety risk to a child placed in the prospective foster parent's home; and

b. is free of communicable or infectious disease or if not free of communicable or infectious disease, there shall be a signed statement by the licensed treating physician or licensed treating health care professional verifying the following:

- i. the individual is under the care of a licensed physician or licensed health care professional;
- ii. the present condition does not present a health or safety risk to a child placed in the prospective foster/adoptive parent's home; and
- iii. foster/adoptive parents are physically able to provide necessary care for a child.

5. Within 30 calendar days of a household member attaining their 18th birthday, excluding children in DCFS custody, a statement of health as noted in §7315.E.4 shall be obtained.

F. Physical Plant Requirements for Foster and Adoptive Homes

1. The home shall be in good repair and the exterior around the home shall be free from objects, materials, and conditions which constitute a danger to the children served.

2. The home shall have a safe outdoor play area which children may use either on the property or within a reasonable distance of the property. If there is no outdoor play area within a reasonable distance, foster parents shall identify an alternative location for outdoor play.

3. Open cisterns, wells, ditches, fish ponds, and other bodies of water shall be made inaccessible to children.

4. Swimming and wading pools shall be locked and inaccessible to children except when under adult supervision.

5. In accordance with Public Law 115-123, swimming pools shall have a barrier of at least four feet high.

6. In accordance with Public Law 115-123, swimming pools shall be equipped with a life saving device, such as a ring buoy.

7. In accordance with Public Law 115-123, if the swimming or wading pool is not emptied after each use, the pool shall have a working pump and filtering system.

8. In accordance with Public Law 115-123, hot tubs and spas shall have safety covers that are locked when not in use.

9. The home shall have equipment for the safe preparation, storage, serving of, and cleaning after meals.

10. All plumbing, cooking and refrigeration equipment shall be in working order.

11. All areas of the home shall be maintained in sanitary condition.

12. The home shall have a dining area furnished so that all members of the household may eat together.

13. The home shall have living or family room space furnished and accessible to all members of the family.

14. The home shall have a minimum of one flush toilet, one sink, and one bath or shower with hot and cold water.

15. Bathroom shall be equipped with toilet paper, towels, soap, and other items required for personal hygiene and grooming.

16. The home shall be free of security/video cameras in the bathroom to allow the child/youth privacy.

#### G. Bedroom Requirements—Foster and Adoptive

1. Each child shall have his/her own bed. The mattress shall at a minimum be a standard twin size. The mattress shall be clean, comfortable, and non-toxic. Upon placement each child should be provided with a new mattress or new water proof mattress cover.

2. Each child shall have a chest, dresser, or other adequate storage space for the child's clothing and personal belongings in the child's bedroom and a designated space for hanging up clothes in or near the bedroom occupied by the child.

3. Each bedroom shall have adequate space to be used by children for daily activities.

4. Infants shall be placed in an approved crib for sleeping per current industry safety standards. The crib shall meet U.S. Consumer Product Safety Commission (CPSC) requirements for full-size cribs as defined in 16 Code of Federal Regulations (CFR) 1219, or non full-size cribs as defined in 16 CFR 1220. A crib meets the requirements of this section if:

a. the crib has a tracking label which notes that the crib was manufactured on or after June 28, 2011; or

b. the foster/adoptive parent has a registration card which accompanied the crib noting that the crib was manufactured on or after June 28, 2011; or

c. the foster/adoptive parent has a children's product certificate (CPC) certifying the crib meets the requirements for full-size cribs as defined in 16 Code of Federal Regulations (CFR) 1219, or non full-size cribs as defined in 16 CFR 1220.

5. The crib shall be equipped with a firm mattress and well fitting sheets. Mattresses shall be of standard size so that the mattress fits the crib frame without gaps of more than one-half inch. Homemade mattresses are prohibited.

6. The minimum height from the top of the mattress to the top of the crib rail shall be 20 inches at the highest point.

7. The mattress support system shall not be easily dislodged from any point of the crib by an upward force from underneath the crib.

8. Cribs shall be free of toys and other soft bedding, including blankets, comforters, bumper pads, pillows, stuffed animals, and wedges when the infant is in the crib.

9. An infant shall be placed on his/her back for sleeping. Written authorization from the infant's physician is required for any other sleeping position.

10. Children/youth shall be allowed to personalize an area within the bedroom .

11. Children/youth shall be provided bed linens, blankets, and pillows for individual use.

12. The home shall be free of security/video cameras in the bedroom of a child over the age of 5 years. A security/video camera may be used in a child's bedroom for a child over the age of 5 years with developmental, medical, or behavioral needs if documented in the child's service plan.

13. Foster/adoptive parent(s) shall permit no more than four children/youth to a bedroom.

14. Children six years of age and older shall not share a bedroom with a person of the opposite sex.

15. Children with the exception of infants shall not share a bedroom with adults, except when the child needs close supervision due to illness or medical condition and approval is received from the child-placing agency; however, a child shall not share a bed with an adult under any circumstances.

#### H. Safety Requirements—Foster and Adoptive Homes

1. The home shall have a working heating and air conditioning system.

2. The home shall have a telephone capable of outgoing calls that is accessible at all times to children/youth. In accordance with Public Law 115-123, a comprehensive list of emergency telephone numbers to include the number for poison control shall be posted next to the telephone if the phone is stationary or in a common area used by children/youth for portable or cell phones.

3. There shall be safe storage for medication, poisons, and other harmful materials in the home.

4. Foster/adoptive parents shall take measures to keep the home and premises free of rodents and insects.

5. Foster/adoptive parents shall restrict access to potentially dangerous animals.

6. Foster/adoptive parents shall store dangerous weapons, firearms, air guns, BB guns, hunting slingshots, and other projectile weapons in a locked area inaccessible to children, in accordance with Public Law 115-123. Ammunition shall be stored in a separate locked area.

7. First aid supplies shall be accessible in the home.

#### I. Fire Safety Requirements—Foster and Adoptive Homes

1. The home shall be free from fire hazards, such as faulty electric cords and appliances, or fireplaces and chimneys that are not maintained.

2. The home shall be equipped with operating smoke detectors in each hallway, kitchen, and child's bedroom.
3. The home shall be equipped with an operating carbon monoxide detector in each child's bedroom.
4. A portable chemical fire extinguisher shall be in the cooking area of the home.
5. Foster/adoptive parents shall establish an emergency evacuation plan and shall practice it at least quarterly ensuring children understand the procedures. Documentation shall consist of a quarterly note signed and dated by provider in the foster/adoptive parent record indicating that the emergency evacuation plan was discussed and practiced quarterly as required.
6. Combustible items shall be stored away from heat sources.
7. Home heating units shall be shielded to prevent accidental contact.
8. Foster/adoptive parents shall ensure solid fuel heating stoves, systems, and fireplaces are properly installed, maintained, and operated.

J. Sanitation and Health Requirements—Foster and Adoptive Homes

1. The home shall have clean drinking water. If the water is not from a city water supply, the foster/adoptive parent(s) shall provide documentation that the water has been tested and approved by the local health authority.
2. All plumbing in the home shall be in working order.
3. The home shall have hot water. Hot water accessible to children shall not exceed 120 degrees Fahrenheit at the outlet.

K. Food and Nutrition Requirements—Foster and Adoptive Homes

1. The milk served to children shall be Grade A and pasteurized.
2. Foster/adoptive parents shall provide nutritionally balanced meals daily. Children/youth shall be provided a snack between meals and prior to bedtime.
3. As recommended by a licensed physician or in accordance with the child/youth's case or service plan, foster/adoptive parent shall provide for any special dietary needs of the child placed in the home.
4. When applicable, the dietary laws of the child/youth's religion shall be observed for the food provided to the child/youth.

L. Clothing and Personal Belongings Requirements—Foster and Adoptive Homes

1. Foster/adoptive parents shall provide each child/youth with their own clean, well fitting, seasonal clothing appropriate to age, sex, individual expression, and comparable to other household members and to the community standards.
2. A child/youth shall not be required to share clothing.
3. Clothing and personal belongings shall be sent with the child/youth if the child/youth leaves the care of the family.
4. Only shoes in good repair and condition shall be provided to the child/youth.
5. Children/youth shall be allowed to choose their own clothing whenever possible.
6. Children/youth shall be allowed to bring, possess, and acquire personal belongings subject only to reasonable household rules.
7. Each child/youth shall be provided with clean towels, washcloths, his/her own toothbrush, his/her own comb or hair brush, personal hygiene items, and other toiletry items suitable to the child/youth's age and sex.

M. Money Requirements—Foster and Adoptive Homes

1. In addition to the mandated allowance, children/youth may earn additional money through paid work, employment, or money paid directly to the child/youth from other sources as appropriate to their age and ability.
2. A child/youth's money from any source shall be his/her own and may only be subject to restrictions in accordance with his/her service or case plan.
3. Children/youth shall not be required to pay for any mandated foster/adoptive home service.
4. Children/youth shall not be required to pay for basic personal hygiene or toiletry items.

N. Transportation—Foster Care, Adoption, Transitional Placing

1. The foster/adoptive parent(s) shall have access to reliable transportation to transport the child/youth to school, recreational activities, medical care, and community facilities.
2. The provider shall assist children/youth and families in arranging transportation necessary for implementing the child/youth's service and case plans.
3. The provider shall have a means of transportation for children/youth which are equipped with appropriate safety restraints in accordance with state laws and standards. No child/youth shall be transported in any vehicle unless seat belts and age appropriate child restraints are utilized in accordance with state law and standards.
4. The provider and staff shall maintain and operate vehicles used for transporting children/youth in safe condition and in conformity with appropriate motor vehicle laws and standards.
5. The provider shall have documentation of current liability insurance for all child-placing agency and staff vehicles used for transporting children/youth. The provider shall maintain in full force at all times current commercial liability insurance for the operation of child-placing agency vehicles. Documentation shall consist of the insurance policy or current binder which includes the name of the agency, the name of the insurance company, policy number, period of coverage, and explanation of the coverage. If a staff person provides transportation for children/youth in the course and scope of his/her employment, the provider shall maintain a copy of staff's current vehicle insurance.
6. All child-placing agency and staff vehicles used to transport children/youth shall have a current safety inspection sticker. Documentation confirming visual inspection of safety inspection sticker shall include the signature and date of the staff that viewed the inspection sticker, expiration date of sticker, and vehicle's make, model, and license plate number.

7. All aspects of the vehicle used to transport foster/adoptive children/youth shall be maintained in good repair including, but not limited to seats, doors, lights, and tires.

8. All child-placing agency and staff vehicles used to transport children/youth shall be currently registered. The provider shall maintain a copy of the current registration for all foster/adoptive parents, staff, and child-placing agency vehicles used to transport children/youth.

O. Child-placing agency Responsibilities—Foster Care, Adoption, Transitional Placing

1. The provider shall ensure that the child/youth has clothing for the child/youth's exclusive use in quality and variety to that worn by other children/youth with whom the child/youth may associate.
2. The provider shall be responsible for monitoring the child/youth's school progress and attendance.
3. The provider shall secure psychological and psychiatric services, vocational counseling, or other services as indicated by the child/youth's service plan or case plan.
4. When requested by the legal guardian, the child-placing agency shall have a representative present at all judicial, educational, or administrative hearings that address the status of a child/youth in care of the

provider. The provider shall ensure that the child/youth is given an opportunity to be present at such hearings, unless prohibited by the child/youth's legal guardian or by his/her case plan.

P. Training the Foster and Adoptive Parent(s)

1. The foster/adoptive parent(s) shall participate in training provided or approved by the child-placing agency to develop and enhance their parenting skills.

2. The child-placing agency shall provide orientation to prospective foster/adoptive parents prior to certification, to include the following:

- a. mission and program description;
- b. realities of children available for adoption;
- c. long term impacts of prenatal substance abuse exposure;
- d. impact of the lack of pre-natal care on infants/children available for placement;
- e. impact of stress on pre-natal environments;
- f. in person, by video, or written account regarding their personal experiences from a certified foster/adoptive parent that has fostered or adopted a child;
- g. the stages of grief to include identification of behaviors linked to each stage;
- h. long-term effect of separation and loss on a child;
- i. permanency planning for a child, including independent living services;
- j. the importance of attachment on a child's growth and development to include bonding issues;
- k. development and maintenance of a healthy attachment between the child and foster/adoptive parent;
- l. cultural awareness;
- m. reasons children enter care;
- n. the placement decision process;
- o. changes that may occur in the home if a placement occurs;
- p. family adjustment;
- q. identity issues;
- r. trauma;
- s. types of abuse and neglect (physical, sexual, emotional);
- t. developmental milestones;
- u. prohibited practices;
- v. rights and responsibilities of foster/adoptive parents;
- w. placement or adoption disruption;
- x. behavior management; and
- y. substance abuse prevention and warning signs.

3. Documentation of completion of orientation training shall include training topics, foster/adoptive parent's signature, and date.

4. Prior to certification, the child-placing agency shall discuss options with adoptive parents on how to discuss adoption with the child. Documentation shall include the adoptive parent's signature and date.

5. Once certified, a minimum of 15 hours of child-placing agency approved training shall be received by the foster parents prior to certification expiration. The hours may be shared among the adult members of the family, however, each adult shall receive a minimum of five hours. Documentation of training completed shall include certificate of participation or sign in log specifying foster parent's name, training topic, date, and number of hours completed.

6. Prior to certification and updated annually, documentation of reasonable and prudent parent training for all foster/adoptive parents shall be maintained. Documentation shall include the training topics, foster/adoptive parent signature, and date. Reasonable and prudent parent training or training materials, as developed or approved by DCFS, shall include, but is not limited to the following topic areas:

- a. age or developmentally appropriate activities or items;
- b. reasonable and prudent parent standard;
- c. role of the foster/adoptive parents and of DCFS; and
- d. allowing for normalcy for the child while respecting the parent's residual rights.

7. Prior to certification, all prospective foster/adoptive parents shall receive certification in infant/child and adult cardiopulmonary resuscitation (CPR) and first aid. This training may be applied toward meeting the annual required training hours as noted in §7315.P.5. DCFS certified homes shall follow the CPR requirements as noted in DCFS child welfare policy.

8. Prior to certification, all prospective foster/adoptive parents shall complete the DCFS "mandated reporter training" available at [dcfs.la.gov](http://dcfs.la.gov). Documentation of training shall be the certificate obtained upon completion of the training. This training may be applied toward meeting the annual required training hours for foster parents as noted in §7315.P.5.

9. Prior to certification all prospective foster/adoptive parents shall complete the "Reducing the Risk of SIDS in Early Education and Child Care" training available at [www.pedialink.org](http://www.pedialink.org). Documentation of training shall be the certificate obtained upon completion of the training. This training may be applied toward meeting the annual required training hours for foster parents as noted in §7315.P.5.

10. Effective April 1, 2019, currently certified foster/adoptive parents shall complete the DCFS "mandated reporter training" available at [dcfs.la.gov](http://dcfs.la.gov) within 45 days and annually thereafter. Documentation of training shall be the certificate obtained upon completion of the training. This training may be applied toward meeting the annual required training hours for foster parents as noted in §7315.P.5.

11. Effective April 1, 2019, currently certified foster/adoptive parents shall complete the "Reducing the Risk of SIDS in Early Education and Child Care" training available at [www.pedialink.org](http://www.pedialink.org) within 45 days and annually thereafter. Documentation of training shall be the certificate obtained upon completion of the training. This training may be applied toward meeting the annual required training hours for foster parents as noted in §7315.P.5.

12. Effective April 1, 2019, currently certified foster/adoptive parents shall receive certification in infant/child and adult cardiopulmonary resuscitation (CPR) and first aid within 60 days. CPR and first aid shall be updated prior to the expiration of the certification as indicated by the American Red Cross, American Heart Association, or equivalent organization. This training may be applied toward meeting the annual required training hours for foster parents as noted in §7315.P.5. DCFS certified homes shall follow the CPR requirements as noted in DCFS child welfare policy.

#### Q. Support Systems—Foster and Adoptive

1. Foster/adoptive parent(s) shall have or develop a support system for supervising and providing care to allow foster/adoptive parent(s) opportunities for occasional breaks from caring for the child(ren).

2. Foster/adoptive parent(s) shall have at least one adult (age 18 or older) responsible for the supervision of children or available at all times within close proximity of the home when a foster/adoptive parent is not present.



R. Denial of a Foster or Adoptive Parent Application

1. The child-placing agency shall initiate the home study within 30 calendar days of receipt of the completed application or notify the applicant in writing within 35 calendar days of receipt of the completed application of the reason the home study will not be conducted. Documentation of notification shall be maintained.

2. The applicant shall be notified in person or by telephone within 30 calendar days of completion of the home study, if the request to become a foster/adoptive parent is not recommended. The provider shall enter a dispositional summary in the applicant(s) case record clearly indicating the date of denial, the reason for denial of the application for certification, the manner in which the decision was presented to the family, and applicant's reaction to the decision within 10 calendar days of notification.

3. If the applicant withdraws the request to become a foster/adoptive parent, the child-placing agency shall send written confirmation to the applicant acknowledging the withdrawal within seven calendar days of receipt of withdrawal request. Documentation of notification shall be maintained.

S. Service Plan for Children placed with Foster and Adoptive Parents

1. Within 15 calendar days of a child's placement, the provider shall develop a service plan based upon the individual needs of the child/youth.

2. A child/youth has the right to be involved in assessment and service planning as appropriate to his age, development, and ability.

3. Foster/adoptive parents shall support and follow the service plan providing input to the child-placing agency of recommended changes or updates.

4. Foster/adoptive parents shall cooperate with the support and implementation of the permanency goal established for a child/youth placed in their home.

5. The service plan meeting shall include the foster parent, child/youth if developmentally appropriate, and the legal guardian. Documentation shall include the date of service plan meeting, names of individuals invited, and signatures of attendees. If the legal guardian is unable to attend, provider shall obtain legal guardian's signature or document that the service plan was submitted to the legal guardian within seven calendar days of the meeting.

6. The provider shall review the child/youth's service plan on a quarterly basis or more frequently as the child/youth's needs or circumstances dictate. Documentation shall include the signature of reviewer and date of each child/youth's service plan review.

T. Lifebook—Foster Care and Adoption

1. Every child/youth placed in foster care or for adoption shall have a lifebook. For children who are developmentally unable to participate in the creation and updating of their own lifebook, foster/adoptive parents shall create and update for the child/youth.

2. Effective April 1, 2019, provider shall ensure that each child/youth who is developmentally able is assisted at least monthly in creating and updating their lifebook.

3. Lifebooks shall be the property of children/youth and shall remain with the child/youth when placement changes or upon discharge.

4. Lifebooks shall be available for review by DCFS during visits to the foster/adoptive home.

U. Decertification of a Foster or Adoptive Parent

1. Foster/adoptive parent shall be decertified if:

- a. it is determined by the child-placing agency that the family no longer meets the requirements;
- b. a situation arises that is not in the best interest of children;

- c. abuse and/or neglect by the foster/adoptive parent is substantiated;
  - d. abuse and/or neglect by a member of the home is substantiated, other than the foster/adoptive parent if the individual remains in the home;
  - e. foster/adoptive parent develops a serious physical or mental illness that may impair the ability to provide adequate care of a child/youth; or
  - f. the foster/adoptive parent requests to withdraw from participation as a foster/adoptive parent.
2. If the home is to be decertified, the provider shall make adequate preparation and arrangements for the care, custody, and control of any children placed in the home.
3. The provider shall confirm, in a written notice to the foster/adoptive parent, the decision to decertify the home. The notice shall be delivered to the foster/adoptive parent within 10 calendar days of the decertification decision. The written notice for decertification shall include the name of the foster/adoptive parent, the reason for decertification, and the effective date. Documentation of notice shall be maintained.

V. Reapplication for Certification for Foster and Adoptive Parents

1. To reapply, a former foster/adoptive parent shall follow all requirements noted herein that are in effect at the time of re-application.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:1407(D).

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Licensing Section, LR 45:377 (March 2019), effective April 1, 2019, LR 46:686 (May 2020), effective June 1, 2020.

**§7317. Interstate Compact on the Placement of Children (ICPC)**

- A. Provider shall have documentation of approval from the administrator of the Louisiana Interstate Compact on the Placement of Children (ICPC) prior to sending a child to another state for foster/adoptive services. No placement shall occur without prior approval from the compact administrator in Louisiana.
- B. Provider shall have documentation of approval from the administrator of the Louisiana ICPC prior to receiving a child from another state for foster/adoptive services. No placement shall occur without prior approval from the compact administrator in Louisiana.
- C. A child adopted through the court of jurisdiction in a foreign country or entering Louisiana directly from the foreign country for purposes of adoption are not subject to the Interstate Compact on the Placement of Children.
- D. Upon placement of a child in Louisiana, provider shall follow all child-placing agency standards.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:1407(D).

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Licensing Section, LR 45:385 (March 2019), effective April 1, 2019.

**§7319. Foster Care Services**

A. Types of Foster Care Services

1. The provider may offer any or all of the following types of services in an approved foster home:
- a. foster care services;
  - b. therapeutic foster care services; and/or
  - c. respite care services.
2. Number of Children—Foster Home
- a. At any given time, a foster home shall have no more than six dependents including foster children, dependent children, dependent adults, and children for whom respite is provided with the exception of a sibling group, who may remain together.

b. Prior to exceeding six dependents in a foster home written approval from the child welfare state office shall be obtained.

c. Documentation from child welfare state office shall include:

- i. name of the CPA for which approval is granted;
- ii. name of foster parent for which approval is granted;
- iii. names and birth dates of all dependents in the home at the time approval is granted;
- iv. name and birth date of child/youth for which approval is granted;
- v. signature and date of child welfare state office staff granting approval which shall be prior to the placement date; and
- vi. conditions if any, for which approval is granted.

3. No more than two children under two years of age shall be placed in the same foster home, with the exception of a sibling group.

a. Prior to exceeding two children under two years of age in the same foster home at the same time, with the exception of a sibling group; written approval from child welfare state office shall be obtained.

b. Documentation from the child welfare state office shall include:

- i. name of the CPA for which approval is granted;
- ii. name of foster parent for which approval is granted;
- iii. names and birth dates of all dependents at the time approval is granted;
- iv. name and birth date of child/youth for which approval is granted;
- v. signature and date of child welfare state office placement services section staff granting approval which shall be prior to the placement date; and
- vi. conditions, if any, for which the approval is granted.

**B. Additional Requirements for Therapeutic Foster Care (TFC) Services.**

1. The TFC parent who is the primary care giver shall have documentation of a high school diploma or equivalent.

2. The TFC foster home parents shall complete a minimum of 24 hours of annual training in addition to the 15 hours of training required under §7315.P.5. For two-parent therapeutic foster care homes, the 39 total training hours as required in this section may be divided between the two TFC parents, as long as the primary caretaker receives a minimum of 16 hours of the 39 required hours and the other parent receives a minimum of eight hours of the 39 required hours. Documentation shall include a certificate or sign in sheet with the training topic, number of hours, trainer's name and signature of individual attending.

a. Fourteen hours of the twenty-four hours of annual training may be met through professional therapeutic consultation or medical training aimed to assist in parenting a child placed or being placed.

3. Approval from the child welfare state office staff shall be obtained and documented prior to 1) exceeding four dependents, including foster children/youth, dependent children, dependent adults, and children for whom respite is provided in a TFC home and/or 2) exceeding two TFC children/youth in a home, unless the additional child/youth is a sibling of one of the TFC children.

4. Documentation from the child welfare state office shall include:

- a. name of the CPA for which approval is granted;
- b. name of foster parent for which approval is granted;

- c. names and birth dates of all dependents in the home at the time approval is granted which identifies children/youth receiving TFC services;
- d. name and birth date of child/youth for which approval is granted;
- e. signature of child welfare state office staff granting approval which shall be prior to the placement date; and
- f. conditions, if any for which approval is granted.

C. Placement of Child in Foster Home

1. The provider shall place a child/youth only with certified foster parents in an approved home.
2. The provider shall select a foster home for a child/youth based upon the individual needs of the child, to include the child's assessment, the child's needs, and measures required to support the safety of the child. The placement decision including the child-placing agency staff's signature and date shall be documented in the child's file.
3. The type of placement for each child/youth shall be determined by amount of supervision required, support services needed, and training received by the foster parent to assist in meeting the needs of the child.
4. The provider shall have a written child specific placement agreement with the foster parent for each child/youth placed indicating at a minimum the responsibilities of the child-placing agency and foster parent to include:
  - a. rights and responsibilities of the child-placing agency and foster parent;
  - b. agreement by the family to work in partnership with the child-placing agency to provide foster care services to the child/youth;
  - c. agreement that the foster parent is able and willing to communicate with the child in the child's own language as required by Public Law 115-123;
  - d. willingness and ability of the foster parent to communicate with the child-placing agency, health care and other service providers on behalf of the child in accordance with Public Law 115-123;
  - e. confidentiality of all personal information about the child and the child's family confidential;
  - f. receipt of a daily board rate paid monthly by the child-placing agency;
  - g. agreement to cooperate with the agency/provider when it is necessary to remove a child from the foster home for any reason;
  - h. reporting to the child-placing agency all changes in circumstances affecting the child/youth or the foster care placement;
  - i. obtaining the consent of the CPA prior to taking the child/youth out-of-state or authorizing any special medical care or treatment for the child;
  - j. promotion of healthy foster parent-child adjustment and bonding by the CPA by providing support services to the foster parents;
  - k. prohibited use of any illegal substances, alcohol abuse including the consumption of alcohol in excess amounts, or legal prescription or nonprescription drug abuse via consumption of excess amounts or contraindicated usage as required by Public Law 115-123;
  - l. foster parent(s) nor guests shall smoke in the presence of a child in foster care, in the family home or in any vehicle used to transport a child as required by Public Law 115-123;
  - m. as required by Public Law 115-123, maintaining the swimming pool in a safe condition, including testing and maintaining chlorine and pH levels as required by the manufacturer's specifications;

n. as required by Public Law 115-123, locking all entry points to the swimming pool, when not in use;

o. as required by Public Law 115-123, removing or secure steps or ladders to the swimming pool, if applicable when the pool is not in use; and

p. as required by Public Law 115-123, no transporting of weapons in any vehicle in which a foster child is riding unless the weapons are made inoperable and inaccessible.

5. The child specific placement agreement shall be signed and dated by a child-placing agency representative and foster parent prior to or at the time of placement.

6. The child-placing agency shall provide foster parent with written instructions for contacting agency personnel to include names and telephone numbers prior to or at the time of placement.

#### D. Supervision for Foster and TFC Homes

1. Provider shall conduct an initial in home face-to-face supervisory visit with the child and one foster parent on the day of the child's placement or the following calendar day. A subsequent face-to-face in home supervisory visit shall be conducted with the foster parent and child within 10 calendar days of the child's placement.

2. Provider shall have at least weekly telephone contact with one of the foster parents.

3. Provider shall conduct supervisory visits with one foster parent at least twice monthly with at least one visit occurring in the foster home. Supervisory visits with foster parents of infants shall be conducted while the infant is present in the home.

4. Provider shall conduct a private supervisory visit with the foster child/youth age one year and above, a minimum of twice monthly with at least a segment of one visit occurring in the foster home.

5. Documentation of the contacts noted in §7319.D.1-4 shall include:

- a. date and time of visit or phone contact;
- b. individuals present;
- c. location of visit;
- d. duration of visit;
- e. assessment of adjustment of the child and foster parent;
- f. assessment of attachment and bonding;
- g. assessment of health of child;
- h. changes since last contact;
- i. summary of visit or phone contact; and
- j. signature of person conducting visit or phone contact.

6. Provider shall supervise visitation between the child and birth family if required in the case or service plan.

7. Provider shall assist with transporting the child/youth to appointments if the foster parent is unable.

8. The child-placing agency shall provide 24 hour crisis intervention to the foster family such as defusing potentially dangerous situations between children and/or towards foster parent when requested or a need detected.

#### E. Foster Child's Record

1. Information received verbally from the referring agency shall be documented by the child-placing agency in the child/youth's record. Documentation shall include the name of the referring agency

representative from whom the information was received, date, summary of information, and the name of the child-placing agency representative to which the information was provided. Information received in writing from the referring agency shall be filed in the child/youth's record.

2. Prior to placement, the provider shall obtain as much information as possible from the referring agency about the child/youth and the child/youth's family in order to find the most suitable home for a child. Provider shall document in the child/youth's record a summary containing justification for placement decision to include the provider's assessment of the strengths and needs of the foster family.

3. Prior to placement and as information is made available to the child-placing agency, the child-placing agency shall provide information to a foster parent regarding the behavior and development of the child.

4. Prior to placement and as information is made available to the child-placing agency, the provider shall inform the foster parent of inappropriate sexual acts or sexual behavior of the child/youth known to the provider and any behaviors of the child/youth that indicate a safety risk for the placement.

5. Prior to placement, the provider shall be responsible for obtaining a placement agreement between the child-placing agency and referring agency. This agreement shall be filed in the child/youth's record.

6. The provider shall obtain and document the following information within 30 calendar days of placement:

a. child/youth's name, previous home address, sex, race, nationality, birth date, birth place, religious affiliation, and Social Security number;

b. the current name, address, telephone number and marital status of the biological parents of the child;

c. the name, address, and telephone number of siblings and if in foster care, the name and contact information of their foster parents and caseworkers; and

d. the name, address, and telephone number of siblings and significant relatives or others considered in the case plan.

7. The provider shall maintain the following information in the foster child/youth's record and all information shall be continuously updated:

a. custody order within 30 calendar days of placement;

b. copy of birth certificate or written request for birth certificate to child welfare within seven calendar days of placement;

c. medical, psychological, and psychiatric history and reports;

d. annual physicals and examinations for the child/youth;

e. the dates of contact with the child/youth to include but not limited to providers, guardian, biological family, CASA, medical professionals;

f. initial assessment, service plans, and all subsequent assessments;

g. educational records;

h. copy of DCFS case plans if child/youth is in DCFS custody within seven calendar days of case plan meeting;

i. summary of the child/youth's contacts with caseworker, child-placing agency staff, and family members reflecting the quality of the relationships as well as how the child/youth is coping;

j. a record of the child's placements with names of caregivers, addresses, placement and discharge dates;

k. signed placement agreements between the child-placing agency and foster parent;

- l. documentation of compliance with the service plan;
- m. the basis for selection of the home for the specific child/youth; and
- n. discharge summary.

F. Foster Home Annual Assessment

1. The annual assessment of the foster home prior to expiration of current certification shall include a summary noting the following:
  - a. the home's compliance with the required licensing standards;
  - b. review of the foster parents' positive and negative experiences during the previous 12 months;
  - c. foster parents willingness to continue to foster;
  - d. provider feedback regarding the foster parents' care of the children which were placed in the home throughout the year; and
  - e. foster parents' feedback regarding the child-placing agency.
2. Documentation shall include the signature and date of the individual completing the summary.
3. If areas of concern are identified during the foster home annual assessment, the provider with input from the foster parent shall develop a written plan of action prior to recertification. The plan shall include measurable goals and timeframes and shall be signed and dated by the provider and foster parent.
4. Documentation of re-certification shall be filed in the foster parent record.

G. Discharge from Provider Care—Foster Care

1. The provider shall discharge the child only to the person, persons, or agency having legal custody of the child or by court order.
2. The provider shall complete a discharge summary within seven calendar days of the child/youth's discharge and document the following in the child/youth's record:
  - a. name and address of foster family from which the child was removed;
  - b. child/youth's date of birth;
  - c. date of placement and discharge from each foster home certified by the child-placing agency from which the child was discharged;
  - d. the name and address of the person, persons, or agency to whom the child was discharged;
  - e. the reason for discharge;
  - f. case plan and service plan goals achieved while in care; and
  - g. follow-up recommendations.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:1407(D).

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Licensing Section, LR 45:385 (March 2019), effective April 1, 2019.

**§7321. Adoption Services**

A. General Requirements

1. All birth parents shall be informed of the statutory requirements of CHC 1107.1 et seq. when considering adoption as a permanent plan. The provider shall advise the parent to seek independent legal counsel. Documentation shall consist of a statement signed and dated by the birth parent and child-placing agency representative acknowledging that the biological parent was informed of the statutory requirements of CHC 1107.1 et seq.

2. The provider shall not use coercion, financial or other enticements in securing surrenders from birth parent(s). A surrender shall not be executed any earlier than the third day after the birth of the child per CHC 1122.

3. The provider shall inform the birth parent(s) that a valid surrender for adoption to a child-placing agency is final and irrevocable and makes the child-placing agency legally responsible for selecting the most appropriate permanent placement for the child. Any previous placement agreements or understandings between the provider and the birth parent(s) are considered preferences which are not legally binding in the absence of a court order. Documentation shall consist of a signed and dated statement by the CPA representative and the birth parent acknowledging the irrevocability of their decision and rights. Documentation shall also include a signed and dated statement that any previous placement agreements or understandings between the provider and the birth parent(s) are considered preferences which are not legally binding in the absence of a court order.

4. The provider shall inform the prospective adoptive parent(s) of the Louisiana Adoption Resource Exchange (LARE), a resource within DCFS of children available for adoption. If the prospective adoptive parent(s) are interested in adoption, the provider shall assist them with making an inquiry on the child to the DCFS adoption unit. Documentation that the prospected adoptive parent(s) were informed about LARE shall include adoptive parent(s) signatures and date.

5. The provider shall have a current Louisiana Adoption Resource Exchange (LARE) photo listing of children available for adoption to show all prospective adoptive families.

6. The provider shall inform the adoptive parents of the DCFS Louisiana Adoption Voluntary Registry which facilitates voluntary contact between adult adoptees, their birth parents, and/or siblings. The provider shall inform the adoptive parents that detailed information is available at [dcfs.louisiana.gov](http://dcfs.louisiana.gov). Documentation that the prospective adoptive parents were informed about the reunion registry shall include adoptive parent signature and date.

7. The provider shall inform the birth parents of the DCFS Louisiana Adoption Voluntary Registry which facilitates voluntary contact between adult adoptees, their birth parents and/or siblings. The provider shall inform the birth parents that detailed information is available at [dcfs.louisiana.gov](http://dcfs.louisiana.gov). Documentation that the birth parents were informed about the registry shall include birth parent signature and date.

8. Prior to placement, prospective adoptive parents shall be informed (telephone or electronic communication) every 60 days of the status of their application. Documentation shall include the date of notification, name of prospective adoptive parent, and signature of the child-placing agency representative making the notification or copy of email sent.

#### B. Certification of an Adoptive Home

1. The child-placing agency shall provide information to prospective adoptive parent(s) regarding the following:

- a. the adoption process;
- b. legal procedures;
- c. the provider's policies and practices;
- d. how children and prospective adoptive parents are matched;
- e. prospective adoptive parent(s) responsibilities;
- f. supervisory pre and post placement visit requirements;
- g. process of obtaining a social security number or card for the child;
- h. process of obtaining a revised birth certificate after finalization;
- i. medical coverage options after finalization;



- j. fees and costs to prospective adoptive parents;
- k. subsidy availability;
- l. home study process;
- m. state central registry clearance requirements; and
- n. criminal background clearance requirements.

2. Documentation shall consist of a signed and dated statement by the prospective adoptive parent noting discussion of the topics outlined in §7321.B.1.

3. A child shall not be placed in an adoptive placement until the adoptive parents are certified and the home has been approved.

#### C. Home Study—Adoption Certification

1. In addition to the requirements for a home study noted in §7315.A.10, the provider shall also document and assess the following with regard to prospective adoptive parents:

- a. motivation to adopt;
- b. attitude toward birth-parent(s) with regard to the reason the child was placed for adoption;
- c. understanding and acceptance of the adoptive child's background, heritage, and identity;
- d. willingness to allow contact with birth family (parents, siblings, extended family) or others significant in child's life;
- e. willingness to discuss adoption and adoption related issues that may arise with the child; and
- f. a plan for guardianship of the child in the event of incapacity or death of adoptive parents prior to the child reaching the age of majority.

#### D. Child Placement for Adoption

1. Prior to adoptive placement, the provider shall establish the availability of a child through:

- a. a certified copy of a legally executed voluntary surrender(s) from the birth parent(s):
  - i. prior to the execution of the surrender and in accordance with CHC 1120, the surrendering parent shall participate in a minimum of two counseling sessions on two separate days with a licensed social worker, licensed psychologist, medical psychologist, licensed psychiatrist, licensed counselor, or a counselor employed by a child-placing agency relative to the surrender;
  - ii. the counselor shall execute an affidavit attesting that the surrendering parent attended a minimum of two sessions and whether the surrendering parent appeared to understand the nature and consequences of his/her intended act. The affidavit of the counselor shall be attached to the act of surrender;
  - iii. if, in the opinion of the counselor, there is any question concerning the parent's mental capacity to surrender, the basis for these concerns shall be stated in the affidavit. If indicated, the affidavit shall contain a specific recommendation for any further evaluation that may be needed to ascertain the parent's capacity; and
  - iv. if the surrendering father is of age of majority he may waive the two counseling sessions. In this case, the provider shall execute an affidavit attesting to the father's waiver and that the surrendering father appeared to understand the nature and consequences of his intended act. The affidavit of the counselor or attorney shall be attached to the act of surrender;
- b. judgement of abandonment against the birth parent(s);
- c. judgement of termination of parental rights against the birth parent(s); or

d. death certificate of birth parent(s).

E. Selection of an Adoptive Home

1. The provider shall select an adoptive family for a child based on the assessment of the child's needs and an assessment of the prospective family's ability to meet those needs.

2. The child shall participate in the placement process and in the decision that placement is appropriate, to the extent that the child's age, maturity, adjustment, family relationships, and the circumstance necessitating placement justify the child's participation.

3. The provider shall assess a child's racial, cultural, ethnic, and religious heritage and preserve them to the greatest extent possible without jeopardizing the child's right to care and a permanent placement.

4. The following factors regarding selection of a family shall be carefully considered:

a. the placement of siblings as a family group unless contraindicated by:

i. the nature of sibling relationships;

ii. the likelihood that placement would be unduly delayed by waiting for a family who will accept all of the children in a sibling group; and

iii. the existence of significant affectionate attachment between a child and foster parent(s) who wishes to adopt only the individual child of the sibling group already placed in the home when an independent assessment indicates that the child's psychological bond to the foster parent(s) is so strong that it is more important to the child than the sibling relationship(s). The independent assessment shall include the foster parent(s) willingness to maintain sibling contact after finalization of the adoption. The assessment shall be conducted by a licensed social worker, licensed psychologist, medical psychologist, licensed psychiatrist, or licensed counselor not affiliated with the agency.

b. the prospective adoptive family's willingness and ability to provide for the medical, educational, and psychological services identified as needed by the child;

c. the family's ability to accept the child's background and his mental, physical, and psychological limitations/strengths;

d. the potential impact of factors such as life style, expectations, culture, and perception of family life on the ability of the family and the child to bond.

5. Birthparent(s) may be considered for permanent placement of the child when:

a. an assessment indicates that this plan is in the best interest of the child;

b. the child and birthparent(s) have the capacity to form an affectionate and healthy parent-child relationship; and

c. the birth parent(s) meets the certification standards as an adoptive parent.

F. Placement Agreement with Adoptive Parent(s)

1. Prior to placing a child with a certified adoptive parent, provider shall obtain a child specific placement agreement signed and dated by adoptive parent and child-placing agency representative to include the following:

a. acknowledgement that the child is legally available for adoption;

b. the child is being placed with the adoptive parent(s) for the purpose of adoption;

c. the child remains in the custody of the provider until the adoption is finalized;

d. the adoptive family assumes financial responsibility for the child or in accordance with special provisions for financial responsibility included in the agreement;

e. the number of supervisory visits to assess the progress of the placement prior to finalization;

- f. agreement to finalize the adoption in accordance with CHC 1211 and 1214;
- g. agreement to cooperate in making a planned move for the child if removal is necessary, except in emergency circumstances;
- h. reporting to the provider any changes in circumstances having an effect on the child or the adoption;
- i. acknowledgement that the family will not take the child out-of-state or authorize any special medical care or treatment for the child without the consent of the child-placing agency; and
- j. acknowledgement that the child-placing agency shall provide supportive services to the family to promote healthy parent-child adjustment and bonding.

G. Right to Contact with Family and Collateral—Adoption

- 1. A child/youth has the right to consult and visit with his/her family (including but not limited to his or her mother, father, grandparents, brothers, and sisters), legal guardian(s) and friends prior to surrender.
- 2. A child/youth has the right to telephone communication. The provider shall allow a child/youth to receive and place telephone calls in private prior to surrender. There shall be no restrictions on communication between a child/youth and the child/youth's legal counsel.
- 3. A child/youth has the right to send and receive mail and electronic mail. The provider shall allow children/youth to receive and send all mail unopened, uncensored, and unread by staff prior to surrender. Correspondence from a child/youth's legal counsel shall not be opened, read, or otherwise interfered with for any reason.
- 4. A child/youth has the right to consult freely and privately with legal counsel.
- 5. A child/youth has the right to communicate freely and privately with state and local regulatory officials.

H. Supervision of the Child in an Adoptive Placement Prior to Finalization

- 1. The provider placing a child in an adoptive placement shall retain custody and remain responsible for the child until a final decree has been granted.
- 2. Provider shall conduct an initial in home face-to-face supervisory visit with the child and one adoptive parent within seven calendar days of the child's placement. The next home face-to-face supervisory visit shall occur the following month.
- 3. After the visits noted in §7321.H.2, provider shall conduct an in home supervisory visit with one adoptive parent at least once every other month. Provider shall observe the infant in the home during the monthly visit.
- 4. Provider shall conduct a private supervisory visit with child age one year and above; every other month with at least a segment of the visit occurring in the adoptive home.
- 5. Provider shall conduct an in home supervisory visit with both adoptive parents and child within 30 days prior to the final decree.
- 6. Documentation of the contact noted in §7321.H.1-5 shall include:
  - a. date and time of visit;
  - b. individuals present;
  - c. location of visit;
  - d. duration of visit;
  - e. assessment of adjustment of the child and adoptive parent;
  - f. assessment of attachment and bonding;

- g. assessment of health of child;
- h. changes since last contact;
- i. summary of visit; and
- j. signature of person conducting supervisory visit or phone contact.

7. At least three of the supervisory visits (including the visit prior to final decree) prior to finalization shall include both adoptive parents and all other members of the household.

8. Observations made during the visits shall be used in making recommendations for finalization of the adoption. If problems are identified, the provider shall assist the family directly and/or refer the family to a resource to address the concerns.

9. Child-placing agency staff shall be available to provide the child and adoptive parent(s) assistance, consultation, and emotional support with situations and problems encountered in permanent placement through finalization.

10. The child-placing agency shall provide 24 hour crisis intervention to the adoptive family through finalization.

I. Child Case Record—Adoption Surrender

1. The provider shall maintain a record from the time of the birth parent's application for the child's placement through adoption finalization and termination of CPA services provided to the family.

2. All information in the child's record shall be continuously updated.

3. The child-placing agency shall obtain a signed copy of the act of surrender committing the child to the child-placing agency for the purpose of adoption within one calendar day of the surrender.

4. The child-placing agency shall obtain a signed copy of the court order approving the surrender within 45 calendar days of the act of surrender.

5. The child-placing agency shall document the child's name, sex, race, nationality, birth date, and birth place within 24 hours of placement.

6. The child's case record shall contain the following information within three calendar days of placement:

- a. information about the child and the child's family;
- b. initial medical assessments and evaluations;
- c. the basis for selection of the home for the specific child;
- d. the current name, address, telephone number, and marital status of the birth parent(s);
- e. a narrative or summary of the services provided to the birth parent and perspective adoptive parent(s);
- f. information gathered during the intake process;
- g. certificate of live birth;
- h. a copy of the required home study and all supporting documents; and
- i. name of prospective adoptive parent(s) and date of placement.

7. All court documents and medical records shall be filed in the child's record throughout the adoption process through finalization.

8. The provider shall obtain information from the birth parent in accordance with CHC 1125 for the record.

9. If either birth or legal parent is unavailable, unwilling, or unable to assist with the completion of necessary information, the provider shall document information, to the extent possible, from the existing case record.

10. Within 30 calendar days of finalization, the case record shall be complete and contain all documentation to include court documents and medical records.

J. Updating Adoptive Home Study

1. If more than a year has lapsed since the family was certified as an adoptive home and there has not been a placement, the original homestudy shall be reviewed and updated prior to placement of a child in the home including new federal background checks and state central registry clearances. Physical examinations shall be updated if not current as referenced in §7315.E.4. Update shall include any changes from the original homestudy or documentation to reflect that no significant changes were reported or observed. Documentation shall include date, signature of person updating the homestudy, and signature of a licensed clinical social worker, licensed master social worker with 3 years of experience in adoption or foster care services, licensed professional counselor, licensed psychologist, medical psychologist, licensed psychiatrist, licensed marriage and family therapist approving homestudy update. Federal background checks and state central registry clearances shall be dated within 12 months prior to placement of a child.

2. For families who have had an adoptive placement finalized within the last 12 months and wish to apply for adoption of another child, the original home study shall be reviewed and updated prior to placement of child in the home. Update shall include any changes from the original homestudy or documentation to reflect that no significant changes reported or observed. Documentation shall include date, signatures of person updating the homestudy, and signature of a licensed clinical social worker, licensed master social worker with 3 years of experience in adoption or foster care services, licensed professional counselor, licensed psychologist, medical psychologist, licensed psychiatrist, or licensed marriage and family therapist approving homestudy update. Federal background checks and state central registry clearances shall be dated within 12 months prior to placement of the second child.

K. Adoption Disruption

1. When it has been identified that there is a potential adoption disruption, the provider shall assist the adoptive family and child to plan for the removal of the child in a manner least detrimental to the child. Except with emergency removal, the provider shall hold a planning conference to review the situation prior to removal. The planning conference shall be attended by the adoptive parents, the child (if and when in the best interest of the child), and provider. The planning conference shall include the following:

- a. concerns with the placement;
- b. resources used and resources which may preserve placement;
- c. pros and cons of continuing the placement;
- d. decision whether to disrupt the placement or maintain the placement;
- e. when maintaining the placement is the plan, identifying additional services to be utilized; and
- f. discussion of placement alternatives for the child and how the removal will occur if the placement is unable to be preserved.

2. A summary of the conference shall be documented by the child-placing agency and shall be signed and dated by all attendees.

3. The child-placing agency shall assist the family in providing the child the reason for the disruption, using age appropriate language. When this is not possible, the provider shall inform the child.

4. The child-placing agency shall provide services to families who suffer an adoption disruption to deal with their grief and decide if another adoptive placement is an appropriate plan. Services provided shall be documented in the adoptive parents' record and signed and dated by a child-placing agency representative.

L. Domestic Adoptions

1. In domestic adoptions, DCFS may request information from the provider necessary to complete the confidential report after the petition has been filed with the court. The provider shall submit the requested information to the department by the date specified in the notification correspondence.

2. If the child was born in Louisiana, the provider shall submit the required fee, and a completed Certificate of Live Birth form PHS 19, to the department within 21 calendar days of the adoption finalization for a revised birth certificate.

3. For a child born in a state other than Louisiana, the child-placing agency shall submit a request to the vital records registry of that state in order to reissue the child's birth certificate. A certified copy of the reissued birth certificate shall be given to the adoptive parent and a copy maintained in the child's record.

M. Intercountry Adoptions

1. The provider shall maintain a copy of the home study in the child or family's record.

2. Prior to the initiation of an intercountry adoption, the petitioners shall obtain a certified copy of the child's birth certificate, and, if the certificate is not in English, a certified translation of the certificate, shall be attached to the petition for adoption. If a certified copy of the birth certificate and certified translation are not available, the court may make findings on the date, place of birth, and parentage of the adopted person in accordance with the provisions of R.S. 40:79(C)(2).

3. For adoptions finalized in the United States, the provider shall file a petition for an intercountry adoption and maintain a copy in the child's record.

4. The provider shall maintain a copy of the court judgement recognizing the foreign adoption in the child's record prior to ending post placement supervision with the family.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:1407(D).

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Licensing Section, LR 45:388 (March 2019), effective April 1, 2019.

**§7323. Transitional Placing Program**

A. General Requirements

1. The provider shall have a written program description describing:

- a. the overall philosophy of independent living;
- b. the long-term and short-term goals for youth; and
- c. admission criteria.

2. The child-placing agency shall have a written list of rules to include expected behaviors for youth and documentation that the rules were discussed with and a copy received by youth. Documentation shall include a copy of the rules signed and dated by the youth.

3. The child-placing agency shall advise youth about the youth advisory board within seven calendar days of admission. Documentation shall include signature of staff advising youth and youth's signature and date.

4. A written description of services provided or arranged shall be included in policy noting whether the services are provided by the child-placing agency or arranged with an outside source.

a. Services shall include, but are not limited to the following:

i. assistance with obtaining a high school diploma, preparation for the HSET or higher education, job readiness, job search assistance, job placement, vocational assessment and training, tutoring, career planning;

ii. counseling to promote self-esteem and self confidence;

- iii. transportation to medical appointments, employment, educational facility; and
  - iv. assistance with providing or arranging additional services noted in youth's service or case plan.
5. A written description of training provided to youth shall be included in policy noting whether the training is provided by the child-placing agency or arranged with an outside source.
- a. Training in the following skill areas shall include, but are not limited to:
    - i. basic independent living skills;
    - ii. money management;
    - iii. credit counseling,
    - iv. home management skills (housekeeping, etc.);
    - v. identification of community resources;
    - vi. time management;
    - vii. communication skills;
    - viii. use of transportation;
    - ix. self awareness of physical and mental health needs;
    - x. problem solving/decision making;
    - xi. sex education;
    - xii. menu planning and nutrition;
    - xiii. meal preparation;
    - xiv. substance abuse education;
    - xv. medication management for prescription and non-prescription drugs;
    - xvi. preparation for college entrance exams;
    - xvii. personal hygiene;
    - xviii. childcare;
    - xix. de-escalation techniques used to defuse potentially dangerous situations such as physical/verbal confrontations between youth, provider staff, and peers;
    - xx. development of interpersonal and social skills;
    - xxi. preparation for transition to independence and termination of services;
    - xxii. cooperative living with other housemates or neighbors;
    - xxiii. basic maintenance, simple repairs, and when to call the landlord/provider; and
    - xxiv. basic first aid.

6. Training referenced in §7323.A.5.a. shall commence within seven calendar days from the date of placement. Training shall be continuous and tailored to youth's current level of functioning with additional training introduced as a youth progresses, achieves success in the minimum skills, and articulates a desire to learn more advanced skills. Documentation of training shall include signature of staff, youth, training topics addressed, and date training occurred.

7. Documentation of training shall include signature of staff, youth, training topics addressed, and date training occurred.

8. A written description of training provided to youth transitioning from the program shall be included in policy. Topics shall include, but are not limited to the following:

- a. developing and following a budget;
- b. identifying safe and affordable housing;
- c. negotiating a lease;
- d. understanding the terms of a lease or housing contract;
- e. understanding landlord/tenant rights and responsibilities;
- f. searching for a job; and
- g. retaining a job.

9. Training shall be completed prior to the youth transitioning from the program. Documentation shall include signature of staff and youth, training topics, and date.

B. Reasonable and Prudent Parent Standard—Transitional Placing

1. The provider shall designate in writing at least one staff person per shift as the authorized representative to apply the reasonable and prudent parent standard to decisions involving the participation of youth in foster care in the transitional placing program in age or developmentally appropriate activities. The staff person(s) designated as the authorized representative shall be available to youth at all times. Licensing shall be notified in writing within five calendar days if there is a change in designated representatives.

2. The authorized representative shall utilize the reasonable and prudent parent standard when making decisions involving the participation of youth in age or developmentally appropriate activities.

3. The authorized representative shall receive training or training materials regarding the use of the reasonable and prudent parent standard within three calendar days of being designated as the authorized representative. Documentation of the reasonable and prudent parent training including signature and date of staff shall be maintained. The reasonable and prudent parent training or training materials, as developed or approved by the DCFS, shall include, but are not limited to the following topic areas:

- a. reasonable and prudent parent standard;
- b. age and/or developmentally appropriate activities or items;
- c. role of the provider and of DCFS; and
- d. allowance for normalcy of the youth while respecting the parent's residual rights.

C. Independent Living Unit Requirements—Transitional Placing

1. Only youth in the transitional placing program shall reside in the living unit.

2. Each youth shall have his/her own bed located in a designated bedroom. With the exception of a studio apartment housing one youth, common areas shall not be used as a bedroom; however, if youth chooses to use a common area as a bedroom, documentation shall include a signed and dated statement by youth indicating such. In addition, written annual approval is required by the OSFM allowing a common area to be used as a bedroom.

3. Each youth's mattress shall be at a minimum a standard twin size. The mattress shall be clean, comfortable, and non-toxic. Upon admission each youth should be provided a new mattress or water proof mattress cover.

4. The living unit shall have an operable air conditioning and heating system.



5. The child-placing agency shall provide each youth with a chest, dresser, or other adequate storage space for storing clothing and personal belongings in the youth's bedroom, and a designated space for hanging clothes in or near the youth's bedroom.

6. The child-placing agency shall provide youth certain articles and supplies for furnishing the living unit. The articles and supplies may be new or used; however, they shall be in good condition. The articles and supplies shall include, but are not limited to:

- a. bed linens,
- b. furnished area for dining,
- c. living or sitting room furniture,
- d. lighting in each room,
- e. microwave,
- f. stove,
- g. oven,
- h. refrigerator,
- i. dishes, cups, and glasses,
- j. eating and cooking utensils,
- k. vacuum cleaner, if living unit is carpeted
- l. towels, and
- m. window coverings.

7. Youth shall have 24 hour access to a cellphone or onsite child-placing agency office phone for communicating with emergency dispatch services.

8. At the time of placement, the child-placing agency shall provide youth with basic household and hygiene supplies such as detergent, cleaning supplies, broom, mop, soap, paper towels, toothpaste, shampoo, deodorant, etc. The child-placing agency shall ensure that youth are continually supplied with basic household and hygiene supplies.

9. First aid supplies shall be provided by the child-placing agency and maintained in each transitional placing living unit. Supplies shall include, but not limited to the following:

- a. first aid manual;
- b. sterile first aid dressings;
- c. bandages, adhesive strips (Band-Aids, Curads, etc.) or roller bandages;
- d. adhesive tape;
- e. scissors;
- f. tweezers;
- g. thermometer;
- h. antiseptic solution;
- i. antibiotic cream/ointment; and
- j. over the counter medications including pain reliever/fever reducer and gastrointestinal medication.

#### D. Placement of Youth in Transitional Placing program

1. If referred through an agency, the child-placing agency shall have signed and dated documentation from the referring agency that the youth is appropriate for independent living placement and meets the following criteria prior to placement in the program:

- a. youth has the ability to maintain his own household semi-independently with supports in cleaning, meal preparation, basic household maintenance, and homework completion;
- b. youth has the maturity level appropriate to living semi-independently; and
- c. youth has not been suicidal, been homicidal, or exhibited any psychotic behaviors in the past six months.

4. A signed and dated agreement between the child-placing agency and referring agency shall be maintained in youth's file for all youth under the age of 18 and for those over 18 years of age who are in state's custody.

5. Upon attaining their eighteenth birthday, a youth shall express their willingness to remain in the TP program and intent to abide by CPA policies. A signed and dated agreement attesting to such between the child-placing agency and youth shall be maintained in the youth's file.

6. The provider shall ensure youth who have been committed to the Department of Corrections, Office of Juvenile Justice for the commission of a crime live in separate living units from youth not committed to the Department of Corrections, Office of Juvenile Justice.

E. Service Plan—Transitional Placing

1. The provider shall develop a written service plan based upon the individual needs of the youth within 15 calendar days of placement.

2. Youth shall be involved in the development of the service plan.

3. The service plan shall address the following:

- a. supervision and contact with youth required by the child-placing agency;
- b. housing;
- c. money management;
- d. emergency preparedness and evacuation procedures;
- e. educational goals;
- f. job training goals;
- g. objectives and services for each goal;
- h. person responsible for each action within each goal; and
- i. specific timeframes for achieving each goal.

4. The service plan meeting shall include the youth and legal guardian if youth is under the age of 18 or in custody of the state or the youth and provider if youth is 18 years of age or older. Documentation of the service plan meeting shall include the date, names of individuals invited, and signatures of attendees. If the legal guardian is required to attend and unable, the child-placing agency shall obtain legal guardian's signature or document that the service plan was submitted to the legal guardian within seven calendar days of the meeting.

5. Documentation of compliance with youth's service plan shall be on-site and available for review.

6. Service plan shall be reviewed with the youth on a quarterly basis or more frequently as the youth's needs or circumstances dictate. Documentation of the review shall include the date and signature of the provider and youth.

7. Provider shall prepare a transition plan for youth, prior to a planned discharge from the program to facilitate a successful integration within the community. The plan shall include resources and recommendations and shall be discussed with the youth. Documentation shall include a copy of the plan, signed and dated by provider and youth.

F. Supervision of Youth—Transitional Placing

1. The provider shall have a written plan for overseeing placement to ensure the youth's well-being.
2. Provider staff shall communicate with youth on a daily basis preferably by a telephone call; however, text messaging is acceptable.
3. All contacts with the youth via telephone and in person with the youth shall be documented to include date, time, method of contact, location, brief summary of contact, and signature of staff contacting youth.
4. Provider staff shall be accessible via phone or in person to youth at all times.
5. Within the first 30 calendar days, the provider shall have at least three weekly face-to-face visits with the youth with at least one of the weekly visits occurring in the youth's residence. Thereafter, two face-to-face weekly visits with the youth with at least one of the weekly visits occurring in the youth's residence.
6. If the provider has a reasonable cause to believe that the youth's living situation presents risks to the youth's health or safety, the youth shall be moved immediately to another living unit until the risk is no longer present.
7. Provider shall ensure that the youth's living environment is maintained in a clean and safe manner.
8. Provider shall ensure that the youth are receiving medical care.
9. One to one supervision of youth is allowed in emergency situations only to protect the youth and shall not exceed 48 hours.

G. Money Management—Transitional Placing

1. The provider shall have a policy regarding the management of youth's money.
2. A provider shall only manage money for youth when such management is mandated by the youth's service or case plan.
3. Providers who manage youth's money shall maintain a current balance sheet in the youth's file containing all financial transactions including date of transaction, amount of transaction, and the signature of staff and the youth for every transaction. When requested by youth, a balance sheet shall be provided to youth within 24 hours of the request.

H. Nutrition—Transitional Placing

1. The child-placing agency shall ensure adequate food is available to youth on a daily basis.
2. When food is purchased, provided, or prepared by the child-placing agency, the child-placing agency shall ensure that meals include the basic four food groups and each youth's nutritional needs are met.
3. The child-placing agency shall provide assistance with meal preparation when the youth's work and/or school responsibilities do not allow adequate time for food preparation.
4. When meals are provided by the child-placing agency, written menus shall be maintained for one year.
5. Receipts of food purchased by the provider shall be maintained for one year.

I. Emergency Preparedness—Transitional Placing

1. The provider, in consultation with appropriate state or local authorities, shall establish and follow a written multi-hazard emergency and evacuation plan to protect youth in the event of any emergency.
2. The written plan of emergency procedures shall provide for the evacuation of youth to a safe area.
3. Evacuation plans shall include procedures for addressing both planned and unplanned evacuations to alternate locations within the city and evacuations outside of the city.
4. Within seven calendar days of placement, provider shall instruct youth in how to contact police, fire, and other emergency service personnel, how to prevent fire and accidents, how to respond to fires and other emergencies, and how to use firefighting and other emergency equipment. Documentation shall include a summary of information discussed, youth's signature, and date.
5. The emergency plan shall be reviewed with youth within seven calendar days of placement, any time changes occur, and at least annually. Documentation evidencing that the plan has been reviewed with and agreed upon by youth shall include youth signature and date.
6. Provider shall ensure youth have access to medication and other necessary supplies or equipment during an emergency situation.
7. Provider's plan shall include a system to account for all youth whether sheltering in place, locking down, or evacuating to a pre-determined relocation site.
8. Provider's plan shall include an individualized emergency plan for each youth with special needs which shall include medical information, medical contact information, and additional supplies/equipment needed.
9. Provider's plan shall include emergency contact information for staff accompanying youth in the event evacuation from the child-placing agency is necessary.
10. At a minimum, the plan shall be reviewed annually by the program director for accuracy and updated as changes occur. Documentation of review by the program director shall consist of the program director's signature and date.
11. The emergency and evacuation plan shall be submitted to the Licensing Section at least annually, any time changes are made, and upon request by the licensing section.

J. Restitution—Transitional Placing

1. Monetary restitution for damages shall only occur when there is clear evidence of the youth's responsibility for the damages and the child-placing agency director approves the restitution.
2. The youth and his/her legal guardian(s) shall be notified in writing within 24 hours of the incident which results in the claim for restitution and shall be provided with specific details of the damages, to include how, when, and where the damages occurred, and the amount of damages claimed. If the amount is unknown, an estimate of the damages shall be given with an exact figure provided within 30 days.
3. After notification of the claim for restitution, the youth and his/her legal guardian(s) shall be given seven calendar days to respond in writing to any claim for damages.
4. In the event responsibility for the damages is not agreed upon by the provider and legal guardian, the provider shall not withhold money from the youth's account for restitution.
5. When the youth is required to pay restitution, the payment plan shall be discussed with the youth and signed by the youth, legal guardian, and provider staff.
6. If the provider receives reimbursement for damages either through insurance or other sources, the youth shall not be responsible for restitution.

K. Youth Advisory Board—Transitional Placing

1. The provider shall develop written policies for a Youth Advisory Board. The Youth Advisory Board shall provide feedback to the child-placing agency staff relative to program procedures, practices, and services.

2. Prior to a youth advisory board meeting being convened, provider shall advise youth on how to conduct meetings, set agendas, vote, and suggest ways to provide feedback to provider regarding concerns identified in meetings. Documentation shall include the date youth are advised, individuals in attendance, signature of staff advising youth, and a summary of information provided. If the person designated by the youth advisory board to conduct the advisory board meeting changes, the child-placing agency shall advise the new appointed youth on how to conduct meetings, set agendas, vote, and suggest ways to provide feedback to provider regarding concerns identified in meetings.

3. The Youth Advisory Board shall consist only of youth representatives receiving services from the child-placing agency.

4. All youth receiving services shall be eligible to participate.

5. Provider shall not be present at youth board meetings, unless invited to attend by youth; however, staff shall be available in the event the youth request guidance.

6. The youth advisory board meeting time and date shall be scheduled at least a month in advance to allow participation by interested youth.

7. The Youth Advisory Board shall meet at least monthly. Documentation shall include the date of meeting and minutes of the meeting which includes individuals present, topics discussed, and concerns and suggestions referred to the attention of the child-placing agency.

8. Youth shall designate a representative to report concerns to the child-placing agency following the meeting. Documentation shall include the date concerns were reported to the provider, the name of the staff person to whom the concerns and suggestions were discussed, and the name of youth reporting concerns.

9. The child-placing agency shall maintain documentation noting the date Youth Advisory Board representative reported concerns and suggestions, the issues discussed, and the child-placing agency's response.

10. Provider shall advise the youth advisory board representative of the agency's response in writing within seven calendar days of the initial report.

#### L. Discharge Process—Transitional Placing

1. Provider shall have a written discharge policy detailing the reasons a youth may be discharged from the program.

2. For youth under the age of majority, the provider shall discharge the youth only to the legal guardian or by court order.

3. The discharge summary shall identify specific resources in the community with referrals and recommendations for aftercare services with a cooperating provider, if needed.

4. Provider shall notify the legal guardian at least fourteen calendar days prior to the planned discharge of a youth.

5. A provider shall compile a complete written discharge summary within three calendar days of the youth's discharge. The summary shall be included in the youth's record and when discharged to another provider, this summary shall accompany the youth.

6. The discharge summary shall include:

- a. services provided while in the program;
- b. growth and accomplishments while in the program;

- c. continuing and unmet needs which remain to be met;
- d. identified resources and referrals to assist youth in meeting their needs in the community;
- e. date of entry and exit from the program;
- f. the name and address of the person, persons, or agency to whom the child was discharged;
- g. the reason for discharge;
- h. case plan goals, service plan goals, and other goals achieved while in care;
- i. name and address of any family members or others significant to youth; and
- j. signature and date of child-placing agency staff completing summary.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:1407(D).

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Licensing Section, LR 45:392 (March 2019), effective April 1, 2019, LR 46:686 (May 2020), effective June 1, 2020.