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IDAPA 16
TITLE 06
CHAPTER 02

16.06.02 - RULES GOVERNING STANDARDS FOR CHILD CARE LICENSING

000. LEGAL AUTHORITY.
Pursuant to Sections 39-1111, 39-1209, 39-1210, 39-1211, 39-1213, 56-1003, 56-1004A, and 56-1005(8), Idaho Code, the Idaho Legislature has granted authority to the Department and Board of Health and Welfare to adopt and enforce rules governing standards for licensure or certification of foster homes, children's agencies and children's residential care facilities. (3-30-07)

001. TITLE AND SCOPE.

01. Title. These rules are to be cited in full as the Idaho Department of Health and Welfare Rules, IDAPA 16.06.02, "Rules Governing Standards for Child Care Licensing." (3-30-01)

02. Scope. The rules contained in this Chapter establish standards and procedures for the licensure or certification of foster homes, children's agencies, and children's residential care facilities, including non-accredited residential schools, children's camps providing child care for any one (1) child for more than nine (9) consecutive weeks in any one (1) year period, children's therapeutic outdoor programs, alcohol-drug abuse treatment facilities and facilities specializing in maternity care to minors, day care centers and group day care facilities. Also included are standards and procedures for voluntary compliance for licensing of group day care facilities and family day care homes. (5-3-03)

002. WRITTEN INTERPRETATIONS.
There are no written interpretations of these rules. (3-30-01)

003. ADMINISTRATIVE APPEALS.
Administrative appeals are governed by the provisions of, IDAPA 16.05.03, "Rules Governing Contested Case Proceedings and Declaratory Rulings." (4-11-06)

004. INCORPORATION BY REFERENCE.

01. Idaho Statutes. The following are the Idaho Statutes incorporated by reference in this chapter of rules; (3-30-01)

a. Accreditation of Secondary Schools - Standards for elementary schools, Section 33-119, Idaho Code. (3-30-01)

b. Adoption Statutes. Sections 16-1501 through 16-1512, Idaho Code. (3-30-01)

c. Child Labor Laws. Sections 44-1301 through 44-1308, Idaho Code. (3-30-01)

d. Termination of Parental Rights. Sections 16-2001 through 16-2015, Idaho Code. (3-30-01)

e. Residential Schools. Section 39-1207, Idaho Code. (3-30-01)

02. Uniform Fire Code. The Uniform Fire Code as outlined by Section 41-253, Idaho Code. The addition for the year prior to the issuance of the license will be used. Published by Western Fire Chiefs Association and International Conference of Building Officials. A copy is available at any Idaho State Library. (3-30-07)

03. Uniform Building Code. The Uniform Building Codes as outlined in Section 39-4109, Idaho Code. The addition for the year prior to the issuance of the license will be used. Published by International Conference of Building Officials. A copy is available at any public library in Idaho. (3-30-07)

04. Federal Laws and Regulations. (3-30-07)

a. Immigration and Naturalization Service, Title 8 CFR 204.3.c INA 101.b F1994. (3-30-01)

b. Indian Child Welfare Act, PL 95-608, 25 USC, 1901 - 1963. (3-30-01)

c. Multiethnic Placement Act (MEPA), P.L. 103-382 and P.L. 104-188 (3-30-07)

05. Occupational Safety Health Act (OSHA). A copy of OSHA may be obtained at the Idaho Industrial Commission, 317 Main Street., P.O. Box 83720, Boise, Idaho, 83720-0041. (3-30-01)

06. Crib Safety. Consumer Product Safety Commission, Crib Safety Tips can be found on the Internet at, http://www.cpsc.gov/cpscpub/pubs/cribs.html. (3-30-01)

07. National Research Council. National Research Council, Internet address, www.nas.edu.nrc. National Academy of Sciences, 2101 Constitution Ave., N.W., Washington, DC 20418. (3-30-01)

005. OFFICE HOURS -- MAILING ADDRESS -- STREET ADDRESS -- TELEPHONE -- WEBSITE.

01. Office Hours. Office hours are 8 a.m. to 5 p.m., Mountain Time, Monday through Friday, except holidays designated by the state of Idaho. (4-11-06)

02. Mailing Address. The mailing address for the business office is Idaho Department of Health and Welfare, P.O. Box 83720, Boise, Idaho 83720-0036. (4-11-06)

03. Street Address. The business office of the Idaho Department of Health and Welfare is located at 450 West State Street, Boise, Idaho 83702. (4-11-06)

04. Telephone. The telephone number for the Idaho Department of Health and Welfare is (208) 334-5500. (4-11-06)

05. Internet Website. The Department's internet website is found at http://www.healthandwelfare.idaho.gov. (4-11-06)

006. CONFIDENTIALITY OF RECORDS AND PUBLIC RECORDS REQUESTS.

01. Confidential Records. Any information about an individual covered by these rules and contained in the Department's records must comply with IDAPA 16.05.01, “Use and Disclosure of Department Records.” (4-11-06)

02. Public Records. The Department will comply with Sections 9-337 through 9-350, Idaho Code, when requests for the examination and copying of public records are made. Unless otherwise exempted, all public records in the custody of the Department are subject to disclosure. (4-11-06)

007. POLICY.

It is hereby declared to be the policy of this state to insure that children of this state shall receive adequate substitute parental care in the event of absence, temporary or permanent inability of parents to provide care and protection for their children or the parents are seeking alternative twenty-four (24) hour long-term care for their children. This policy is predicated upon the fact that children are vulnerable, not capable of protecting themselves, and when their parents for any reason have relinquished their care to others, there arises the possibility of certain risks to the children's lives, health and safety which the community as a whole must protect against. This requires the offsetting statutory protection of review and, in certain instances, licensing or registration. (3-30-01)

008. (RESERVED).

009. CRIMINAL HISTORY AND BACKGROUND CHECK REQUIREMENTS.

01. Compliance with Department Criminal History and Background Check. Criminal history and background checks are required for providers who are licensed or certified under these rules. Providers who are

required to have a criminal history check must comply with IDAPA 16.05.06, "Criminal History and Background Checks," with the exception of those individuals described in Subsection 009.04 of these rules. (3-30-07)

02. When Certification or License is Granted. The applicant must have a completed criminal history and background check, including clearance, prior to certification or licensure. Any other adult living in the home must complete a self-declaration form, must be fingerprinted, and must not have any designated crimes listed in IDAPA 16.05.06, "Criminal History and Background Checks." (3-30-07)

03. Applicants and Providers Subject to Criminal History Check Requirements. The following applicants and providers must receive a criminal history and background check: (3-30-07)

a. Adoptive Parents. The criminal history and background check requirements applicable to adoptive parents are found in Subsection 671.02 of these rules. (3-30-07)

b. Child Care Facility Staff. The criminal history and background check requirements applicable to a child care facility are found in Section 109 of these rules. (3-30-07)

c. Children's Agency Facility Staff. The criminal history and background check requirements for a children's agency facility are found in Section 109 of these rules and in Section 39-1210(10), Idaho Code. (3-30-07)

d. Children's Residential Care Facility Staff. The criminal history and background check requirements for a children's residential care facility are found in Section 109 of these rules and in Section 39-1210(10), Idaho Code. (3-30-07)

e. Children's Therapeutic Outdoor Program Staff. The criminal history and background check requirements for a children's therapeutic outdoor program are found in Section 810 of these rules and in Section 39-1208(8), Idaho Code. (3-30-07)

f. Day Care Facility Staff. The criminal history and background check requirements applicable to licensed day care providers are found in Section 109 of these rules and in Section 39-1105, Idaho Code. (3-30-07)

g. Licensed Foster Care Home. The criminal history and background check requirements applicable to licensed foster care are found in Section 404 of these rules and in Section 39-1211(4), Idaho Code. (3-30-07)

04. Exceptions to Criminal History and Background Checks. Criminal history and background checks are optional for certain youth placed in licensed foster homes and licensed residential care facilities.(3-30-07)

a. Youth in foster care who reach the age of eighteen (18) and continue to reside in the same licensed foster home. (3-30-07)

b. Youth in a children's residential care facility who reach the age of eighteen (18) and continue to live in the same licensed residential facility. (3-30-07)

05. Criminal History and Background Check at Any Time. The Department can require a criminal history and background check at any time on any individual who is a permanent resident of a licensed foster home or a licensed residential facility. (3-30-07)

010. DEFINITIONS.
For the purposes of the rules contained in this Chapter, the following terms are used as defined below: (3-30-01)

01. Accredited Residential School. A residential school for any number of children subject to the jurisdiction of the Idaho Department of Education that has been certified as accredited according to the accrediting standards promulgated by the Idaho State Board of Education or a secular or religious accrediting association recognized by the Idaho Department of Education. (3-30-01)

02. Alcohol-Drug Abuse Treatment Facility. A children's residential care facility specializing in providing programs of treatment for children whose primary problem is alcohol or drug abuse. (3-30-01)

03. **Board**. The Idaho State Board of Health and Welfare. (3-30-01)

04. **Child**. An individual less than eighteen (18) years of age, synonymous with juvenile or minor. (3-30-01)

05. **Child Care**. The care, control, supervision or maintenance of children for twenty-four (24) hours a day which is provided as an alternative to parental care. (3-30-01)

06. **Children's Agency**. A person who operates a business for the placement of children in foster homes, children's residential care facilities or for adoption in a permanent home and who does not provide child care as part of that business. A children's agency does not include a licensed attorney or physician assisting or providing natural and adoptive parents with legal services or medical services necessary to initiate and complete adoptive placements. (3-30-01)

07. **Children's Camp**. A program of child care at a location away from the child's home, which is primarily recreational and includes the overnight accommodation of the child and is not intended to provide treatment, therapy or rehabilitation for the child. A children's camp which only provides child care for any one (1) child for less than nine (9) consecutive weeks in any one (1) year period shall be exempt from the licensure and disclosure provisions of this chapter. A children's camp which provides child care for any one (1) child for more than nine (9) consecutive weeks in any one (1) year period shall constitute a children's residential care facility. (3-30-01)

08. **Children's Institution**. A person defined herein, who operates a residential facility for unrelated children, for the purpose of providing child care. Children's institutions include foster homes, children's residential care facilities, maternity homes, or any residential facility providing treatment, therapy or rehabilitation for children, or any children's therapeutic outdoor program. (5-3-03)

09. **Children's Residential Care Facility**. A facility that provides residential child care, excluding foster homes, residential schools, juvenile detention centers and children's camps that: (3-30-01)

a. Seeks, receives or enrolls children for treatment of special needs such as substance abuse, mental illness, emotional disturbance, developmental disability, mental retardation, or children who have been identified by the judicial system as requiring treatment, therapy, rehabilitation or supervision; (3-30-01)

b. Receives payment, including payment from health insurance carriers, for identified treatment needs such as substance abuse, mental illness, emotional disturbance, developmental disability or mental retardation; or (3-30-01)

c. Represents to the payor of the child care services provided by the children's facility that such payment may qualify for health insurance reimbursement by the payor's carrier or may qualify for tax benefits relating to medical services; and (5-3-03)

d. May include a children's therapeutic outdoor program whether or not that program operates out of a standard facility. (5-3-03)

10. **Children's Therapeutic Outdoor Program**. A program which is designed to provide behavioral, substance abuse, or mental health services to minors in an outdoor setting and serves either adjudicated or non-adjudicated youth. Children's Therapeutic Outdoor programs do not include outdoor programs for minors that are primarily designed to be educational or recreational that may include Boy Scouts, Girl Scouts, 4-H and other youth organizations. (5-3-03)

11. **Continued Care**. The ongoing placement of an individual in a foster home, children's residential care facility, or transitional living placement who reaches the age of eighteen (18) years but is less than twenty-one (21) years of age. (3-30-01)

12. **Contraband**. Goods or merchandise, the possession of which is prohibited, such as weapons and drugs. (3-30-01)

13. **Day Care**. The care and supervision provided for compensation during part of a twenty-four (24) hour day, for a child or children not related by blood or marriage to the person or persons providing the care, in a place other than the child's or children's own home or homes. (3-30-01)

14. **Day Care Center**. A place or facility providing day care for compensation for thirteen (13) or more children. (3-30-01)

15. **Department**. The Idaho Department of Health and Welfare. (3-30-01)

16. **Direct Care Staff**. An employee who has direct personal interaction with children in the provision of child care and is included as staff in meeting the minimum staff-child ratio requirements. (3-30-01)

17. **Director**. Director of the Idaho Department of Health and Welfare or designee. (3-30-01)

18. **Family Day Care Home**. A home, place, or facility providing day care for six (6) or fewer children during part of a twenty-four (24) hour day. (3-30-01)

19. **Foster Care**. The twenty-four (24) hour substitute care of children, by persons who may or may not be related to a child, in lieu of parental care in a foster home. (3-30-01)

20. **Foster Home**. The private home of an individual or family licensed or approved as meeting the standards for foster care and providing twenty-four (24) hour substitute care to six (6) or fewer children. (3-30-01)

21. **Foster Parent**. A person or persons residing in a private home under their direct control to whom a foster care license or certification has been issued. (3-30-01)

22. **Group Day Care Facility**. A home, place, or facility providing day care for seven (7) to twelve (12) children. (3-30-01)

23. **Inter-Country Adoption**. The placement of a child from one (1) country to another for the purpose of adoption. (3-30-01)

24. **Mechanical Restraint**. Devices used to control the range and motion of an individual, including handcuffs, restraint boards, restraint chairs, and restraint jackets. (3-30-01)

25. **Medical Professionals**. Persons who have received a degree in nursing or medicine and registered nurse, nurse practitioner, physician's assistant and medical doctor. (3-30-01)

26. **Member of the Household**. Any person, other than a foster child, who resides in, or on the property of, a foster home. (3-30-01)

27. **Nonaccredited Residential School**. A residential school for any number of children that is not certified or accredited pursuant to Section 39-1207, Idaho Code, or has lost accreditation and is subject to the jurisdiction of the Department as a children's residential care facility pursuant to Section 39-1210, Idaho Code, unless and until accreditation is certified by the Idaho Department of Education. (3-30-01)

28. **Non-Compliance**. Violation of, or inability to meet the requirements of, the act or a rule promulgated under the act, or terms of licensure. (3-30-01)

29. **Organization**. A children's agency or a children's residential care facility. (3-30-01)

30. **Person**. Any individual, group of individuals, associations, partnerships or corporations. (3-30-01)

31. **Physical Intervention**. Physical restraint utilized to control the range and motion of an individual. (3-30-01)

32. **Placement**. The activities and arrangements related to finding a suitable licensed home or facility in which a child will reside for purposes of care, treatment, adoption, or other services. (3-30-01)

33. **Plan of Correction**. The detailed procedures and activities developed between the licensing authority and caregiver required to bring a foster family, facility, or children's agency into conformity with these licensing rules. (3-30-01)

34. **Relative**. Individuals related to a child by blood, marriage or adoption. (3-30-01)

35. **Representative**. An employee of the Department of Health and Welfare. (3-30-01)

36. **Residential School**. A residential facility for any number of children which: (3-30-01)

a. Provides a planned, scheduled, regular, academic or vocational program for students in the elementary, middle or secondary grades as defined in Section 33-1001, Idaho Code; and (3-30-01)

b. Provides services substantially comparable to those provided in nonresidential public schools where the primary purpose is the education and academic pursuits of the students; and (3-30-01)

c. Does not seek, receive or enroll students for treatment of such special needs as substance abuse, mental illness, emotional disturbance, developmental disability or mental retardation; and (3-30-01)

d. Does not receive payment, including payment from health insurance carriers, for identified treatment needs such as substance abuse, mental illness, emotional disturbance, developmental disability, or mental retardation; and (3-30-01)

e. Does not represent to the payor of child care services provided that such payment may qualify for health insurance reimbursement by the payor's carrier or may qualify for tax benefits relating to medical services. (3-30-01)

37. **Restraint**. Interventions to control the range and motion of a child. (3-30-01)

38. **Seclusion**. A room within a facility designed to temporarily isolate an individual in order to gain emotional or physical control by means of structure and minimal stimulation. (3-30-01)

39. **Secure**. A physically restrictive setting, as in a locked or guarded residential facility. (3-30-01)

40. **Security Risk**. An individual who presents the possibility by actions, behavior or emotional reaction that may result in harm to self or others, or escape from physical control. (3-30-01)

41. **Shelter Care**. The temporary or emergency out-of-home care of children in a foster home or residential facility. (3-30-01)

42. **Soft Restraints**. Mechanical restraints made of leather, cloth or other combinations of fibers, utilized to control the range of motion of an individual. (3-30-01)

43. **Time-Out**. Separation of a child from group activity as a means of behavior management. (3-30-01)

44. **Training**. The preparation, instruction and education related to child care that increases the knowledge, skill and abilities of a foster parent, agency and residential care facility staff or volunteers. (3-30-01)

45. **Transitional Living**. Living arrangements and aftercare services for children, or as continued care, to gain experience living on their own in a supportive and supervised environment prior to emancipation. (3-30-01)

46. **Variance**. The means of complying with the intent and purpose of a child care licensing rule in a manner other than that specifically prescribed in the rule. (3-30-01)

47. **Waiver**. The non-application of a child care licensing rule, except those related to safety, extended to a relative foster home which serves to promote child health, well-being, and permanence while not compromising safety. (3-30-01)

011. -- 099. (RESERVED).

LICENSING AND CERTIFICATION

(Sections 100 Through 299)

100. LICENSING AND CERTIFICATION.

The purpose of licensing and certification is to ensure insofar as possible that persons providing substitute parental care to children are physically and emotionally suited to do so, that the care given protects the health, safety and well-being of the children and that the physical surroundings present no hazards to the proper care of children. (3-30-01)

01. **Local Option**. If a city or county is enforcing day care center standards which are at least as stringent as those contained in Section 300 through Subsection 300.13, then the provisions of Sections 39-1101 through 39-1117, Idaho Code, shall not apply. (3-30-01)

02. **Exemptions From Licensing**. Pursuant to Sections 39-1103 and 39-1211, Idaho Code, the occasional or irregular care of a neighbor's, relative's, or friend's child or children by a person not ordinarily engaged in child care is exempt from licensure requirements for day care and foster homes. Foster homes which have been certified by a licensed children's agency are exempt from licensure requirements, provided the standards for approval by such agency are no less restrictive than the rules and standards established by the Board and that such agency is maintained and operated in conformity with the rules and standards of the Board pursuant to Section 39-1213(b), Idaho Code. (3-30-01)

03. **Responsibilities of the Foster Parent or Operator**. A foster parent or operator must conform to the terms of the license or certification. In addition: (3-30-01)

a. The foster parent or operator is responsible for knowing the standards and rules applying to the type of foster home, children's residential care facility or children's agency covered by the license or certification, and for conforming to them at all times; and (3-30-01)

b. The operators of child care facilities and agencies are responsible for ensuring that all staff members are familiar with the applicable rules governing the children's residential care facility or children's agency; and (3-30-01)

c. The foster parent or operator must immediately return his license or certification to the Department under any of the following circumstances: (3-30-01)

i. Changes of management or address; or (3-30-01)

ii. Upon suspension or revocation of the license or certification by the Department; or (3-30-01)

iii. Upon voluntary discontinuation of service. (3-30-01)

101. APPLICATIONS FOR LICENSE OR CERTIFICATION.

Applications for a license or certification are to be submitted and action is to be initiated on all applications within thirty (30) days after receipt, that addresses each requirement for the particular type of home, facility or agency. Licensing and certification studies shall follow the format of these rules and shall contain a specific recommendation regarding the terms of the license or certification. All foster homes, children's agencies and children's residential care facilities shall also comply with applicable city and county ordinances. A copy of these rules are available from the Office of Administrative Rules, 650 W. State Street, Boise ID 83720, or on the state website, http://www.idaho.gov. (3-30-01)

01. Sanitation Inspection. The applicant shall request a sanitation inspection and written report from the District Health Department. (3-30-01)

02. Fire Inspection. The applicant shall request a fire safety inspection and written report from the office of the State Fire Marshall. (3-30-01)

03. Corrective Action and Fees. The applicant shall correct all deficiencies noted in the sanitation and fire reports, in order to provide documentation that the applicant has passed the inspections, and is responsible to pay any fees charged. (3-30-01)

102. DISPOSITION OF APPLICATIONS.
Upon receipt of the application and study, the licensing agency will review the materials for conformity with these rules. (3-30-01)

01. Approval of Application. A license or certification shall be issued to any foster home, children's residential facility or children's agency found to be in conformity with these rules governing the home or facility. The license or certification shall be issued according to the terms specified in the licensing or certification study and will be mailed to the applicant. (3-30-01)

a. Regular License. A regular license or certification will be issued to any day care or group day care, foster home, children's residential care facility or children's agency found to be in conformity with these rules governing the facility in accordance with this Chapter and will specify the terms of licensure or certification, such as: (3-30-01)

i. Full time or day care; (3-30-01)

ii. The number of children who may receive care at any one (1) time; and (3-30-01)

iii. Age range and gender, if there are conditions in the foster home or children's residential care facility making such limitations necessary; (3-30-01)

iv. The regular license or certification for foster homes, children's agencies and twenty-four (24) hour a day child care residential facilities will be in effect for one (1) year from the date of issuance unless suspended or revoked; (3-30-01)

v. A regular license or certification for day care and group day care shall be in effect for two (2) years from the date of issuance unless suspended or revoked; and (3-30-01)

vi. If the license for a foster home is for a specific child only, the name of that child will be shown on the foster home license. (3-30-01)

b. Waiver. A regular license or certification may be issued to the foster home of a relative who has received a waiver of a licensing rule(s) provided: (3-30-01)

i. The waiver is considered on an individual case basis; (3-30-01)

ii. The waiver is approved only for a non-safety foster care rule(s); (3-30-01)

iii. All other licensing or certification requirements have been met; (3-30-01)

iv. The approval of a waiver of any foster home rule(s) requires the licensing agency to document a description of the reasons for issuing a waiver, the rule(s) being waived, and assurance that the waiver will not compromise the child's safety; and (3-30-01)

v. The approved waiver shall be reviewed for continued need and approval at regular intervals not to exceed six (6) months. (3-30-01)

c. Variance. A regular license or certification will be issued to a foster home, children's residential care facility or children's agency approved for a variance of a licensing rule(s) provided: (3-30-01)

i. The variance is considered on an individual case basis; (3-30-01)

ii. The variance is approved for a non-safety licensing rule(s); (3-30-01)

iii. The approval of a variance shall have no adverse effect on the health, safety, and well-being of any child in care at the foster home or facility; (3-30-01)

iv. The approval of a variance is documented by the licensing agency and includes a description of the reasons for issuing a variance and assurance(s) that the variance will not compromise any child's health, safety, and well-being; and (3-30-01)

v. The approved variance shall be reviewed for continued need and approval at regular intervals not to exceed six (6) months. (3-30-01)

d. Provisional License or Certification. A provisional license or certification may be issued when a licensing standard cannot be met but can be expected to be corrected within six (6) months, provided this does not affect the health, safety and well-being of any child in care at the home or facility. (3-30-01)

i. A provisional license or certification will be in effect for not more than six (6) months. (3-30-01)

ii. Only one (1) provisional license or certification will be issued to a foster home or children's residential care facility in any twelve (12) month period of time pursuant to Section 39-1216, Idaho Code, and for day care facilities defined in Section 39-1102, Idaho Code. (3-30-01)

e. Limited License. A limited license for a foster home may be issued for the care of a specific child in a home which may not meet the requirements for a license, provided that: (3-30-01)

i. The child is already in the home and has formed strong emotional ties with the foster parents; and (3-30-01)

ii. It can be shown that the child's continued placement in the home would be more conducive to their welfare than would removal to another home. (3-30-01)

02. Denial of Application. In the event that an application is denied, a signed letter shall be sent directly to the applicant by registered or certified mail, advising the applicant of the denial and stating the basis for such denial. (3-30-01)

103. RESTRICTIONS ON APPLICABILITY.
A child care license or certification applies only to the foster home, child care facility, children’s residential care facility, children’s agency, or person and premises designated. A license issued in the name of a foster parent, child care facility or children’s agency applies only to the services specified in the license or certification. Any change in management or address renders the license or certification null and void, and the foster parent or operator must immediately return the license or certification to the licensing agency. (3-30-01)

104. MANDATORY VISITATIONS.
In accordance with Section 39-1217, Idaho Code, the Department or other licensing authority must visit, and must be given access to, the premises of each licensed foster home, licensed children's agency, licensed children’s therapeutic outdoor program, and licensed children's residential care facility as often as deemed necessary or desirable by the Department to assure conformity with the requirements in this chapter of rules but, in any event, at intervals not to exceed twelve (12) months. (4-11-06)

105. REVISIT, RELICENSE AND RECERTIFICATION.
Revisit, re-license, and re-certification studies shall document how the foster home, children's residential care facility

or children's agency continues to meet the standards for licensing. Consideration must be given to each point of the standards, including a review of the previous study and original application to determine what changes have occurred. An application for renewal of a license or certification must be made by the operator on the form furnished by the Department, and filled out prior to the expiration date of the license or certification currently in force. When such application for renewal has been made in the proper manner and form, the existing license or certification will, unless officially revoked, remain in force until the Department has acted on the application for renewal. (3-30-01)

106. COMPLAINTS AGAINST FOSTER HOMES, CHILDREN'S RESIDENTIAL CARE FACILITIES AND CHILDREN'S AGENCIES.
The Department shall investigate complaints regarding foster homes, children's residential care facilities or children's agencies. The investigation may include further contact with the complainant, scheduled or unannounced visits to the children's residential care facility, foster home, or children's agency, collateral contacts including interviews with the victim, parents or guardian, children's residential care facility or children's agency administrator, staff, consultants, children in care, other persons who may have knowledge of the complaint, and inspections by fire or health officials. If an initial preliminary investigation indicates that a more complete investigation must be made, the foster parent(s), operator, children's residential care facility or children's agency shall be informed of the investigation, and any action to be taken, including referral for civil or criminal action. (3-30-01)

107. SUSPENSION FOR CIRCUMSTANCES BEYOND CONTROL OF FOSTER PARENT OR OPERATOR.
When circumstances occur over which the foster parent or operator has no control including, but not limited to, illness, epidemics, fire, flood, or contamination, which temporarily place the operation of the foster home, child care facility, children's residential care facility or children's agency out of conformity with Idaho law or with these rules, the license or certification must be suspended until the nonconformity is remedied. (3-30-01)

108. SUSPENSION OR REVOCATION FOR INFRACTIONS.
A license or certification may be suspended for infractions of these rules. Such suspension shall lead to revocation if the foster parent or operator fails to satisfy the Director that the infractions have been corrected sufficiently to assure conformity with the rules. (3-30-01)

109. NON-RENEWAL, DENIAL, REVOCATION, OR SUSPENSION OF LICENSE OR CERTIFICATION.
If, upon investigation, it is found that an applicant, foster parent, or operator has failed or refused to comply with any of the provisions of the Basic Day Care License Law, Sections 39-1101 through 39-1117, Idaho Code, or the Child Care Licensing Reform Act, Sections 39-1208 through 39-1224, Idaho Code, or with these rules, or with any provision of the license or certification, the Director may deny, suspend, revoke, or not renew a license or certification. The Department may also deny, suspend, revoke, or not renew a license or certification for any day care facility, child care facility, children's residential care facility, children's agency, or foster home if: (3-30-01)

01. Criminal Record. Anyone providing direct care or working onsite under these rules, shall participate in a Criminal History Check as set forth in IDAPA 16.05.06, “Criminal History and Background Checks.” (3-30-01)

02. Other Misconduct. The applicant, foster parent, or the person proposed as chief executive officer except for day care facilities: (3-30-01)

a. Fails to furnish any data, statistics, records or information requested by the Department without good cause or provides false information; (3-30-01)

b. Has been found guilty of or is under investigation for fraud, deceit, misrepresentation or dishonesty associated with the operation of a children's residential care facility or children's agency; (3-30-01)

c. Has been found guilty of or is under investigation for the commission of any felony; (3-30-01)

d. Has failed to exercise fiscal accountability toward a client or the Department regarding payment for services; or (3-30-01)

e. Has knowingly permitted, aided or abetted the commission of any illegal act on the premises of the children's residential care facility or children's agency. (3-30-01)

110. -- 299. (RESERVED).

STANDARDS FOR DAY CARE

(Sections 300 Through 399)

300. STANDARDS FOR DAY CARE.

01. Purpose. The stated legislative purpose of Sections 39-1101 through 39-1117, Idaho Code, is to provide for minimum statewide day care licensing for children less than twelve (12) years of age. Persons with certain criminal backgrounds are prohibited from working in day care centers. Responsibilities for regulatory authority are divided between the Board, the state fire marshal, and the public health districts. As stated in Section 39-1101, Idaho Code: "It is declared to be the policy of the state to establish a minimum statewide system for the protection of children in day care centers. This system is intended to establish minimum standards, while still leaving primary responsibility for evaluation and selection of day care services with parents. The minimum standards established by this chapter are not to be construed as preempting more stringent regulation by county or city ordinance." (4-9-09)

02. Fee Charged. Fees are charged at the time of initial application for a basic day care license or certification. The fees will be used to cover the expenses for fire inspections, health inspections and criminal history and background checks. The initial inspection fees are non-refundable. Basic day care licenses and certifications are valid for a period of two (2) years. (4-9-09)

a. Fees will also be charged at the time of application for renewal of a license or certification. An application for renewal must be filed every two (2) years prior to the expiration of a current basic day care license or certification in order for the current license or certification to remain valid, pending the completion of the appropriate inspections. Application and inspection fees for renewal are non-refundable. (4-9-09)

b. Fees for initial inspection and renewal of basic day care licenses and certifications must be paid directly to the inspecting fire and health agencies. The criminal history check fees and application fee for renewal must be paid directly to the Department. (4-9-09)

c. The applicable license fee payable to the Department upon initial application or a renewal will be reduced for any day care facility which provides evidence that at least fifty percent (50%) of its staff is certified in infant/child first aid and cardiopulmonary resuscitation. (4-9-09)

i. To receive such refund of monies paid to the Department for licensure or renewal, the applicant or owner/operator of such day care facility must submit to the Department day care licensing unit, at any time during the period of a valid license or certificate for day care, written documentation of the number of staff in the day care facility and that at least fifty percent (50%) of that staff is certified in infant/child first aid and cardiopulmonary resuscitation. (4-9-09)

ii. Upon receipt of valid documentation that fifty percent (50%) of the staff of that day care facility is so certified, a payment equal to twenty-five percent (25%) of the licensing fee paid will be made to the applicant or owner/operator of such licensed day care facility. (4-9-09)

03. Initial Application Fees for Basic Day Care License. All unlicensed and previously licensed day care centers caring for thirteen (13) or more children are required to submit an initial application for a basic day care license. The maximum fees for both unlicensed and previously licensed centers cannot exceed one hundred dollars ($100) for a state license. (4-9-09)

a. The following fees will be included with the initial application for a basic day care license: (3-30-01)

i. Health Inspection - thirty-five dollars ($35) payable to the Health District; (3-30-01)

ii. Fire Inspection - up to twenty dollars ($20) payable to fire inspector or fire inspection agency; and (3-30-01)

iii. Criminal History Check - forty-five dollars ($45) for the criminal history check will be charged for each licensing applicant and is separate from the application fees for health and fire inspections. The fees for criminal history checks are the responsibility of the individual or day care center with which they are associated. (4-9-09)

b. Posting of license in a conspicuous place at the day care center is required. (3-30-01)

c. The Department obtains a criminal history check on only those applicants, owners, operators, employees or volunteers who have direct contact with the children in care and on all other individuals twelve (12) years of age or older who have unsupervised direct contact with children in care. "Volunteers" when used in this chapter means only those persons who have direct unsupervised contact with children in care for more than twelve (12) hours in any one (1) month. (4-9-09)

04. Application Fees for Renewal of Basic Day Care License. A basic day care license must be renewed every two (2) years. The application fee for renewal of a license cannot exceed sixty dollars ($60). The following fees will be included with an application for renewal of a basic day care license: (4-9-09)

a. Department - ten dollars ($10) payable to the Department; (3-30-01)

b. Health Inspection - thirty dollars ($30) payable to the Health District; and (3-30-01)

c. Fire Inspection - up to twenty dollars ($20) payable to fire inspector or fire inspection agency. (3-30-01)

d. It will be the responsibility of the applicant, owner, or operator of a day care center to ensure that a criminal history check is initiated within ten (10) days for staff having direct contact with children to include employees and volunteers and all other individuals twelve (12) years of age or older who have unsupervised direct contact with children in care. (3-30-01)

05. Initial Application Fees for Certification. All unlicensed and previously licensed group day care facilities caring for seven (7) to twelve (12) children are not required to be licensed but must be certified by obtaining a fire inspection and criminal history check for applicant and staff. (4-9-09)

a. The following fees shall be included with the initial application for a state certification: (3-30-01)

i. Fire Inspection - up to twenty dollars ($20) payable to fire inspector or fire inspection agency; (3-30-01)

ii. Criminal History Check - fifty-five dollars ($55) will be charged for each certification applicant, owner, operator, employee or volunteer at the group day care facility requiring a criminal history check and is separate from the application fee for a fire inspection and is the responsibility of the individual or group day care facility. (4-9-09)

b. The fire inspection certification and verification of the required criminal history check must be available for inspection on the premises. (4-9-09)

c. The Department obtains a criminal history check on only those applicants, owners, operators, employees, or volunteers and all other individuals twelve (12) years of age or older who have unsupervised direct contact with children in care. (4-9-09)

06. Application Fee for Renewal of Certification. A certification must be renewed every two (2) years. The application fee for renewal of a certification will not exceed thirty dollars ($30). The following fees will be

included with the application for renewal of certification: (4-9-09)

a. Department - ten dollars ($10) payable to the Department; and (3-30-01)

b. Fire Inspection - up to twenty dollars ($20) payable to fire inspector or fire inspection agency. (3-30-01)

c. It will be the responsibility of the applicant, owner or operator of a group day care facility to ensure that any employees and volunteers having direct contact with children have, upon employment or assignment, a criminal history check initiated within ten (10) days for staff. (3-30-01)

07. Voluntary Compliance by Group Day Care Facilities for Basic Day Care License. A group day care facility may elect voluntarily to secure a basic day care license and must meet the same requirements as for day care centers. Group day care facilities wishing to apply for a basic day care license must comply in all cases with the requirements of a fire inspection, health inspection and criminal history check. Group day care facilities electing to secure a basic day care license will be charged the same fees as for day care centers. (4-9-09)

08. Family Day Care Homes. Family day care homes caring for six (6) or fewer children are not required to have a basic day care license or certification. A family day care home may, however, elect voluntarily to secure a basic day care license and must meet the same requirements as for day care centers. Family day care homes wishing to apply for a basic day care license must comply with the requirements of a fire inspection, health inspection and criminal history check, when required. Family day care homes electing to secure a basic day care license will be charged the same fees as for day care centers. (4-9-09)

09. Procedure for Criminal History Checks. The Department is hereby authorized to obtain and submit criminal history checks with fingerprints on applicants, owners, operators, employees and volunteers of day care centers, group day care facilities and family day care homes, when the home wishes to voluntarily comply with the requirements for a basic day care license. The criminal history check is conducted under Sections 39-1113 and 56-1004A, Idaho Code, and IDAPA 16.05.06, "Criminal History and Background Checks." Criminal history checks are required on employees, volunteers, and all other individuals twelve (12) years of age or older who have unsupervised direct contact with children in care. Basic day care licenses, certifications and/or day care provider permits will be used as a means of verifying that no record has been found under Sections 39-1113 and 39-1115(3), Idaho Code, on licensing and certification applicants, owners, operators, employees and volunteers requiring criminal history checks. (4-9-09)

10. Temporary Basic Day Care Licenses, Certifications, and Day Care Provider Permits. (3-30-01)

a. The Department may issue temporary basic day care license, temporary certifications and temporary day care provider permits to licensing or certification applicants pending the completion of the necessary day care inspections or criminal history checks. The Department may also issue temporary day care provider permits to day care providers who are owners, operators, employees and volunteers pending the completion of the criminal history check. All temporary basic day care licenses, temporary certifications and temporary day care provider permits will be issued under the following conditions: (4-9-09)

i. Issued for a period not to exceed one hundred twenty (120) days, unless otherwise extended by the Department. (4-9-09)

ii. Applicants, owners, operators, employees and volunteers requiring a criminal history check properly completing and signing a notarized self-declaration certifying that they have never been found guilty of or received a withheld judgement for any of the crimes enumerated in Sections 39-1113 and 39-1115(3), Idaho Code, pending the completion of the criminal history check. (3-30-01)

iii. All temporary basic day care licenses and certifications are conditional upon satisfactory day care facility inspections and applicants' satisfactory criminal history checks. (3-30-01)

iv. All temporary day care provider permits are conditional upon satisfactory criminal history checks.

(3-30-01)

b. If a criminal history check on an applicant for licensing or certification or a currently licensed or certified day care facility discloses an owner, operator, employee or volunteer with a guilty conviction or a withheld judgement under Sections 39-1113 and 39-1115(3), Idaho Code, the individual must be suspended immediately from continued employment or volunteering. The day care facility and individual will be in violation of these rules and subject to a misdemeanor if the individual is retained after receiving notice by certified mail from the Department that the individual has been found guilty of or received a withheld judgement for an offense under Sections 39- 1113 and 39-1115(3), Idaho Code. (4-9-09)

11. Responsibilities of Applicants, Owners or Operators. It is the responsibility of the applicant, owner or operator of a day care facility to maintain a personnel record on each employee and volunteer at the day care facility having direct contact with children. The personnel record must include date of initial employment or assignment, date of termination or extended leave from employment or assignment, a copy of the day care provider permit and any other information which may be necessary to establish day care facility and personnel compliance with Section 39-1105, Idaho Code. It is the responsibility of the applicant, owner or operator of a day care facility to ensure new employees and volunteers having direct contact with children, and all other individuals twelve (12) years of age or older who have unsupervised direct contact with children, submit to the Department within ten (10) days from the date of initial employment or assigned self-declaration certifying they have not been found guilty of or received a withheld judgement for the crimes under Section 39-1115(3), Idaho Code. Two (2) fingerprint cards (FD-258) with fingerprints for personnel requiring criminal history checks must also be completed within ten (10) days from the date of initial employment or assignment. (4-9-09)

12. Immunizations Required. Under Section 39-1118, Idaho Code, the immunizations required and the manner and frequency of their administration are provided in IDAPA 16.02.11, "Immunization Requirements for Children Attending Licensed Day Care Facilities in Idaho." (4-9-09)

13. Employee Training. The owner operator of a day care center must ensure through documentation that each employee receives four (4) hours of ongoing training every twelve (12) months after the employee's hire date. (4-9-09)

14. Preemption. These rules do not preempt more stringent local regulation or requirements. (3-30-01)

301. -- 399. (RESERVED).

STANDARDS FOR FOSTER HOMES

(Sections 400 Through 499)

400. STANDARDS FOR FOSTER HOMES.

The standards for licensing foster homes are intended to insure that children of the state who must live away from their parents shall receive adequate substitute parental care to address their need for safety, health, and well being, that the persons providing this care are capable and suitable to meet the protection needs of children living in foster homes, and the physical environment in which these children reside is a safe setting. (3-30-01)

401. LICENSING PROVISIONS RELATED TO THE INDIAN CHILD WELFARE ACT.

These rules do not supercede the licensing authority of Indian tribes pursuant to the Indian Child Welfare Act. (3-30-01)

402. FOSTER PARENT QUALIFICATIONS AND SUITABILITY.

Foster parents must be physically and emotionally suited to care for children and to deal with the problems presented by children placed away from their own parents, family and homes. An applicant for licensure as a foster parent shall meet all of the following qualifications: (3-30-01)

01. Minimum Age. Be twenty-one (21) years of age or older. (3-30-01)

02. **Character**. Be of good character. (3-30-01)

03. **Personal Attributes and Experiences**. Have the maturity, interpersonal qualities, temperament and life experiences that prepare the foster parent to provide foster care. (3-30-01)

04. **Availability for Child Placement**. Express a willingness to provide care for the kind of children the children's agency has available for placement. (3-30-01)

05. **Knowledge and Skill**. Demonstrate an understanding of the care that must be provided to the children served by the children's agency or express a willingness to learn how to provide that care. (3-30-01)

06. **Child Care and Supervision**. Have adequate time to provide care and supervision for children. (3-30-01)

07. **Income and Resources**. Have a defined and sufficient source of income and be capable of managing that income to meet the needs of the foster family without relying on the payment made for the care of a foster child. (3-30-01)

08. **Health**. Have the physical, mental, and emotional health to assure appropriate care of children. (3-30-01)

09. **Harmonious Home Life**. Establish and maintain a harmonious home life to give children the emotional stability they need. No marital or personal problems shall exist within the family that would result in undue emotional strain in the home or be harmful to the interest of children placed in the home. (3-30-01)

10. **Acceptance of Foster Children**. Express a willingness and demonstrate the ability to accept a child into the home as a member of the family. (3-30-01)

11. **Family Supports**. Express a willingness, and demonstrate the ability, to work with a foster child's legal family, future family, or Indian tribe. (3-30-01)

12. **Compliance with Licensing Rules**. Demonstrate a willingness and ability to comply with the licensing rules for foster homes. (3-30-01)

403. MEMBER OF HOUSEHOLD QUALIFICATIONS AND SUITABILITY.
To assure the safety and well-being of children, a member of the household shall be in compliance with the requirements specified in these rules. (3-30-01)

404. CRIMINAL HISTORY AND BACKGROUND CHECKS FOR FOSTER CARE LICENSE.
All applicants for a foster care license and other adult members of the household must comply with the provisions in IDAPA 16.05.06, “Criminal History and Background Checks,” and the following requirements: (3-30-07)

01. **Required Procedures**. Each applicant for a foster home license, and any other adult member of the household, must participate in a criminal history and background check as required by Section 39-1211(4), Idaho Code. (3-30-07)

02. **Change in Household Membership**. By the next working day after another adult begins residing in a licensed foster home, a foster parent must notify the children's agency of the change in household membership and assure that the new adult member of the household will participate in a criminal history and background check as required by Section 39-1211(4), Idaho Code. (3-30-07)

03. **Foster Parent’s Child Turns Eighteen**. A foster parent’s child who turns eighteen (18) and continues to live in the home is not required to have a criminal history and background check. (3-30-07)

a. If the adult child moves out of the foster parent’s home for longer than ninety (90) days and returns to live in the licensed foster home as a permanent resident, he must complete a criminal history and background check within fifteen (15) days of his return. (3-30-07)

b. If the adult child leaves the foster home for the purpose of higher education or military service, and returns for less than ninety (90) days, he is not considered to reside in the licensed foster home and is not required to complete a criminal history and background check. He cannot have any unsupervised direct care responsibilities for any foster children in the home. Should he remain in the foster home for ninety (90) days or longer, he must complete a criminal history and background check within fifteen (15) days. (3-30-07)

c. If the adult child continues to live in his parent's licensed foster home or on the same property, he must complete a criminal history and background check within fifteen (15) days of turning twenty-one (21), This requirement is not necessary if the adult child has completed a criminal history and background check between the ages of eighteen (18) and twenty-one (21). (3-30-07)

04. Criminal History and Background Check at Any Time. The Department retains the authority to require a criminal history and background check at any time on individuals who are permanent residents of a licensed foster home. (3-30-07)

405. INITIAL EVALUATION.
An applicant shall participate in the process and tasks to complete an initial evaluation for foster care licensure. (3-30-01)

01. Applicant Participation. The applicant shall do all of the following: (3-30-01)

a. Cooperate with and allow the children's agency to determine compliance with these rules to conduct an initial foster home study; (3-30-01)

b. Inform the children's agency if the applicant is currently licensed or has been previously licensed as a foster parent or the applicant has been involved in the care and supervision of children or adults; (3-30-01)

c. Provide a medical statement for each applicant, signed by a qualified medical professional, within the twelve (12) month period prior to initial licensure for family foster care, indicating the applicant is in such physical and mental health so as to not adversely affect either the health or quality of care for children placed in the home; (3-30-01)

d. Provide the name of, and a signed release to obtain the following information about, each member of the household: (3-30-01)

i. Admission to or release from a facility, hospital, or institution for the treatment of an emotional, mental, or substance abuse issue; (3-30-01)

ii. Outpatient counseling, treatment, or therapy for an emotional, mental, or substance abuse issue; and (3-30-01)

e. Provide three (3) satisfactory references, one (1) of which may be from a person related to the applicant(s). An applicant shall provide additional references upon the request of the children's agency. (3-30-01)

02. Members of the Household Physical and Mental Health. All members of the household shall be in such physical and mental health that the health, safety, or well-being of a foster child will not be adversely affected. A report of the member of the household's physical and mental health status may be required from a qualified medical professional if this appears advisable to the children's agency. (3-30-01)

03. Disclosure of Information. An applicant shall provide the children's agency with the following information and any other information the children's agency deems necessary to complete the initial family home study: (3-30-01)

a. The names, including maiden or other names used, and ages of the applicant(s); (3-30-01)

b. Social security number; (3-30-01)

c. Education; (3-30-01)

d. Verification of marriages and divorces; (3-30-01)

e. Religious and cultural practices of the applicant including their willingness and ability to accommodate or provide care to a foster child of a different race, religion, or culture; (3-30-01)

f. A statement of income and financial resources and the family's management of these resources; (3-30-01)

g. Marital relationship, if applicable, including decision making, communication, and roles within the family; (3-30-01)

h. Individual and family functioning and inter-relationships with each member of the household; (3-30-01)

i. Any current family problems, including mental illness, drug and alcohol abuse, and medical conditions; (3-30-01)

j. Previous criminal convictions and valid incidents of child abuse and neglect; (3-30-01)

k. Family history, including childhood experiences and the applicant's parents' methods of discipline and problem solving; (3-30-01)

l. Child care and parenting skills; (3-30-01)

m. Current methods of discipline; (3-30-01)

n. The names, ages, and addresses of all biological and adopted children currently residing in or outside the home; (3-30-01)

o. Adjustment and special needs of the applicant's children; (3-30-01)

p. Interests and hobbies; (3-30-01)

q. Reasons for applying to be a foster parent; (3-30-01)

r. Understanding of the purpose and goals of foster care; (3-30-01)

s. Prior and current experiences with foster care; (3-30-01)

t. Emotional stability and maturity in dealing with the needs, challenges, and related issues associated with the placement of a child into applicant(s) home; (3-30-01)

u. The attitudes toward foster care by immediate and extended members of the family and other persons who reside in the home; (3-30-01)

v. The applicant’s attitudes about a foster child's family and the applicant’s willingness to work with the child's family and tribe; (3-30-01)

w. Specifications of the children preferred by the family that include the number of children, age, gender, race, ethnic background, social, emotional and educational characteristics of children preferred; (3-30-01)

x. Adequacy of the applicant's house, property, and neighborhood for the purpose of providing foster care as determined by on-site observations; (3-30-01)

y. The applicant(s) willingness to abide by the children's agency policies and procedures for discipline; (3-30-01)

z. Three (3) personal references, at least two (2) of which shall be from persons not related to the applicants, reflecting the applicants to be of good character and habits; (3-30-01)

aa. Training needs of the applicant(s); and (3-30-01)

bb. The capacity and willingness to transport a foster child in a motor vehicle. (3-30-01)

406. SUBSEQUENT EVALUATIONS.
A foster parent shall comply with the following requirements for the subsequent evaluation required for a foster care license: (3-30-01)

01. Reasonable Access. A foster parent shall allow the children's agency reasonable access to the foster home, including interviewing each foster parent, each foster child and any member of the household to determine continued compliance with licensing standards, for child supervision purposes, and to conduct a re-certification study. (3-30-01)

02. Update Information. Provide all changes to the information contained in the initial evaluation and subsequent evaluations. (3-30-01)

03. Family Functioning. Provide information on any changes in family functioning and inter-relationships. (3-30-01)

04. Other Circumstances. Provide the children's agency with any information regarding circumstances within the family that may adversely impact the foster child. (3-30-01)

05. Written Plan of Correction. Cooperate with the children's agency in developing and carrying out a written plan required to correct any rule non-compliance identified by any evaluation conducted by the children's agency. (3-30-01)

407. FOSTER PARENT DUTIES.
A foster parent shall carry out the following functions: (3-30-01)

01. Service Plan Implementation. Cooperate with, and assist the children's agency in, the implementation of the service plan for children and their families. (3-30-01)

02. Reporting Progress and Problems. Promptly and fully disclose to the children's agency information concerning a child's progress and problems. (3-30-01)

03. Termination of Placement by the Foster Family. Provide notification to the children's agency of the need for a child to be moved from the foster home not less than fourteen (14) calendar days before the move, except when a delay would jeopardize the child's care or safety or the safety of members of the foster family. (3-30-01)

04. Written Policies and Procedures for Foster Families. Maintain a copy of, be familiar with, and follow these rules and any other rules, policies, or procedures which an agency may require for foster parents and foster care. (3-30-01)

408. FOSTER PARENT TRAINING.
Each foster parent shall comply with the following training requirements: (3-30-01)

01. Orientation. Each applicant for a foster home license shall receive an orientation related to the children's agency foster care program and services. (3-30-01)

02. Initial Training. Complete not less than ten (10) hours of training no later than one (1) year

following the issuance of an initial foster care license. (3-30-01)

03. Annual Training. Complete not less than ten (10) hours of training on an annual basis following the initial training specified in these rules. (3-30-01)

04. Individualized Training. Complete training identified by the children's agency as meeting the individual needs of the foster parent(s). (3-30-01)

05. Required Training. Complete any additional training as required by the children's agency foster parent training plan. (3-30-01)

409. -- 429. (RESERVED).

430. CHILD CARE AND SAFETY REQUIREMENTS.
The property, structure, premises, and furnishings of a foster home must be constructed and maintained in good repair, in a clean condition, free from safety hazards and dangerous machinery and equipment. Areas and equipment that present a hazard to children must not be accessible by children. (3-30-07)

01. Pools, Hot Tubs, Ponds, and Other Bodies of Water. Any licensed foster home with a body of water on or adjacent to their property must provide the following safeguards: (3-30-07)

a. Around any body of water, a foster child must have appropriate adult supervision consistent with the child's age, physical ability, and developmental level; (3-30-07)

b. The area surrounding a body of water must be fenced and locked in a manner that prevents access by children; or (3-30-07)

c. If the area surrounding a body of water is not fenced and locked, there must be a secured protective covering that will not allow access by a child; (3-30-07)

i. Pool or hot tub covers must be completely removed when in use; (3-30-07)

ii. When the pool or hot tub cover is in place, the cover must be free from standing water; (3-30-07)

iii. Covers must be kept locked at all times when the pool or hot tub is not in use; and (3-30-07)

d. Exterior ladders on above ground pools must be removed when the pool is not in use. (3-30-07)

02. Access by Children Five Years of Age and Under. Any licensed foster home that cares for children five (5) years of age and under and chooses to prevent access to a body of water by fencing must provide a fence that meets the following requirements: (3-30-07)

a. The fence must be at least four (4) feet high with no vertical opening more than four (4) inches wide, be designed so that a young child cannot climb or squeeze under or through the fence, and surround all sides of the pool or pond; (3-30-07)

b. The gate must be self-closing and have a self-latching mechanism in proper working order out of the reach of young children; (3-30-07)

c. If the house forms one (1) side of the barrier for the pool, doors that provide unrestricted access to the pool must have alarms that produce an audible sound when the doors are opened; and (3-30-07)

d. Furniture or other large objects must not be left near the fence that would enable a child to climb on the furniture and gain access to the pool. (3-30-07)

03. Irrigation Canals or Similar Body of Water. A licensed foster home caring for a child five (5)

years of age and under or a child who is physically or developmentally vulnerable, whose property adjoins an irrigation canal or similar body of water, must have fencing that prevents access to the canal or similar body of water by the child. (3-30-07)

04. Other Safety Water Precautions. (3-30-07)

a. Wading pools must be empty when not being used; (3-30-07)

b. Children must be under direct supervision of an adult while using a wading pool; (3-30-07)

c. Toys that attract young children to the pool area must be kept picked up and away for the pool area when not in use; and (3-30-07)

d. A child who does not know how to swim must use an approved lifesaving personal flotation device. (3-30-07)

431. INSTALLATION, MAINTENANCE AND INSPECTION OF FLAME AND HEAT PRODUCING EQUIPMENT.
A foster parent shall assure: (3-30-01)

01. Installation and Maintenance of Flame and Heat-Producing Equipment. A furnace, fireplace, wood-burning stove, water heater and other flame or heat-producing equipment shall be installed and maintained as recommended by the manufacturer. Fireplaces shall be protected by screens or other means. (3-30-01)

02. Portable Heating Devices. Portable heating devices shall not be used during sleeping hours. (3-30-01)

03. Fire Inspections. An inspection by a certified fire inspector may be required at the discretion of the children's agency. (3-30-01)

432. SMOKE AND CARBON MONOXIDE DETECTING DEVICES.
Each foster home shall meet the following standards: (3-30-01)

01. Smoke Detecting Devices. There shall be at least one (1) single-station smoke detector, approved by a nationally recognized testing laboratory, which shall be installed and maintained as recommended by the manufacturer and as follows: (3-30-01)

a. One (1) smoke detector on each floor of the home, including the basement; (3-30-01)

b. One (1) smoke detector in each bedroom used by a foster child; and (3-30-01)

c. One (1) smoke detector in areas of the home that contain flame or heat-producing equipment other than domestic stoves and clothes dryers. (3-30-01)

02. Carbon Monoxide Detecting Devices. There shall be at least one (1) carbon monoxide detecting device that is approved by a nationally recognized testing laboratory which shall be installed and maintained as recommended by the manufacturer. A house that does not have equipment which produces carbon monoxide or does not have an attached garage is exempt from this requirement. (3-30-01)

433. EXITS.
There shall be at least two (2) exits from each floor level used by a family member that are remote from each other, one (1) of which provides a direct safe means of unobstructed travel to the outside at street or ground level. A window may be used as a second exit if it is in compliance with these rules. (3-30-01)

434. DANGEROUS AND HAZARDOUS MATERIALS.
Dangerous and hazardous materials, objects or equipment, including but not limited to poisonous, explosive or flammable substances that could present a risk to a child placed in a foster home, shall be stored securely and out of

reach of a child, as appropriate for the age and functioning level of the child. (3-30-01)

435. FIREARMS AND AMMUNITION.
Firearms at a foster home shall be stored:

01. Trigger Locks. Unloaded and equipped with a trigger lock; or (3-30-01)

02. Unassembled and Inoperable. Unloaded, fully inoperable and incapable of being assembled and fired; or (3-30-01)

03. Locked Cabinet or Container. Unloaded and locked in a cabinet or storage container that is inaccessible to children; or (3-30-01)

04. Gun Safe. Locked in a gun safe that is inaccessible to children. (3-30-01)

436. PETS AND DOMESTIC ANIMALS.
Any pet or domestic animal that is suspected or known to be dangerous shall be kept in an area inaccessible to children. (3-30-01)

437. ADEQUATE HEAT, LIGHT, AND VENTILATION.
A foster home shall have adequate heat, light, and ventilation. Window and doors shall be screened if used for ventilation. (3-30-01)

438. BATHROOMS, WATER SUPPLY, AND SEWAGE DISPOSAL.
A foster home shall meet the following standards: (3-30-01)

01. Toilet Facilities. A foster home shall have a minimum of one (1) flush toilet, one (1) washbasin that has warm and cold running water, and one (1) bathtub or shower that has warm and cold running water, all of which shall be in good working order. (3-30-01)

02. Water Supply. The water supply shall meet one (1) of the following requirements: (3-30-01)

a. Shall be from a source that is approved for a private home by the health authority according to IDAPA 58.01.08, "Idaho Rules for Public Drinking Water Systems," at the time of application and for annual renewal of such licenses; or (3-30-01)

b. Water used for consumption at a foster home shall be from an acceptable source, bottled water from an acceptable source, or boiled for a period specified by the local health authority according to IDAPA 58.01.08, "Idaho Rules for Public Drinking Water Systems." (3-30-01)

03. Sewage Disposal. Sewage shall be disposed of through a public system, or in the absence of a public system, in a manner approved by the local health authority, according to IDAPA 58.01.03 "Individual/ Subsurface Sewage Disposal Rules." (3-30-01)

439. TRANSPORTATION.
A foster parent shall comply with the requirements related to child transportation that include: (3-30-01)

01. Legal Requirements for Transporting Children. A foster parent, or any person acting on behalf of a foster parent, that transports a child, shall possess a valid Idaho driver's license, be insured in accordance with Idaho Law, and abide by all traffic laws including the requirement that all children are in proper safety restraints while being transported. (3-30-01)

02. Reliable Transportation. A foster parent shall have or arrange for safe, reliable transportation of any foster child in their care to assure the child has access to school, community services, and the children's agency. (3-30-01)

03. Prohibitions of Foster Child Transportation. A foster parent shall not transport a foster child

while impaired by any substance including alcohol, prescription medication, or any illegal substances. (3-30-01)

440. TELEPHONE.
Unless previously approved by the licensing agency, there shall be an operating telephone in a foster home. (3-30-01)

441. WHEELCHAIR ACCESS.
A foster home that provides care to a child who regularly requires the use of a wheelchair, shall be wheelchair accessible. (3-30-01)

442. CHILD PLACEMENT REQUIREMENTS.
A foster family shall accept the placement of children into the home within the terms of the foster home license or certification and the children's agency placement agreement. In determining placement of foster children, the following provisions shall be considered: (3-30-01)

01. Determining Factors. The number and the age group of children placed in a foster home shall be determined by all of the following: (3-30-01)

a. The accommodations and the space in the home; (3-30-01)

b. The interest of the foster family; and (3-30-01)

c. The experience or skill of the foster family. (3-30-01)

02. Maximum Number of Children. Except as specified, the maximum number of children in care at any time, including the foster family's own children, or day care children, shall be limited to not more than six (6) children. (3-30-01)

03. Children Under Two Years of Age. Except as specified in Subsection 442.04 of these rules, the maximum number of children under two (2) years of age, including those of the foster family, shall be limited to not more than two (2) children. (3-30-01)

04. Special Circumstances Regarding Maximum Numbers of Children. The maximum number of children in care at any time may be increased to not more than two (2) additional children, based on any of the following: (3-30-01)

a. The increased capacity would allow for siblings to remain together; or (3-30-01)

b. The increased capacity would allow a family to provide care to a child who has an established, meaningful relationship with the family; or (3-30-01)

c. The foster home offers unusual space, skill, or experience. (3-30-01)

05. Continued Care. A foster child who reaches the age of eighteen (18) years may continue in foster care placement until the age of twenty-one (21) years if the safety, health and well-being of other foster children residing in the home is not jeopardized. Not more than two (2) such individuals receiving continued care may reside in the foster home at the same time. (3-30-01)

443. INTERAGENCY PLACEMENT OF CHILDREN.
A foster family shall only accept for placement children referred from the children's agency that licenses or certifies the foster home. A foster family may accept for placement a foster child from another children's agency only if that children's agency and the foster family have received prior approval for the placement of a child from the children's agency that licensed or certified the home. (3-30-01)

444. SUBSTITUTE CARE PLACEMENT AND CHILDREN'S AGENCY NOTIFICATION.
A foster parent shall: (3-30-01)

01. Substitute Care. Place a child in substitute care only with the prior knowledge and consent of the

children's agency. (3-30-01)

02. Notification to Agency. Notify the children's agency before the beginning of any planned absence that requires substitute care of a child for a period of twenty-four (24) hours or more. (3-30-01)

445. BEDROOMS.
A foster parent shall comply with the following rules: (3-30-01)

01. Sleeping Arrangements. A bedroom occupied by a foster child shall: (3-30-01)

a. Provide an adequate opportunity for both rest and privacy for each child; (3-30-01)

b. Be readily accessible to adult supervision as appropriate for the age and functioning level of each child; (3-30-01)

c. Have sufficient floor space to provide two (2) feet of space between beds; (3-30-01)

d. Have sufficient space for the storage of clothing and personal belongings; (3-30-01)

e. Have a finished ceiling, permanently affixed floor-to-ceiling walls, and finished flooring; (3-30-01)

f. Have a latchable door that leads to an exit from the foster home; (3-30-01)

g. Have at least one (1) outside window that complies with the following: (3-30-01)

i. Is readily accessible to children and the foster parent; (3-30-01)

ii. Is readily opened from the inside of the room; and (3-30-01)

iii. Is of sufficient size and design to allow for the evacuation of children and caregivers. (3-30-01)

h. Is free of all of the following: (3-30-01)

i. Household heating equipment excluding baseboard heating systems; (3-30-01)

ii. Water heater; and (3-30-01)

iii. Clothes washer and dryer. (3-30-01)

02. Non-Ambulatory Child. A child who is non-ambulatory and cannot readily be carried by one (1) member of the household shall sleep in a bedroom located at ground level. (3-30-01)

03. Sharing Bedroom with a Non-Parent Adult. A child shall not share a bedroom with a non-parent adult unless the child and adult are of the same gender and there is not more than four (4) years difference in age between the adult and the youngest child in the bedroom. (3-30-01)

04. Sharing a Bedroom with a Foster Parent. A child three (3) years of age or older shall not routinely share the bedroom with a foster parent unless the child has special health or emotional needs that require the attention of the foster parent(s) during sleeping hours. (3-30-01)

05. Maximum Number of Children in a Bedroom. No more than four (4) children shall occupy a bedroom. The placement of more than any one (1) child in a bedroom shall be based on the age, behavior, functioning, individual needs of each child, and sufficient available space. (3-30-01)

06. Children of the Opposite Gender. Children of the opposite gender, any of whom are more than five (5) years of age, shall not share the same bedroom. (3-30-01)

07. Number of Children in a Bed. Each child shall have an individual bed, except that two (2) brothers or two (2) sisters of comparable age may share a bed if they have previously shared a bed or when there are no health, behavioral or other factors indicating this is undesirable. (3-30-01)

08. Restrictions on Sleeping Arrangements. The following shall not be used for sleeping purposes: (3-30-01)

a. A room or area of the foster home that is primarily used for purposes other than sleeping; (3-30-01)

b. A room or space, including an attic, that is accessible only by a ladder, folding stairway, or through a trapdoor; or (3-30-01)

c. A detached building, except in the case of an older child preparing for emancipation when it can be documented that the child's needs can best be met by that arrangement. (3-30-01)

09. Appropriate Bedding. A child shall have a bed that is appropriate for the age and development of the child. Beds shall be equipped with a clean and comfortable mattress, pillow, linens and blankets appropriate for the weather. (3-30-01)

446. BEHAVIOR MANAGEMENT AND DISCIPLINE.
Methods of behavior management and discipline for children shall be positive and consistent. These methods shall be based on each child's needs, stage of development, and behavior. Discipline shall promote self-control, self-esteem, and independence. (3-30-01)

01. Prohibitions. All of the following types of punishment of a foster child are prohibited: (3-30-01)

a. Physical force or any kind of punishment inflicted on the body, including spanking; (3-30-01)

b. Cruel and unusual physical exercise or forcing a child to take an uncomfortable position; (3-30-01)

c. Use of excessive physical labor with no benefit other than for punishment; (3-30-01)

d. Mechanical, medical, or chemical restraint; (3-30-01)

e. Locking a child in a room or area of the home; (3-30-01)

f. Denying necessary food, clothing, bedding, rest, toilet use, bathing facilities, or entrance to the foster home; (3-30-01)

g. Mental or emotional cruelty; (3-30-01)

h. Verbal abuse, ridicule, humiliation, profanity, threats or other forms of degradation directed at a child or a child's family; (3-30-01)

i. Threats of removal from the foster home; (3-30-01)

j. Denial of visits or communication with a child's family unless authorized by a children's agency in its service plan for the child and family; and (3-30-01)

k. Denial of necessary educational, medical, counseling, or social services. (3-30-01)

02. Restraint. A foster parent who has received specific training in the use of child restraint may use reasonable restraint methods, approved by the children's agency, to prevent a child from harming himself, other persons or property, or to allow a child to gain control of himself. (3-30-01)

03. Authority. The authority for the discipline of a foster child shall not be delegated by a foster parent to other members of the household. (3-30-01)

04. Agency Consultation. A foster parent shall consult with the children's agency prior to using any behavior management or discipline technique that exceeds the scope of these rules. (3-30-01)

447. MEDICAL AND DENTAL CARE.

01. Health Care Services. A foster parent shall follow and carry out the health or dental care plan for a child as directed by a qualified medical professional. (3-30-01)

02. Child Injury and Illness. Follow the children's agency approved policies for medical care of a child who is injured or ill. (3-30-01)

03. Dispensing of Medications. Provide prescription medication as directed by a qualified medical professional. A foster parent shall not discontinue or in any way change the medication provided to a child unless directed to do so by a qualified medical professional. (3-30-01)

04. Storage of Medication. A foster parent shall store medications in an area that is inaccessible to a child. (3-30-01)

448. PERSONAL CARE AND HYGIENE.
A foster parent shall instruct the child in personal care, hygiene and grooming. A foster parent shall provide the child with necessary personal care, hygiene and grooming products appropriate to the age, gender and needs of the child. The foster parent shall seek approval from the children's agency before altering a child's physical appearance including haircuts, body piercing and tattooing. (3-30-01)

449. FOOD AND NUTRITION.
A foster parent shall provide a foster child with meals that are nutritious, well-balanced, and of sufficient quantity. The child shall be served the same meals as other members of the household unless a special diet has been prescribed by a medical professional, or unless otherwise dictated by differing needs based on a child's age, medical condition, or cultural or religious beliefs. A foster child shall eat with other members of the family, unless the child's medical condition dictates a different arrangement. Perishable foods shall be refrigerated. Milk provided to foster children shall be pasteurized, from a licensed dairy or come from an animal that is documented to be free from tuberculosis, brucellosis, or other conditions that could be injurious to a child's health. (3-30-01)

450. NECESSARY CLOTHING.
A foster parent shall provide a child with sufficient, clean, properly fitting clothing appropriate for the child's age, gender, individual needs, and season. Clothing shall reflect cultural and community standards. (3-30-01)

451. PERSONAL POSSESSIONS, ALLOWANCES, AND MONEY.
A foster parent shall follow the children's agency policy regarding a child's personal possessions, allowance, and money. When a child moves from a foster home, the foster parent shall provide the child or the children's agency with all of the child's possessions, including money. (3-30-01)

452. CHILD TASKS.
A parent shall permit a child to perform only those routine tasks that are within the child's ability, are reasonable, and are similar to the routine tasks expected of other members of the household of similar age and ability. (3-30-01)

453. EDUCATION.
A foster parent shall cooperate with the children's agency and applicable educational organizations to implement the education and training plan for each child. (3-30-01)

454. RELIGIOUS AND CULTURAL PRACTICES.
A foster parent shall provide a child in care with opportunity for spiritual development and cultural practices in accordance with the wishes of the child and the child's parent or tribe. (3-30-01)

455. RECREATION.
A foster parent shall provide or arrange access to a variety of indoor and outdoor recreational activities and shall

encourage a child to participate in recreational activities that are appropriate for the child's age, interests and ability. (3-30-01)

456. MAIL.
A foster parent shall permit a child to send and receive mail in accordance with the mail policy of the children's agency. (3-30-01)

457. -- 469. (RESERVED).

470. RECORD MANAGEMENT AND REPORTING REQUIREMENTS.
A foster parent shall maintain a record for each child in the home that will include all written material provided to the foster home by the children's agency and additional information gathered by the foster parent. This shall include: (3-30-01)

01. Personal Data. The child's name, gender, date of birth, religion, race and tribe, if applicable; (3-30-01)

02. History of Abuse and Neglect. Any known history of abuse or neglect of the child; (3-30-01)

03. Emotional and Psychological Needs. Any known emotional and psychological needs of the child; (3-30-01)

04. Health. Any information known about the child's health; and (3-30-01)

05. Behavioral Problems. Any known behavioral problems of the child; (3-30-01)

471. REPORTING FOSTER HOME CHANGES.
A foster parent shall report to the children's agency any significant change in the foster home by the next working day from the time a foster parent becomes aware of a change, including the following: (3-30-01)

01. Illness, Injury, or Death. Serious illness, injury, or death of a foster parent or a member of the household. (3-30-01)

02. Arrests, Citations, Withheld Judgements or Criminal Convictions. Any arrests, citations, withheld judgements, or criminal convictions of a foster parent or member of the household. (3-30-01)

03. Parole and Probation. Initiation of court-ordered parole or probation of a foster parent or member of the household. (3-30-01)

04. Admission or Release From Facilities. Admission to, or release from, a correctional facility, a hospital, or an institution for the treatment of an emotional, mental health, or substance abuse issue of a foster parent or member of the household. (3-30-01)

05. Employment. A change of employment status of a foster parent. (3-30-01)

06. Counseling, Treatment or Therapy. Counseling or other methods of therapeutic treatment on an outpatient basis for an emotional, mental, or substance abuse issue of a foster parent or member of the household. (3-30-01)

07. Change of Residence. A foster parent shall inform the children's agency of any planned change in residence and submit an application for licensure at the new address not less than two (2) weeks prior to a change in residence. (3-30-01)

08. Additional Licensing Application. A foster parent shall notify the children's agency within five (5) calendar days after filing an application for a certified family home, day care, or group day care license.(3-30-01)

472. CONFIDENTIALITY.

A foster parent shall maintain the confidentiality of any information and records regarding a foster child and the child's parents and relatives. A foster parent shall release information about the foster child only to persons authorized by the children's agency responsible for the foster child. (3-30-01)

473. UNUSUAL INCIDENT NOTIFICATION.
The foster parent shall immediately notify the responsible children's agency of any of the following incidents: (3-30-01)

01. Death. Death of a child in care. (3-30-01)

02. Suicide. Suicidal ideation, threats, or attempts to commit suicide by the foster child. (3-30-01)

03. Missing. When a foster child is missing from a foster home. (3-30-01)

04. Illness. Any illness or injury that requires hospitalization of a foster child. (3-30-01)

05. Law Enforcement Authorities. A foster child's detainment, arrest, or other involvement with law enforcement authorities. (3-30-01)

06. Removal of Child. Attempted removal or removal of a foster child from the foster home by any person who is not authorized by the children's agency. (3-30-01)

474. -- 499. (RESERVED).

CHILDREN'S AGENCIES AND CHILDREN'S RESIDENTIAL CARE FACILITIES

(Sections 500 Through 599)

500. GENERAL STANDARDS FOR ORGANIZATIONS KNOWN AS CHILDREN'S AGENCIES AND CHILDREN'S RESIDENTIAL CARE FACILITIES.
(Sections 500 Through 599, see also Sections 000 through 299) (3-30-01)

501. ACCESS BY DEPARTMENT AUTHORIZED AGENTS.
Department authorized agents shall be provided access to the children's agency or residential care facility and its grounds, facilities, and records for determining compliance with applicable rules. (3-30-01)

502. COMPLIANCE REQUIRED.
Before being licensed as an organization, the applicant shall comply with all applicable rules where compliance can be achieved prior to being licensed and shall demonstrate intent to comply with the applicable rules where compliance can only be achieved once the program has become fully operational. (3-30-01)

503. NOTIFICATION TO THE LICENSING AUTHORITY.
An organization shall notify the Department as soon as possible but no later than thirty (30) days before a change in the name of the organization, type of service, type of children being served, an increase in licensed capacity of a child care facility or children's residential care facility, or the organization closes, moves or changes ownership. (5-3-03)

504. NOTIFICATION TO THE LICENSING AUTHORITY NO LATER THAN ONE DAY.
An organization shall notify the Department as soon as possible but no later than one (1) working day, if a fire in a structure housing residents requires the services of a fire company, injury to a child requires in-patient hospital treatment, or there is a change of a chief administrator. (3-30-01)

505. UNAUTHORIZED ABSENCES.
Upon an unauthorized absence of a child in care, an organization shall immediately notify the parent, guardian or placing children's agency and law enforcement. Clothing and other personal belongings shall be secured immediately until the child returns or other arrangements are made, according to organization standards. (3-30-01)

506. DEATH OF A CHILD IN CARE NOTIFICATION.
Upon the death of a child in care, an organization shall immediately notify the parent, guardian or placing children's agency and the Department. In the event of a sudden death, or if the death occurs as a result of a crime or accident, the appropriate law enforcement agency shall be contacted immediately by the organization. (3-30-01)

507. -- 519. (RESERVED).

520. WRITTEN BYLAWS.
Except for an organization operated by a governmental entity, an organization shall have written bylaws defining the board structure, philosophy and program. (3-30-01)

521. GOVERNING BODY REQUIRED.
An organization shall have an identifiable functioning governing body. The governing body shall designate a person to function as the chief administrator of the organization, who is competent to administer the organization and shall delegate to the chief administrator the overall day to day responsibility for the administration and operation of the organization. There shall be a written plan for the delegation of authority in the absence of the chief administrator. (3-30-01)

522. DELINEATION OF JOB RESPONSIBILITIES.
An organization shall delineate, in writing, the job responsibilities and functions of the chief administrator. The chief administrator shall adopt and implement lines of responsibility that ensure the proper and effective supervision and monitoring of employees and volunteers. (3-30-01)

523. ORGANIZATIONAL CHART, POLICIES AND PROCEDURES.
An organization shall have an organizational chart. The organization shall develop and follow written policies and procedures governing the requirements of these rules as to staffing, records, restraints, client grievances, suicide prevention, visitation, correspondence, religion and culture, personal possessions and money, and emergencies. In addition, children's agencies shall maintain and follow policies and procedures for the foster care service it provides, behavior management, substitute care, and unusual incidents. (3-30-01)

524. INSURANCE COVERAGE.
An organization shall secure and maintain on file copies of current motor vehicle, fire, comprehensive general liability, and professional liability insurance. (3-30-01)

525. QUALITY OF SERVICES ENVIRONMENT.
An organization shall carry out its licensed programs in an environment that is safe, accessible, and appropriate for the needs of those served and with due regard for the rights and protections of those persons receiving services. At least annually, the organization administration shall assess compliance with the applicable rules. For each item of non-compliance, the organization shall immediately develop a plan to correct each item within six (6) months. If the Department determines that a more expeditious correction of a specific rule is needed, the Department may require it. If immediate correction is required because of imminent risk to a child, the corrective action shall be completed within twenty-four (24) hours of discovery of the non-compliance. The organization shall also assess all disrupted placements and unplanned removals of children from foster homes, transitional living, adoptive homes, and children's residential care facilities and implement correction of the causes of disrupted and unplanned removals. (3-30-01)

526. RESEARCH PROTECTIONS FOR PERSONS SERVED.
An organization shall have a mechanism for reviewing and recommending approval and denial of research proposals involving past or present persons served. When an organization or another acting on its behalf participates in research involving its clients, the organization shall maintain the privacy and right of refusal of any person to participate. (3-30-01)

527. CONFIDENTIALITY AND PRIVACY PROTECTIONS OF PERSONS SERVED.
An organization shall have and follow written policies and procedures governing access to, use of, and release of information about a person served. The privacy of a child and his family shall be protected. The identity of a child used in any form of publicity shall be given only when written consent of the child's parent or guardian has been obtained prior to using or allowing to be used a child, picture of a child, or a child's name. Written consent is not required for publicity specifically used to locate an adoptive placement for a child. (3-30-01)

528. DESCRIPTION OF SERVICES.
An organization shall have and follow a written description of the services and fees the organization provides including those provided by the licensee or arranged through other sources. This information shall be factual and available to the public. The description shall include policies governing eligibility for service, age, specific characteristics, and treatment needs of children served, accommodation of cultural sensitivity, and the geographic area served. (3-30-01)

529. INTAKE POLICY.
An organization shall have and follow a written intake policy that sets forth the criteria for admitting children for care or services. The policy shall be in keeping with the organization's purpose and services provided. Except for an emergency placement, the intake policy shall include a requirement that sufficient information on each child admitted for care or services is obtained to determine that the child can be appropriately served by the organization. For an emergency placement the policy shall require that the information needed to determine the appropriateness of continuing the placement or services is obtained within seven (7) days of the child's admission or placement. (3-30-01)

530. -- 534. (RESERVED).

535. SUFFICIENT FINANCIAL RESOURCES.
An organization shall have sufficient financial resources to implement and deliver its programs. It shall initially and annually develop and implement a plan of financing to carry out its programs, to ensure that children receive safe and appropriate care and needed services, and to ensure applicable licensing requirements are met. The plan of financing shall include realistic projected income and expenditures. (3-30-01)

536. ANNUAL AUDIT.
An organization shall obtain an annual audit of the previous fiscal year's financial statements from an independent auditor and provide the Department or submit to the licensing authority a copy of the auditor's report along with the previous year's federal tax return and a copy of the current year's budget showing projected income and expenditures. (3-30-01)

537. -- 544. (RESERVED).

545. HUMAN RESOURCES NEEDED.
An organization shall determine, organize and deploy the human resources needed to provide services subject to applicable rules and to promote optimum outcomes for persons served. An organization shall have an adequate number of qualified administrative, supervisory, social service, direct care staff and other staff to perform the prescribed functions required by applicable rules to provide for the needs, safety, protection and supervision of children served. (3-30-01)

546. STAFF RECRUITMENT, HIRING, SUPERVISION, TRAINING, EVALUATION, PROMOTION AND DISCIPLINE.
An organization shall have and follow written policies and procedures governing recruitment, screening, hiring, supervision, training, evaluation, promotion, and discipline of employees and volunteers. An organization shall employ persons and use volunteers who have an understanding and respect for children and their needs, the child's family and culture; are physically and emotionally suited to provide, services to unrelated children and the problems they present; and are capable of performing activities related to their job. (3-30-01)

01. Job Descriptions. An organization shall have and follow written job descriptions for every position identifying necessary qualifications, including education, experience, training, duties, and lines of authority. (3-30-01)

02. Personnel Records. An organization shall have a personnel record for every employee and volunteer. The record shall contain the following: (3-30-01)

a. Employment application; (3-30-01)

b. Name, date of birth, current address and home phone number; (3-30-01)

c. Documents verifying education, certification, and license when the person fills a position requiring a minimum level of education, applicable certification or license; (3-30-01)

d. Verification of work history; (3-30-01)

e. Three (3) references from persons who are unrelated to the employee or volunteer. For a job applicant who has worked for an organization which provides care or services to children, one (1) of the references shall be from a prior child care provider for whom the employee or volunteer worked; (3-30-01)

f. Verified documentation of a complete criminal history record check as required by Section 39-1211, Idaho Code; (3-30-01)

g. Verification by the employee or volunteer of receipt of the organization's behavior management policy; (3-30-01)

h. Copy of the current job description and verification that the employee has been provided a copy of his current job description; (3-30-01)

i. The date the person was employed and the date he began his current job; (3-30-01)

j. For staff and volunteers who transport children, a copy of a valid driver's license for the type of vehicle used while transporting children. If they use their own vehicle to transport children, the record shall include proof that the vehicle is properly insured. (3-30-01)

k. A performance evaluation within a probationary period and annual performance evaluations thereafter; and (3-30-01)

l. Documentation of any disciplinary actions. (3-30-01)

547. PERSON FILLING MORE THAN ONE POSITION.
A person filling more than one (1) position shall meet the requirements for each position. (3-30-01)

548. EMPLOYEE QUALIFICATIONS UNDER PREVIOUS RULES.
An employee who is qualified for a position prior to the effective date of these rules is deemed to be qualified for that position, except for an alcohol-drug counselor who shall meet the new requirements in these rules. A person who takes a position as of the effective date of these rules shall meet the qualifications for that position. (3-30-01)

549. TUBERCULOSIS SCREENING.
Staff and volunteers who have contact with children for four (4) or more hours per week for two (2) or more consecutive weeks shall have documentation in their personnel file that they are free from communicable tuberculosis. The screening and documentation shall be done every three (3) years. (3-30-01)

550. VOLUNTEER SUPERVISION.
A designated employee of the organization shall supervise a volunteer. (3-30-01)

551. EMPLOYEE AND VOLUNTEER ORIENTATION.
An organization shall document that each new employee, contractor and volunteer participate in an orientation that includes: (3-30-01)

01. **Organization**. The purpose of the organization. (3-30-01)

02. **Job Function**. The policies and procedures of the organization as they relate to his job function. (3-30-01)

03. **Job Responsibilities**. The employee's, contractor's or volunteer's role and responsibilities; and

(3-30-01)

04. Child Abuse and Neglect Reporting. The requirement to report suspected incidents of child abuse and neglect. (3-30-01)

552. EMPLOYEE AND VOLUNTEER TRAINING.
Except for a licensed professional under contract with the organization, an organization shall document that each new employee and volunteer, and current employee and volunteer whose job function significantly changes, and whose primary role requires interaction with children shall receive at least twenty-five (25) hours of planned training before working independently. Orientation shall not be counted toward the required training hours. The training shall include specific instruction in job responsibilities, policies and procedures, emergency procedures, child safety, child abuse and neglect, and the applicable licensing requirements. (3-30-01)

553. -- 559. (RESERVED).

560. PERMANENT REGISTER.
Child agencies and child residential care facilities shall maintain a permanent register of all children admitted into care. The permanent register shall include each child's full name, gender, date and place of birth, parents or guardian, and address of the parent or guardian, who placed the child, the date of placement, date of discharge, and to whom the child was discharged. (3-30-01)

561. CONTENT OF CHILD'S RECORD.
At the time of a child's placement, the person admitting the child shall document in the child's record the child's physical and emotional state at the time of placement. In addition, at the time of placement and if not available at the time of an emergency placement, then within seven (7) days, even if the placement was for less than seven (7) days, an organization shall document complete biographical and identifying information on each child admitted into care. (3-30-01)

01. Minimum Information. The record shall contain at a minimum the following: (3-30-01)

a. Child's full name; (3-30-01)

b. Date and place of birth; (3-30-01)

c. Gender; (3-30-01)

d. Height, weight, hair color, eye color, race, and identifying marks; (3-30-01)

e. Last known address and with whom the child lived; (3-30-01)

f. Known previous out-of-home placements, including names, addresses, and dates of the placements; (3-30-01)

g. Last school attended and grade placement; (3-30-01)

h. Parents' full names, including mother's maiden name, marital status, and addresses and if known to be separated or divorced, proof of custody; (3-30-01)

i. Guardian's name and address; (3-30-01)

j. Date of admission; (3-30-01)

k. Name of the person who placed the child in care; (3-30-01)

l. Known names, addresses, and ages of siblings; (3-30-01)

m. For children's residential care facilities which provide treatment, the child's primary diagnosis;

(3-30-01)

n. The nature of the child's problems or the reason for being served; (3-30-01)

o. Documentation of authority to accept and care for the child; (3-30-01)

p. Child's and parent's religious preference; (3-30-01)

q. Where it has been determined that a child is of applicable Indian heritage, compliance with the Indian Child Welfare Act; (3-30-01)

r. Except for non-accredited schools which do not provide treatment, applicable service plans including the dates the plans were developed; (3-30-01)

s. Medical, psychological, vision, hearing test and dental records as required by applicable rules, including dates; (3-30-01)

t. Evaluation of the child's physical, social and emotional development and any special problems and needs he has, including medical, surgical and dental care needs; (3-30-01)

u. The child's medical provider's name, addresses and telephone number, if any; (3-30-01)

v. Reports of psychological tests and psychiatric examinations and follow-up treatment if obtained; (3-30-01)

w. School reports including grades and adjustment; (3-30-01)

x. Record of the child's contacts with his family; (3-30-01)

y. Projected discharge date; (3-30-01)

z. Discharge date and after care plan summary; and (3-30-01)

aa. The assigned social worker or service worker, where appropriate. (3-30-01)

02. Child's Health Record. There shall be a health record for each child, available to appropriate staff for emergency use and to provide for the child's routine care. The record shall contain at a minimum the following: (3-30-01)

a. Medical and mental health authorizations; (3-30-01)

b. The child's health history and initial health screening, including known allergies; (3-30-01)

c. Child's Medications. A list of all medications the child is taking at the time of admission and any medication prescribed for the child while in care including the date prescribed and the prescribing physician; and (3-30-01)

d. A copy of the child's medical provider's name, addresses and telephone number if any. (3-30-01)

562. AUTHORIZATIONS REQUIRED.
Written authorization shall be obtained from the parent, guardian or court of jurisdiction to obtain and provide routine medical care, emergency medical and surgical care, and mental health care for the child. (3-30-01)

563. SERVICE PLANS.
Except for a child admitted into shelter care, a non-accredited residential school, or a child in care with its parents or adoptive parents, an organization shall develop and follow a written service plan for the child admitted into care. (3-30-01)

01. Initial Service Plan. The initial service plan shall be developed and recorded within thirty (30) days after admission and shall: (3-30-01)

a. Assess the appropriateness of the current placement and project the length of stay in care; (3-30-01)

b. Assess the child's and family's strengths and needs in the applicable areas of permanency, education, mental health, socialization, health care, and dental care; (3-30-01)

c. Identify plans for parent and child visitation unless documented as contraindicated; (3-30-01)

d. Specify treatment goals, methods, and time frames for each treatment goal to meet the identified needs of the child and family; (3-30-01)

e. Specify the behavior management techniques to be used by the persons providing the child's care and supervision; (3-30-01)

f. Identify the barriers and the techniques to be used to overcome the barriers to the child's returning home, being placed with a relative, or another permanent placement and document why returning home or being placed with a relative is not a goal; (3-30-01)

g. Identify the persons responsible for coordinating and implementing the child's and family's treatment goals; and (3-30-01)

h. Specify the projected next placement. (3-30-01)

02. Updated Service Plan. A service plan shall be updated within one hundred twenty (120) days after the admission and every ninety (90) days thereafter. Updated service plans shall assess the appropriateness of continuing the current placement, project length of stay in care, and update each element of the service plan. (3-30-01)

564. SHELTER CARE ADMISSION AND PLANS.
The organization shall develop and follow a brief written plan within seven (7) days of admission to shelter care. The plan shall assess the child's immediate and specific needs and identify the specific services to be provided by the organization and other resources to meet the needs. (3-30-01)

01. Shelter Care in Excess of Thirty Days. The organization shall re-assess and update the written plan for each child remaining in shelter care for thirty (30) days and at forty-five (45) days. The plan shall include: (3-30-01)

a. The reason for continued care; (3-30-01)

b. Plans for other placement; and (3-30-01)

c. Barriers to other placement and the plans to eliminate the barriers. (3-30-01)

02. Shelter Care More Than Sixty Days. The organization shall develop and follow service plans that comply with these rules, except the initial service plan shall be developed after sixty (60) days of admission. The service plan shall be updated every ninety (90) days thereafter. (3-30-01)

565. MAINTENANCE OF RECORDS.
An organization shall have and follow written policies and procedures for the maintenance and security of records. The policy and procedures shall: (3-30-01)

01. Record Storage. Ensure that the records are stored in a secure manner. (3-30-01)

02. Record Confidentiality. Ensure confidentiality of and prevent unauthorized access to the records. (3-30-01)

03. Organization of Record. Require that similar type records be maintained in a uniform and organized manner. (3-30-01)

04. Record Access. Specify who may have access to the records. (3-30-01)

05. Record Storage for Closed Organizations. Before an organization ceases operations, it must arrange with the Department for the storage of all child and adoptive family records required to be maintained by rules. (3-30-01)

566. RECORD RETENTION.
Except for an adoptive record, records shall be maintained for at least seven (7) years after the child has been released from the organization's care or until the child reaches the age of twenty-five (25), which ever is longer. A record for an adopted child and adoptive parent shall be kept in perpetuity. The record for each applicant for a foster care license or certification or an application to adopt where there was no adoptive placement shall be maintained for at least seven (7) years after provision of services has ended. (3-30-01)

567. -- 569. (RESERVED).

570. REPORTING OF CHILD ABUSE AND NEGLECT.
All suspected incidents of child abuse and neglect shall be reported immediately to the Department as required by Section 16-1619, Idaho Code. The chief administrator or designee of the children's agency or facility shall ensure the safety and protection of children when the allegation is against an organization's staff or volunteer and shall initiate a thorough investigation and administer appropriate disciplinary action, when indicated. (3-30-01)

571. HEALTH SERVICES.
The organization shall provide a physical exam within the last year by a licensed physician when the child has been in continuous care. If a child has not been in continuous care, a physical shall be done within thirty (30) days of admission by a licensed physician. Annual physical exams shall be provided for a child two (2) years of age and older, and on a schedule determined by a pediatrician for a child under two (2) years of age. Documentation shall be maintained of current immunizations or provisions for immunizations as required by Section 39-4801, Idaho Code, within thirty (30) days of admission. The organization shall provide documentation of medical care for the treatment of illnesses, carrying out corrective measures and treatment, and for the administration of medication as ordered by the physician. (3-30-01)

572. DENTAL SERVICES.
For children three (3) years of age and older, the organization shall ensure and document the child has had a dental exam within the last nine (9) months or a dental exam within three (3) months of admission, a yearly dental exam and necessary dental treatment, including prophylaxis, extraction, repair and restoration. The organization shall make provisions for appropriate dental care for a child under the age of three (3) when the child's dental needs indicate. Documentation of all medical treatment provided while the child is in care and documentation of applicable medical insurance provider, policy numbers and who holds the policy must be maintained. (3-30-01)

573. NON-VIOLENT PHYSICAL INTERVENTION.
An organization shall have written policies and procedures governing the appropriate use of non-violent physical restraint intervention strategies. The policy and procedures shall be in accordance with the non-violent physical restraint intervention strategies of a nationally recognized program and: (3-30-01)

01. Protection from Harm to Self or Others. Be used only when a child's behavior is out of control and could physically harm himself or others, or to prevent the destruction of property when the child fails to respond to non-physical behavior management interventions. (3-30-01)

02. Intervention Time Guidelines. Be used only until the child has regained control and shall not exceed fifteen (15) consecutive minutes, include written documentation of attempts made to release the child from the restraint if more than fifteen (15) minutes is required. (3-30-01)

03. Intervention Training Requirements. Be used only by employees or volunteers documented to have been specifically trained in its use and authorized to apply such strategies. (3-30-01)

04. Conditions Limiting Restraint Use. Prohibit the application of a non-violent physical restraint intervention if a child has a documented physical condition that would contraindicate its use, unless a qualified medical professional has previously and specifically authorized its use in writing. Documentation shall be maintained in the child's record. (3-30-01)

05. Intervention Documentation. Require documentation of the behavior which required the non-violent physical restraint intervention strategy, the specific attempts to de-escalate the situation before using physical restraint, the length of time of the non-violent physical restraint intervention strategy was applied which shall include documentation of the time started and completed, and the debriefing completed with the staff and child involved in the non-violent physical restraint intervention strategy. (3-30-01)

06. Subsequent Review. Require that whenever the non-violent physical intervention policy and procedures have been used on a child more than two (2) times in one (1) week, there is a review by the chief administrator or his designee. Appropriate action shall be taken based on the findings of the review. (3-30-01)

574. CLIENT GRIEVANCE POLICY.
An organization shall develop and follow a written grievance policy for clients that is written in simple and clear language, requires prompt investigation of the grievance by an objective person, and provides at least one (1) level of appeal. Clients shall be made aware of the grievance policy and this shall be documented. The policy shall be shared in a manner appropriate to the child's age and his ability to understand. The policy shall require monitoring to ensure there is no retaliation against the child or the person who files a grievance. (3-30-01)

575. SUICIDE PREVENTION PLAN.
An organization shall develop and follow a written suicide prevention plan that addresses the needs of the population the organization serves. (3-30-01)

576. CLOTHING.
An organization shall ensure that each child in care has sufficient clean, properly fitting clothing, appropriate for the child's age, gender, individual needs, program and season. (3-30-01)

577. VISITATION POLICY.
An organization shall have and follow a written visitation policy. The policy shall encourage visits between a child in care and family members and others significant to the child except when visitation is contraindicated and is documented in the child's record or a court order. The policy shall require the maintenance of a log of visitation for each child in residential care which includes the name of the person visiting and the date and time of the visit. (3-30-01)

578. CORRESPONDENCE POLICY.
An organization shall have and follow a written correspondence policy that specifies the conditions under which the organization restricts the receipt of correspondence to or from a child. The conditions shall require that the child and parent or guardian be informed of the restriction, the reason for the restriction, and that the restriction be documented in the child's record. The policy shall prohibit staff and foster parents from reading children's correspondence except where there is a legitimate documented reason to do so. When staff or foster parents read a child's correspondence, the child shall be present. Packages may be exempt from the prohibition against inspection. (3-30-01)

579. RELIGIOUS AND CULTURE POLICY.
An organization shall have and follow a written policy on religious participation, religious training and cultural heritage of a child. The policy shall require reasonable attempts to accommodate the religious and cultural preferences of the child and parents. When it is required by the program that a child participate in religious practices, the provider's policy shall clearly state so and the parent, guardian and referral source shall be informed of the requirement, before placement of the child. (3-30-01)

580. EDUCATION POLICY.

An organization shall have and follow an education policy. The policy shall require that as soon as possible but at least within five (5) school days after a child's placement, each child of school age, as defined by state law, be enrolled in an appropriate school program or document why the child was unable to enroll. (3-30-01)

581. PERSONAL POSSESSIONS, ALLOWANCE, AND MONEY POLICY.
An organization shall have and follow a personal possessions, allowance and money policy. The policy shall include: (3-30-01)

01. Financial Accounting. Payment of, and accounting for any allowance, social security benefits, and other financial benefits to a child in care. (3-30-01)

02. Child's Personal Possessions. Documented accounting for a child's personal possessions, including clothing with which the child came into care and items which were obtained while he is in care and documented return of all inventoried items, to the child, parent, or guardian at discharge from care, except illegal contraband and contraband prohibited by the organization in its policy which may be exempt from return. (3-30-01)

03. Signature Required. The organization shall obtain the signature of the parent, guardian or child over eight (8) years of age who is capable of understanding the purpose of the inventory at the time of inventory and when the items are returned. (3-30-01)

582. EMERGENCY POLICIES.

01. Emergency Policy Provisions. An organization shall have and follow an emergency policy and procedures. The policy shall contain provisions for ensuring that a caregiver has and follows the organization's approved written procedures for the following emergencies: (3-30-01)

a. Fire; (3-30-01)

b. Natural disasters; (3-30-01)

c. Serious accident or injury; (3-30-01)

d. Medical; (3-30-01)

e. Missing Child; (3-30-01)

f. Power Outage; (3-30-01)

g. Bomb Threat; (3-30-01)

h. Severe Weather; (3-30-01)

i. Hostage Taking; and (3-30-01)

j. Any other dangers unique to the location of an organization. (3-30-01)

583. -- 599. (RESERVED).

ADDITIONAL STANDARDS FOR CHILDREN'S AGENCIES

(Sections 600 Through 699)

600. ADDITIONAL STANDARDS FOR CHILDREN'S AGENCIES.
(Sections 600 through 699, see also Sections 500 through 599.) (3-30-01)

601. CHIEF ADMINISTRATOR POSITION AND QUALIFICATIONS.

The children's agency shall employ or contract for a chief administrator who shall have at the time of appointment, at a minimum: (3-30-01)

01. **Master's Degree**. A Master's degree from an accredited college or university in a field related to human behavioral science, two (2) years of experience working with families or children in a social services setting, and three (3) years of experience in staff supervision and administration; or (3-30-01)

02. **Bachelor's Degree**. A Bachelor's degree from an accredited college or university in a field related to human behavioral science, five (5) years of experience working with families or children in a social services setting and three (3) years of experience in staff supervision and administration. (3-30-01)

602. SERVICE WORKER SUPERVISOR POSITION.
The children's agency may employ a service worker supervisor who shall possess either: (3-30-01)

01. **Master's Degree Provision**. A Service Worker Supervisor shall be a certified social worker or a person who possesses a Master's degree from an accredited college or university in a related field with appropriate licensure as required by state law, and have demonstrated experience of not less than five (5) years in adoptions or foster care; or (3-30-01)

02. **Bachelor's Degree Provision**. A Bachelor's degree from an accredited college or university in a human behavioral science, or in another major where twenty-five percent (25%) of the course credits earned toward the degree are in human behavioral sciences, and five (5) years of experience working with families or children in a social service setting and three (3) years in staff supervision and administration. (3-30-01)

603. SERVICE WORKER SUPERVISOR RESPONSIBILITIES.
A service worker supervisor shall be responsible for providing ongoing supervision to designated social workers and ensure that the delivery of services complies with licensing requirements for a children's agency. (3-30-01)

604. SOCIAL WORKER POSITION AND QUALIFICATIONS.
A children's agency may employ or contract for a licensed social worker who shall possess at least a bachelor's degree from an accredited college or university with a major in a social work. (3-30-01)

605. SERVICE WORKER POSITION AND QUALIFICATIONS.
A children's agency may employ or contract for a service worker. (3-15-02)

01. **Qualification**. Qualifications of the service worker shall be verified through written documentation of work experience and education. The service worker shall have at least: (3-15-02)

a. A bachelor's degree in a behavioral science such as social work, psychology, marriage and family counseling; or (3-15-02)

b. A closely related field. A closely related field will have at least twenty-one (21) semester credit hours (equivalent to a minor degree) in a human services field such as psychology, social work, counseling, or marriage and family counseling; and either; (3-15-02)

i. Twenty (20) hours of completed training in adoption or foster care services specific to the assigned duties; or (3-15-02)

ii. One (1) year of full-time paid experience in adoption or foster care services specific to assigned duties. (3-15-02)

02. **Training**. Service Workers must document twenty (20) hours of completed training every four (4) years in adoption or foster care services specific to the assigned duties. (3-15-02)

606. SOCIAL WORKER OR SERVICE WORKER RESPONSIBILITIES.
A children's agency shall require that social workers or service workers are directly responsible for service plans, selecting foster home and adoptive placements, foster home certification and studies, preparing adoptive family

studies and supervision and support services for children in foster care, adoptive placements, and transitional living. (3-30-01)

607. SELF-SUPERVISION PROHIBITED.
Neither a service worker supervisor nor a social worker shall be allowed to supervise his own work. (3-30-01)

608. STAFF WORKLOADS.
A children's agency shall have identified workload standards for each staff member: (3-30-01)

01. Supervisor to Staff Ratio. Service Worker Supervisors shall not supervise more than eight (8) workers made up of the following: social workers, service workers, and social service aides. (3-30-01)

02. Caseload Limitations. At the discretion of the supervisor, a social worker or service worker may be assigned a caseload of twenty (20) families with an adoption placement, active child foster care, or transitional living cases; or forty (40) adoptive families being studied or awaiting an adoptive placement or foster home certification cases, or a proportionate combination of these functions. (3-30-01)

609. CERTIFICATION TRAINING.
A children's agency shall ensure that a social worker or service worker who performs foster home licensing or certification functions receives training appropriate to his level of functioning. (3-30-01)

610. -- 614. (RESERVED).

615. ADDITIONAL PROVISIONS FOR FOSTER HOME CERTIFICATION.
A children's agency that licenses or certifies foster homes shall have policies to comply with foster care rules, Sections 400 through 499 of these rules and may require that additional foster care standards be met if the agency deems appropriate. (3-30-01)

616. PROGRAM DESCRIPTION.
A children's agency providing foster care shall include information in their brochure and their licensing application of the types of foster care provided, the type and number of homes needed, and the type of support services provided to foster parents. (3-30-01)

617. LICENSING AND CERTIFICATION AGENCY POLICIES AND PROCEDURES FOR FOSTER HOMES.
In addition to meeting the general requirements for policies in Sections 500 through 616, a children's agency which licenses or certifies foster homes shall have policies and procedures for Sections 618 through 649 of these rules. (3-30-01)

618. APPLICATION REQUEST PROCESS.
A children's agency that licenses or certifies foster homes shall document that a person who has requested an application receives a copy of the foster care rules, Sections 400 through 499, is informed that a copy of these rules are available, and is provided a copy of the children's agency' foster parent training requirements. (3-30-01)

619. APPLICATION SUBMISSION, WITHDRAWAL, AND DENIAL PROCESS.
Agency Application Action. A children's agency shall initiate and document action within thirty (30) days of receipt of a completed and signed application for a foster home license or certification. An application may be considered withdrawn if the applicants fail to cooperate with completion of the licensing or certification process for a period of sixty (60) days and has been provided written notice that failure to cooperate will result in the application being considered withdrawn. Notice that the application is withdrawn shall be provided per the requirements of Sections 100 through 149 of these rules. A children's agency shall deny an application if the applicant fails or refuses to comply with an applicable rule. If denying an application, the procedures required by these rules shall be followed. (3-30-01)

620. INITIAL AND SUBSEQUENT FAMILY FOSTER HOME EVALUATION STUDY PROCESS AND CONTENTS.
The children's agency shall conduct the appropriate home study based on the foster care Sections 400 through 499 of

these rules, to determine if the family meets required licensing standards to be issued a foster care license, and shall maintain a copy of the study on file. (3-30-01)

621. TRAINING.
The children's agency shall have and follow a training policy that shall include meeting the orientation and ongoing training requirements of Sections 400 through 499 of these rules, and shall include additional information on the requirements unique to the particular agency program. All foster care training shall be documented in the foster parents case file record. (3-30-01)

622. PLACEMENT AGREEMENT REQUIRED CONTENTS.
The children's agency shall use a placement agreement that shall be signed by the foster parents and the children's agency before placing a child in a foster home. The placement agreement shall identify the responsibilities of the children's agency including supervision and support services for the foster family and the responsibilities of the foster family. The foster family shall be informed and agree to follow the children's agency policies and procedures. A children's agency shall review the agreement with the foster family at least annually and, when needed, develop a new agreement. The children's agency shall give a foster family a copy of the signed current placement agreement and maintain a copy in the foster home record. (3-30-01)

623. COMPLAINT INVESTIGATION, BASIS, TIME REQUIREMENTS, NOTIFYING FOSTER PARENTS, CONTENTS, AND PROCESS.
When a complaint is received that relates to possible foster parent noncompliance with any provisions in Sections 400 through 499 of these rules, a children's agency shall initiate a complaint investigation as soon as is indicated, based on seriousness of the allegation received, no later than seven (7) calendar days after receipt of the allegation. A children's agency shall inform a foster parent that a complaint has been received, provide a clear description of the allegations, and allow a representative of the foster parent in interviews regarding the complaint before they are questioned or interviewed. (3-30-01)

01. Investigation Timeline and Extension. A children's agency shall complete a complaint investigation within forty-five (45) calendar days after receipt of the allegation. If additional time is required, the children's agency shall inform the foster parent, in writing, of the basis for the extension. (3-30-01)

02. Summary of Findings. Before completion of a written report, a children's agency shall provide a verbal summary of the preliminary findings with the foster parent. (3-30-01)

03. Agency Written Report. Upon completion of the investigation, a children's agency shall prepare a written report that includes date and report source, identification of the source of the allegation, unless anonymous or confidential, as specified in the Child Protective Act, Title 16, Chapter 16, Idaho Code. The report shall also include: (3-30-01)

a. The specific allegations; (3-30-01)

b. Dates and places of contacts, names of persons interviewed, and names of the interviewers. If children are interviewed, their names shall be coded in the report; (3-30-01)

c. Findings of fact, based on the investigation; (3-30-01)

d. Conclusions regarding compliance or noncompliance with Sections 400 through 499 of these rules, based on the findings of the investigation summarized in the report; (3-30-01)

e. Any changes in the children's agency decision regarding placement specifications that are based on the findings of the investigation summarized in the report; and (3-30-01)

f. Recommendations regarding licensing or certification action and any required corrective action. (3-30-01)

04. Conclusion of Investigation. A children's agency shall provide a copy of the complaint investigation report, excluding the source of the allegation to the foster parent, within ten (10) calendar days of its

completion. The foster parent shall be allowed to attach his written response to the report. The children's agency shall document any identified corrective action required of the foster family. (3-30-01)

624. RECORDS MANAGEMENT, MAINTENANCE, AVAILABILITY TO FOSTER PARENT, AND CONTENTS.
A children's agency shall maintain a foster home record for each foster home and may make copies of a record available to the applicant or licensed or certified foster parent upon request except for medical documents specifically identified as confidential, pending complaint investigation reports and documents, records of privileged communications and criminal records, police reports, and child protective service information. Social security numbers from any source shall not be provided, except a social security number needed by a foster parent to provide needed services for a foster child. (3-30-01)

01. Record Contents. The record shall contain all documents pertaining to licensing or certification of the home, any complaint investigation reports, and placement agreements between a foster parent and the children's agency. (3-30-01)

02. Placement Record. A complete record identifying all children placed in the foster home and removed from the home, including: full name, age, gender, and race of the child; date of the placement; date and reasons for a foster child's departure from the foster home; any written response from a foster parent to a complaint investigation or response to a cited rule compliance; and any corrective action plans. (3-30-01)

625. -- 629. (RESERVED).

630. ADDITIONAL PLACEMENT CONSIDERATIONS.
A children's agency shall follow the provisions of Sections 400 through 499 of these rules and have a policy on the following placement considerations. (3-30-01)

01. Child Placement Preparation. Before the placement of a child, the children's agency shall prepare the child for the placement consistent with the child's age, individual needs, the circumstances necessitating placement, and identified special problems presented. (3-30-01)

02. Placement Emergency Change. If an emergency change in placement is necessary, within fourteen (14) days of placement change, documentation shall be included in the child's record. (3-30-01)

03. Placement Service Termination. If a children's agency is no longer providing services to the child in a foster home, the following information shall be documented within fourteen (14) days of the service termination that will include a summary of the services provided and the needs that remain and provision for any continuing services with another children's agency. (3-30-01)

631. EMERGENCY EVACUATION PLAN.
A children's agency shall have a policy to require and approve a written evacuation plan for a foster home. (3-30-01)

632. UNUSUAL INCIDENT POLICY.
The children's agency shall have a policy to notify the state licensing authority within one (1) working day of the occurrence of an incident as outlined in Section 473 of these rules. The policy shall require the children's agency to notify the Department immediately, the foster child's parents, and the responsible children's agency of the death of a foster child. (3-30-01)

633. SERVICE PLANS AND PARTICIPANTS.
A children's agency shall develop initial and updated service plans on behalf of the child through a team approach which includes the child, the child's parents or legal guardian, the foster parents, the referring children's agency, others identified in providing needed placement services and the assigned social worker or service worker, as appropriate. A service plan shall include behavioral management procedures with the placing agency if appropriate, and with the foster parents and maintain a copy in the child's file. (3-30-01)

634. CHILDREN'S AGENCY SUPERVISION OF CHILD.
Supervisory Visits Plan. A children's agency shall develop a plan of supervisory visits with a child in foster care

consistent with the child's service plan, as required by these rules. The child's record shall contain documentation that the assigned social worker or service worker personally visited the foster child at least once each month. A children's agency may reduce the number of social worker or service worker visits with a child to once every ninety (90) days if there is documentation and justification in the service plan that a child's placement in a foster home is a long-term planned placement. At least one-half (1/2) of the visits shall occur in the foster home. (3-30-01)

635. -- 649. (RESERVED).

ADDITIONAL PROVISIONS FOR TRANSITIONAL LIVING SERVICES

(Sections 650 Through 659)

650. ADDITIONAL PROVISIONS FOR TRANSITIONAL LIVING SERVICES.
(Sections 650 through 659, see also Sections 500 through 599) (3-30-01)

651. PROGRAM STATEMENT FOR TRANSITIONAL LIVING SERVICES.
A children's agency which provides transitional living services shall develop a program statement describing the specific services it will provide to youth. Services are limited to those identified youth who are at least sixteen (16) years of age and for whom family reunification, placement with previous care givers or extended family, and adoption have been found and documented to be inappropriate. (3-30-01)

652. POLICIES AND PROCEDURES FOR TRANSITIONAL LIVING SERVICES.
In addition to the requirements for policies in Sections 500 through 651 of these rules. The children's agency shall have policies and procedures for selecting youth for placement, orientation of youth before placement, approval and oversight of living arrangements, provision of support services or arranging for these services, and termination of services. (3-30-01)

653. RECORD MANAGEMENT.
In addition to the general record requirements in Section 561 of these rules, an agency record shall be updated annually and include the youth's Social Security number, current address, telephone number, a photograph, and the names and addresses of known offspring. (3-30-01)

654. SERVICE COMPONENTS.
An agency licensed to provide transitional living services shall provide or arrange for the following service components as appropriate to the youth's needs: (3-30-01)

01. **Planning**. Individualized, youth-centered placement planning. (3-30-01)

02. **Counseling**. Counseling and support groups as appropriate to individual needs. (3-30-01)

03. **Skills**. Life skills, self-care, daily living skills, money management, and housing. (3-30-01)

04. **Training**. Education, vocational or technical training. (3-30-01)

05. **Medical Care**. Health and medical care. (3-30-01)

06. **Legal**. Legal services. (3-30-01)

07. **Activities**. Socialization, cultural, religious and recreational activities. (3-30-01)

08. **Aftercare**. Aftercare following termination of transitional services. (3-30-01)

655. TRANSITIONAL LIVING PLACEMENT.
Before a youth is placed in a transitional living program, a children's agency shall document in the youth's record: (3-30-01)

01. **Basis**. The basis for determining this is an appropriate program for the youth; (3-30-01)

02. **Self-Care**. That a youth exhibits self-care potential: (3-30-01)

03. **Youths Need for Supervision**. An evaluation of and a plan for a youth's need for supervision and support services; (3-30-01)

04. **Living Arrangements**. The assigned social worker or service worker has personally observed the living arrangement and determined it is safe and appropriate; and (3-30-01)

05. **Essential Services**. There are specific and essential services to provide for suitable social, physical, vocational and emotional needs of the youth as appropriate. (3-30-01)

656. SUPERVISION AND SUPPORT.
A children's agency shall develop and follow a plan of supervision and support services for a youth in transitional living consistent with the youth's needs. (3-30-01)

01. **Plan of Supervision**. The plan shall include: (3-30-01)

a. Current documentation of financial support sufficient to meet the youth's housing, clothing, food, and miscellaneous expenses; and (3-30-01)

b. The date, location, documented purpose, and a summary of the findings of each contact between social worker or service worker and the youth describing the youth's adjustment, relationship with family members and the children's agency efforts to resolve any conflicts. (3-30-01)

02. **Written Contract and Reviews**. A children's agency shall have a mutually agreed upon contract between the youth and the children's agency that specifies the responsibilities of the children's agency and the youth, which is signed and dated by the youth and the assigned social worker. The contract shall be reviewed and updated at least once every ninety (90) calendar days. A copy of the contract and any amendments to the contract shall be maintained in the case record. (3-30-01)

03. **Monthly Contact**. There shall be face to face contact at least monthly with the youth by the assigned social worker or service worker to assess that the youth is functioning at an acceptable level, is carrying out prescribed expectations, is managing his money, and is residing in a safe and acceptable environment. (3-30-01)

04. **Contact Documentation**. At least once every two (2) months there shall be documentation of an on-site contact with the youth at his place of residence by the assigned social worker or service worker. (3-30-01)

05. **Twenty-Four Hour Agency Telephone Access**. Youth shall have twenty-four (24) hour, seven (7) days-a-week telephone access to contact the children's agency. (3-30-01)

657. TERMINATION OF TRANSITIONAL LIVING SERVICES.
When a children's agency terminates its transitional living services for a youth, the reason for the termination, the youth's new location, a summary of the needs that have been addressed and remain to be met, and identified referral services shall be documented in the youth's case record within thirty (30) days after the youth leaves the program. (3-30-01)

658. REQUIRED INFORMATION FOR YOUTH AT SERVICE TERMINATION.
A children's agency shall document that each youth who ends transitional living services is provided with basic information on health care, housing, counseling services, and emergency resources. The youth shall be provided his birth certificate, Social Security card, funds, and personal property held by the children's agency. (3-30-01)

659. (RESERVED).

ADDITIONAL PROVISIONS FOR ADOPTION SERVICES

(Sections 660 Through 679)

660. ADDITIONAL PROVISIONS FOR ADOPTION SERVICES.
(Sections 600 through 679, see also Sections 500 through 599) (3-30-01)

661. ADOPTION SERVICES - NONPROFIT STATUS.
A children's agency which provides adoptions services shall provide documentation that it is incorporated as a non-profit corporation. (3-30-01)

662. PROGRAM STATEMENT.
A children's agency that provides adoption services shall include in its program statement the following: (3-30-01)

01. Description of Services Available. A written description of services provided directly by the children's agency or through another organization for a child, a birth parent, an adoptive applicant and an adoptive family. (3-30-01)

02. Eligibility. The general criteria by which the children's agency determines eligibility for adoptive parenthood. (3-30-01)

03. Delineation of Expenses. A clear delineation of fees, charges, and other consideration for adoption services. The delineation shall include: (3-30-01)

a. Specific charges for expenses and services provided within the children's agency; (3-30-01)

b. Chronological itemization of fees for expenses and services provided by other identified sources; (3-30-01)

c. Identification of the charges that are refundable and the charges that are not refundable; and (3-30-01)

d. The manner and timing of payments. (3-30-01)

663. WRITTEN POLICIES AND PROCEDURES - ADOPTION.
A children's agency shall have and follow written policies and procedures for the adoption services it provides or facilitates. The policies and procedures shall cover services for children, birth parents, adoptive applicants and parents, post placement services, and post-finalization services. (3-30-01)

664. SERVICES FOR CHILDREN SHALL BE THE PRIMARY CONSIDERATION.
A child in need of adoption shall be the primary consideration of adoption services provided by a children's agency. The choice of adoptive placement shall be in the best interest of the child and shall include consideration of previous caretakers. This shall include the foster parents where a child has established a bonded relationship. For children under the supervision of the children's agency and are awaiting adoptive placement, there shall be a review by the agency administrator, or their designee, every month for an infant one (1) year of age or younger, and every three (3) months for a child over one (1) year of age, to determine what needs to be done to locate an adoptive placement for the child. (3-30-01)

665. SERVICES FOR CHILD'S BIRTH PARENTS.
A children's agency that accepts custody of a child from a birth parent or parents must provide services for the parent or parents either directly or through cooperative arrangements. The children's agency must ensure that the legal rights of the birth parents are protected throughout the decision-making about release of records, as required by statutes governing Termination of Parental Rights and Adoptions. The children's agency will respect the expressed desires of either or both birth parents to provide for continuity of identity of the child's religious, cultural, racial, linguistic, and ethnic background, provided the desired request does not deny or delay placement of the child for adoption in accordance with the Multiethnic Placement Act (MEPA), and such considerations are legal. (3-30-07)

666. SERVICES FOR ADOPTIVE APPLICANTS.
A children's agency shall provide the following services to its adoptive applicant clients: (3-30-01)

01. Orientation. Orientation to adoption, its meaning, the children's agency adoption process and procedures, and the availability of children for adoption; (3-30-01)

02. Suitability Criteria. Information about the specific criteria by which the children's agency determines suitability as adoptive parents and the areas the children's agency assesses to determine the ability of the adoptive applicants to meet the needs of an adopted child; (3-30-01)

03. Termination of Services. The children's agency procedures for termination of services for an applicant found to be unsuited for adoptive parenthood or for an applicant found suited to adopt but for whom a child cannot be found; (3-30-01)

04. Selections and Services for a Specific Child. The children's agency procedures for selection of adoptive applicants to meet the needs of a specific child and, where indicated, assistance in obtaining resources and services to meet the continuing needs of the child; (3-30-01)

05. Legal Assessment. The children's agency procedures for assuring that a child placed is legally free for adoption or an explanation that the placement is a legal-risk placement of the child and what efforts are made to free the child; (3-30-01)

06. Preparation for Placement. The children's agency procedures for preparing an applicant for parenting and placement of a child; and (3-30-01)

07. Counseling. The children's agency may provide or arrange counseling for prospective adoptive parents including assistance in understanding a child's religion, culture, ethnic, or linguistic background and the impact of leaving familiar ties and surroundings, including attachment issues and living in an institution, as appropriate to the age of the child. (3-30-01)

667. RECRUITMENT OF ADOPTIVE APPLICANTS.
A children's agency shall recruit adoptive applicants at a level that ensures the availability of a sufficient number and diversity of adoptive families to meet the needs of children available for adoption under the care of the children's agency. (3-30-01)

668. PAYMENT LIMITATIONS IN ADOPTION.
A children's agency shall prohibit the actual or promised payment or other material consideration to any party directly or indirectly involved in the administration of an adoption service, whether acting as an employee or independent contractor, except for the performance of routine professional duties necessary to complete the adoption process. (3-30-01)

669. PROHIBITION OF CONTRIBUTIONS IN ADOPTIONS.
A children's agency shall not accept contributions from adoptive applicants or from persons acting on the applicant's behalf during the period of application or before an adoption has been finalized, nor accept a commitment to make a contribution after an adoptive placement. (3-30-01)

670. PROHIBITION OF STAFF ADOPTIONS.
A children's agency shall not do an adoption study or placement for its own staff, board member or person with whom the children's agency contracts to provide services for the agency. (3-30-01)

671. FAMILY HOME STUDY, ADOPTION, APPLICATION PROCESS AND CONTENT.
A children's agency must complete a written family home study application before approving the home for the placement of a child for purposes of adoption. (3-30-07)

01. Background Information. An applicant for adoption must provide the children's agency with the names of each adult member of the household, and signed releases to obtain any of the information required in Sections 400 through 499 of these rules for each member. (3-30-07)

02. Required Information. The adoptive home study must include applicable information required in Section 405 of these rules and the following information: (3-30-07)

a. Any relevant findings from the criminal history and background checks; (3-30-07)

b. Each adoptive parent's reasons for applying to be an adoptive parent and prior efforts to adopt; (3-30-01)

c. Understanding of the purpose and permanence of adoption; (3-30-01)

d. How long the applicants have considered adoption; (3-30-01)

e. The attitudes toward adoption by immediate and extended members of the family and other persons who reside in the home; (3-30-01)

f. Family's attitudes toward the adoptive child's family and willingness to allow them contact with the child after adoption; (3-30-01)

g. Prior and current experiences with out-of-home care for the applicant's children; (3-30-01)

h. Applicant's experience with other helping agencies or resources in their communities; (3-30-01)

i. Applicant's comfort level in seeking help from services outside the family; (3-30-01)

j. Applicant's awareness of the potential for the child to have identity problems and loss regarding separation from birth parents; (3-30-01)

k. Applicants understanding of and disclosure of the circumstances of the adoption to the child; (3-30-01)

l. Applicants understanding that the child will have questions about birth parents and other relatives; (3-30-01)

m. Specifications of children preferred by the family that include the number of children, and the age, gender, race, ethnic background, social, emotional and educational characteristics of children preferred; (3-30-01)

n. Information on the adoptive family's medical insurance coverage including insurance carrier, policy number, eligibility of new adoptive family member(s), limitations and exclusions; and (3-30-01)

o. Any other information deemed necessary to complete the study. (3-30-01)

672. SERVICES FOR ADOPTIVE PARENTS.
A children's agency shall provide or arrange for the following services to adoptive parents served by the children's agency: (3-30-01)

01. Specific Training. The children's agency shall provide or arrange specific training related to the culture and race of the child who is of a different culture or race from the adoptive parents. (3-30-01)

02. Disclosure of Non-Identifying Child Information. Disclosure of all non-identifying information known to the children's agency about the child, the child's birth parents, and the circumstances leading to the decision to place for adoption. (3-30-01)

03. Post-Placement Services. Post-placement services related to support to the family and supervision of the placement. (3-30-01)

04. Provision of Resources. Provision of resources or arranging for the provision of resources to effect

a safe, stable and suitable placement for the child and the family, including information regarding the federal adoption assistance program. (3-30-01)

05. Adoption Finalization Assistance. Help in finalizing the legal adoption of the child. (3-30-01)

06. Post-Finalization Services. Upon request, the children's agency, either directly or by referral to a resource, shall assist the family with any identified problems associated with the adoption. (3-30-01)

673. SELECTION OF AN ADOPTIVE PLACEMENT.
The factors listed are in random order and are not intended to reflect relative priority. A children's agency must consider the following factors in selecting suitable adoptive parents for a child: (3-30-07)

01. Child's Needs. The physical, emotional, medical, and educational needs of the child. (3-30-01)

02. Continued Contact. The child's needs for continued contact with the birth parent(s), siblings, relatives, foster parents, and other persons significant to the child. (3-30-01)

03. Racial, Ethnic, and Cultural Considerations. In accordance with the Multiethnic Placement Act (MEPA), the child's racial, ethnic, cultural identity, heritage, and background may only be considered if a written assessment of the child indicates that such consideration is in the best interest of the child. (3-30-07)

04. Authorized Placement on Approved Recommendations. The children's agency must require authorization by a chief administrator after the recommendations of approval are given by a service worker supervisor. The approval or denial must be documented in the case record. (3-30-07)

05. Placement. A children's agency will place a child with children's agency-approved adoptive parents consistent with the recommendations specified in the adoptive family study and the needs of the child identified in these rules. (3-30-07)

674. CONDITIONS FOR PLACEMENT IN AN ADOPTIVE HOME.
A children's agency may place a child in a home for the purposes of adoption if the adoptive parents have received orientation in accordance with the requirements of Sections 660 through 699 of these rules, an adoptive family study has been completed, supervisory approval of the placement has been obtained, and all applicable parties have signed the adoptive placement agreement. (3-30-01)

675. ADOPTIVE PARENT INFORMATION.
A children's agency shall provide adoptive parents with the following information before the placement of a child: (3-30-01)

01. Name. Child's name as permitted by law or disclosure agreement. (3-30-01)

02. Date, Time and Location of Birth. Date, time and place of birth, including hospital, city, state and country. (3-30-01)

03. Racial, Ethnic, and Religious Considerations. Child's racial, ethnic and religious background. (3-30-01)

04. Medical Records. Child's physical and mental health records and where applicable, special needs. (3-30-01)

05. Family of Origin. Description of the child's family of origin, including age and gender of each family member, their relationship to the child, and medical and mental health history, social, and education history of each member of the family. (3-30-01)

06. Circumstances of the Placement. Description of the circumstances necessitating placement of the child. (3-30-01)

07. Preparation for Placement. Child's preparation for placement and, where applicable, attitude toward adoption. (3-30-01)

08. Other Information. Any other information to enable the adoptive parent to provide a stable, safe, and healthy environment for the child. (3-30-01)

676. SUPERVISION.
A children's agency social worker or service worker shall provide post placement supervision to the adoptive family at the family's home at least once every three (3) months after the placement of a child and before the final order of adoption. These supervisory contacts shall include: (3-30-01)

01. Documentation of Adjustment. Assessment and documentation of the child's and adoptive family's adjustment and, where indicated, plans to assist the child and adoptive family. (3-30-01)

02. Results of Assessment. Keeping the adoptive parents informed of the results of the children's agency's continuing assessment of the placement at the conclusion of each supervisory contact. (3-30-01)

03. Special Needs Adoption. Supervision by the children's agency for at least six (6) month duration and as frequently as needed before finalization for special needs adoptions. (3-30-01)

677. -- 679. (RESERVED).

ADDITIONAL PROVISIONS FOR INTER-COUNTRY ADOPTION SERVICES

(Sections 680 Through 699)

680. ADDITIONAL PROVISIONS FOR INTER-COUNTRY ADOPTION SERVICES.
(Sections 680 through 699, see also Sections 000 through 299) (3-30-01)

681. INTER-COUNTRY ADOPTION SERVICES.
A children's agency that provides inter-country adoption services shall include in its program statement a description of inter-country adoptive placement services it provides either directly or through collaboration with other agencies or individuals with proper credentials. (3-30-01)

682. LEGAL REQUIREMENTS FOR INTER-COUNTRY ADOPTION SERVICES.
A children's agency that arranges or engages in inter-country adoption shall provide the following: (3-30-01)

01. Legal Rights Protection. Provide protection of the legal rights for the child, the child's birth parents, adoptive applicants, and adoptive parents. (3-30-01)

02. Licensing Standard Compliance Requirement. Collaborate with and accept adoptive family studies and post-placement services only from other providers who comply with applicable state licensing standards and the laws from the child's country of origin. (3-30-01)

03. Children's Agency, Foreign Government Agreement Review. Maintain a file and provide for review to prospective adoptive families an English-translated copy of any agreement that exists between a foreign government and the children's agency. (3-30-01)

04. Adoptive Home Standards. Conduct adoptive family studies in accordance with these rules and the minimum standards established for international adoption studies by the United States Immigration and Naturalization Service. (3-30-01)

05. Citizenship. Inform families about how to obtain citizenship for a foreign born adopted child. (3-30-01)

683. FINANCIAL.

A children's agency shall establish and follow a written schedule of fees, estimated or actual expenses of what a family will be charged for services, fees and costs in the child's country of origin. (3-30-01)

684. INTER-COUNTRY ADOPTION SERVICES TO ADOPTIVE PARENTS.
A children's agency that provides or arranges for inter-country adoption services shall: (3-30-01)

01. Inter-Country Adoption Orientation. Provide orientation to prospective adoptive families regarding inter-country adoption, its meaning, the adoption process, children's agency procedures, and the characteristics of children needing adoption. (3-30-01)

02. Eligibility Criteria Disclosure. Disclose the general criteria by which the children's agency determines eligibility for applicants for inter-country adoption. (3-30-01)

03. Determination of Adoptive Applicant's Ability. Determine the ability of adoptive applicants to meet the needs of an internationally adopted child and prepare an adoptive family study report. (3-30-01)

04. Documenting Child's Legal Status. Acquire documentation that, at placement, the child is legally free for inter-country adoption. (3-30-01)

05. Procedures for United States Placement. Follow Immigration and Naturalization procedures to ensure that the child is or will be authorized to enter and reside permanently in the United States. (3-30-01)

06. Information Disclosure. Fully disclose all information available to the children's agency, based on a diligent effort to obtain pertinent information regarding the child's medical and social history as part of the referral information. (3-30-01)

07. Post-Placement Supervision. Provide post-placement supervision as required by the adoptive child's country of origin. (3-30-01)

08. Adoption Finalization. Ensure that the adoption of the child is finalized. (3-30-01)

685. COLLECTING AND EXCHANGING INFORMATION ABOUT A CHILD.
A children's agency shall collect and exchange information about the child's background with the prospective adoptive parents and ensure that information held by the children's agency regarding the child's origin, the identity of his birth parents, and medical history is retained. (3-30-01)

686. POST-PLACEMENT AND POST-FINALIZATION ADOPTION SERVICES.
A children's agency shall provide or arrange for the following post-placement and post-finalization adoption services by persons with prior experience in post finalization services and who are knowledgeable about the legal, social, cultural, and emotional issues pertinent to adoption. (3-30-01)

01. Post-Placement Reports. Provide post-placement and post-finalization reports on the progress of a child when requested by the country of origin when not in conflict with laws or public policies of the United States or Idaho. (3-30-01)

02. Crisis Counseling. Counseling or referral for counseling for the adoptive parents and the adoptee, when a placement or an adoption is in crisis. (3-30-01)

03. Adoption Disruption Re-Placement. Re-placement of the child if the adoptive placement is disrupted before finalization. (3-30-01)

04. Child Origin Information Access. Procedures as permitted by law to ensure access by the child or his representative to information regarding the child's origins that is held by the children's agency. (3-30-01)

05. Post-Finalization Counseling. Post-finalization counseling when requested by the family. (3-30-01)

687. -- 699. (RESERVED).

ADDITIONAL STANDARDS FOR CHILDREN'S RESIDENTIAL CARE FACILITIES

(Sections 700 Through 769)

700. ADDITIONAL STANDARDS FOR CHILDREN'S RESIDENTIAL CARE FACILITIES.
(Sections 700 through 769, see also Sections 500 through 599.) (3-30-01)

701. -- 704. (RESERVED).

705. CHIEF ADMINISTRATOR QUALIFICATIONS.
A children's residential treatment care facility shall employ or contract for a full time chief administrator who shall at the time of appointment have, at a minimum, a Bachelor's degree in a relevant discipline, two (2) years of experience working with children and three (3) years experience in staff supervision and administration or have completed a career development program which includes work-related experience, training or college credits that provide a level of achievement equivalent to the Bachelor's degree. (3-30-01)

706. SERVICE WORKER SUPERVISOR QUALIFICATIONS.
A service worker supervisor, at the time of appointment, shall be at least twenty-one (21) years of age and shall possess at least one (1) of the following: (3-30-01)

01. Master's Degree. A Master's degree from an accredited college or university in a human behavioral science and one (1) year of experience as a service worker; or (3-30-01)

02. Bachelor's Degree. Bachelor's degree from an accredited college or university in a human behavioral science, or another major where twenty-five percent (25%) of the course credits earned toward the degree are in human behavioral sciences, and four (4) years of experience working with children, two (2) years of which shall have been as a service worker. (3-30-01)

707. DIRECT CARE STAFF SUPERVISOR QUALIFICATIONS.
A direct care staff supervisor, at the time of appointment, shall be at least twenty-one (21) years of age and shall possess at least one (1) of the following: (3-30-01)

01. Bachelor's Degree. A Bachelor's degree from an accredited college and one (1) year of full-time experience in a children's residential care facility; or (3-30-01)

02. Associate's Degree. An Associate's degree or a minimum of forty-eight (48) credit hours from an accredited college and two (2) years of full-time experience in a children's residential care facility; or (3-30-01)

03. Experience. A high school diploma or equivalent and three (3) years of full-time experience in a children's residential care facility. (3-30-01)

708. SERVICE WORKER QUALIFICATIONS.
A service worker, at the time of appointment, shall be at least twenty-one (21) years of age and possess at least a Bachelor's degree from an accredited college or university with a major in a human behavioral science, or another major where twenty-five percent (25%) of the course credits earned toward the degree are in human behavioral sciences. (3-30-01)

709. DIRECT CARE STAFF QUALIFICATIONS.
Direct care staff shall be at least nineteen (19) years of age at the time of appointment and possess a high school diploma or equivalent. (3-30-01)

710. REQUIRED STAFF RATIOS.
There shall be written staff ratios for direct care staff to children and service workers to children. Unless otherwise specified in these rules, staff ratios shall be: (3-30-01)

01. Supervisor-Staff Ratio. At least one (1) staff supervisor for every twenty (20) direct care staff or fraction thereof. (3-30-01)

02. Staff-Child Ratio-Daytime. At least one (1) direct care staff to every eight (8) children when children are awake and present, unless the presenting problems of the children in care are such that a ratio of one (1) to eight (8) is not sufficient to provide for the safety and treatment needs of the children. In that case, the ratio of direct care staff to children ratio shall be increased to ensure the safety and treatment needs of the children are met. (3-30-01)

03. Staff-Child Ratio-Sleeping Hours. At least one (1) awake direct care staff to twenty (20) children or fraction thereof during the children's normal sleeping hours in buildings housing children's sleeping quarters. If the presenting problems of the children in care are such that a ratio of one (1) to twenty (20) is not sufficient to provide for the safety and treatment needs of the children, then the ratio of direct care staff to children ratio shall be increased to ensure the safety and treatment needs of the children are met. (3-30-01)

04. Medical Emergency. At least one (1) staff on duty in a children's residential care facility who is certified to provide cardiopulmonary resuscitation (CPR) and first aid for the age of the children in care. (3-30-01)

05. Emergency Staff Access. When only one (1) direct care worker is on duty, an additional staff person shall be available within ten (10) minutes or if assistance from law enforcement is available within ten (10) minutes an additional staff person shall be available within thirty (30) minutes to assist with an emergency. (3-30-01)

06. Service Worker Ratios. Except for non-accredited children's residential schools, at least one (1) service worker needs to be available for every twenty (20) children in care or fraction thereof. (3-30-01)

711. HOUSE PARENT RELIEF STAFF.
Where house parents are used to provide direct care staff functions, they shall be provided time off in accordance with the Idaho Department of Commerce and Labor requirements in Section 44-1202, Idaho Code. (3-30-01)

712. STAFF TRAINING.
Unless otherwise specified in these rules, an employee or volunteer whose primary job function requires interaction with children and who works twenty-four (24) or more hours a week shall receive at least twenty (20) hours of training annually. An employee or volunteer whose primary job function requires interaction with children and who works less than twenty-four (24) hours a week shall receive at least ten (10) hours of training annually. The training shall include cultural sensitivity and diversity, behavior management, and child development issues appropriate to the population served. Training shall also include instruction in administering cardiopulmonary resuscitation (CPR) and administering first aid appropriate to the age of the children in care within ninety (90) days after employment. (3-30-01)

713. -- 714. (RESERVED).

715. COMPLIANCE WITH APPLICABLE LAWS.
Children's residential care facilities shall comply with the applicable state and local zoning, fire, health, construction laws, ordinances and regulations. (3-30-01)

716. CHILDREN'S RESIDENTIAL CARE FACILITY BUILDING REQUIREMENTS.
A children's residential care facility building shall: (3-30-01)

01. Access to Community Resources. Have access to school facilities, hospitals, churches, recreational and other community resource. (3-30-01)

02. Occupancy Restrictions. House only the number of persons for which it is rated, given its type of construction and size. (3-30-01)

03. Classification Plans. Be constructed or arranged so children can be grouped in accordance with a classification plan. (3-30-01)

04. Location Restrictions. Not be located within three hundred (300) feet of an aboveground storage tank containing flammable liquids or gasses used in connection with a bulk plant, marine terminal, aircraft refueling or bottling plant of a liquefied gas installation, or similar hazard. (3-30-01)

717. NATIONAL ELECTRICAL CODE COMPLIANCE.
A building used to house children shall comply with the National Electrical Code adopted by the Department of Building Safety in Section 54-1001, Idaho Code or authorized local jurisdiction. (3-30-01)

718. FIRE SAFETY REQUIREMENTS.
A building which houses children shall be inspected by a state certified fire inspector before being occupied and on an annual basis thereafter for compliance with the applicable Uniform Fire Code. A copy shall be maintained at the facility: (3-30-01)

01. Group R-3. Non-Secure Group R-3, Congregate children's residential facility building housing ten (10) or less persons shall conform to the current Uniform Building Code for a Group R-3 Congregate Residence; (3-30-01)

02. Group R-1. Non-Secure Group R-1, Congregate children's residential facility building housing more than ten (10) persons shall conform to the current Uniform Building Code for a Group R-1 Congregate Residence; and (3-30-01)

03. Secure Groups. Secure Groups I-3, children's residential care facility building housing any number of persons shall conform to Group I-3 of Type I or Type II, Fire Restrictive Construction, or a one (1) story building of either Type II one (1) hour, Type III one (1) hour, or Type V one (1) hour construction provided that the floor area does not exceed three thousand nine hundred (3,900) square feet between separation walls of two (2) hour fire resistant construction with openings protected by fire assemblies having one and one-half (1 1/2) hour fire protection rating. (3-30-01)

04. Fire Extinguishers. Each building used to house children shall have a minimum of one (1) 2-A-10BC type per floor, and if there is a kitchen on the floor, fire extinguisher shall be in or immediately adjacent to the kitchen. Each extinguisher shall be inspected annually by a fire extinguisher service agency. (3-30-01)

719. EMERGENCY PROCEDURES.
A children's residential care facility shall have and follow written policies and procedures governing the handling of emergencies which include emergency evacuation plans, telephone numbers for contacting ambulances, emergency medical personnel, fire departments, hospitals, poison control centers, police, location and use of first aid kits, and roster and telephone numbers of staff to be contacted during an emergency, and other emergency services as appropriate. (3-30-01)

720. EMERGENCY DRILLS.
Fire drills shall be held and recorded at least monthly with each staff shift conducting a drill at least once a quarter. Evacuation routes shall be posted in conspicuous places on each floor of a building housing children. Disaster drills shall be held and recorded at least annually. (3-30-01)

721. DISTRICT HEALTH DEPARTMENT INSPECTION.
The facility shall provide documentation of an initial and annual inspection by the District Health Department addressing the following health and safety standards before issuing a license for a facility used to house children. A copy of the inspection shall be maintained at the children's residential care facility. A children's residential care facility shall comply with: (3-30-01)

01. Food Safety and Sanitation Standards. Rules of the Idaho Department of Health and Welfare, IDAPA 16.02.19, "Food Safety and Sanitation Standards for Food Establishments"; (3-30-01)

02. Sewage Disposal Systems. Rules of the Idaho Department of Environmental Quality, IDAPA 58.01.03, "Individual/Subsurface Sewage Disposal Rules"; (3-30-01)

03. Drinking Water Systems. Rules of the Idaho Department of Environmental Quality, IDAPA 58.01.08, Idaho "Idaho Rules for Public Drinking Water Systems"; and (3-30-01)

04. Garbage Disposal Requirements. Garbage disposal regulations of the local Public Health District, where the facility is located. (3-30-01)

722. BUILDINGS, GROUNDS, FURNISHINGS AND EQUIPMENT.
Buildings used to house children shall be furnished with comfortable furniture, in good repair and appropriate to the age, size and capabilities of the children. (3-30-01)

723. MAINTENANCE.
Buildings, grounds, furnishings and equipment shall be kept clean, free of clutter, and in good repair in a scheduled or routine manner. (3-30-01)

724. EQUIPMENT STORAGE.
All facility cleaning equipment shall be stored separate from the kitchen and food preparation, and serving and storage areas. Kitchen and bathroom sinks shall not be used for cleaning mops, emptying mop buckets, or for any other purpose not connected with food preparation, or personal hygiene. (3-30-01)

725. SERVICE SINK.
A building housing more than twelve (12) persons shall have a service sink which is used for general maintenance purposes such as floor mopping and not used for food preparation or dish washing. (3-30-01)

726. HAZARDOUS MATERIALS OR TOXINS.
Buildings used to house children shall be free from hazardous materials and toxins. Documentation shall be maintained at the facility confirming the hazardous material or toxins have been removed or do not pose a threat to the children served. Hazardous materials or toxins may include, but are not limited to: lead paint, asbestos and radon. (3-30-01)

727. LIGHTING.
Kitchens, bedrooms, dining rooms, recreation rooms and classrooms used by children shall be appropriately lighted for safety and comfort, with a minimum of thirty (30) foot-candles of light. All other areas used by children shall have a minimum of ten (10) foot-candles of light. (3-30-01)

728. HEATING.
The temperature in buildings used to house children shall be capable of being heated at least to sixty-eight (68) degrees Fahrenheit at a height of three (3) feet above floor level during the day and sixty (60) degrees Fahrenheit at night. Heating and ventilation equipment shall be properly installed, inspected annually, and kept in good repair. Portable fuel burning and wood burning heating appliances are prohibited. Portable electric heaters shall not be used in children's residential sleeping quarters. Local fire officials must approve portable heaters used in other areas. (3-30-01)

729. BATHROOM FACILITIES.
A building used to house children shall have adequate, clean and easily accessible bathroom facilities. The number of toilets for a Group R shall be one (1) per eight (8) females and one (1) per ten (10) males, bathtubs or showers shall be one (1) for each ten (10) individuals; washstands shall be one (1) for every five (5) individuals according to the Uniform Building Code applicable for the type of building and its use. There shall be separate use of bathroom facilities for boys and girls over six (6) years of age. There shall be separate bathroom facilities for staff. (3-30-01)

730. SLEEPING ROOMS.
Sleeping rooms in a building used to house children shall be: (3-30-01)

01. Size. At least seventy (70) square feet, exclusive of closet space, in a single occupancy room. In a multiple occupancy room, there shall be at least forty-five (45) square feet per occupant, exclusive of closet space. Existing multiple occupancy sleeping rooms, may be approved relative to square feet per occupant until the room is remodeled or the building is extensively remodeled. There shall be a minimum of three (3) feet between the sides of beds and two (2) feet at the end of the beds. (3-30-01)

02. Window Space. There shall be sufficient window space for adequate natural light and ventilation. Emergency egress or rescue windows shall comply with the State-adopted Uniform Building Code. (3-30-01)

03. Restrictions. A child and an adult shall not share a sleeping room except that a child under one (1) year of age may sleep in a room with an adult. A sleeping room shall not be in a stairway, hallway, unfinished attic, or unfinished basement or in a separate building apart from staff supervision. There shall be separate rooms for male and female residents. Sleeping rooms shall be in close proximity to adult supervision. (3-30-01)

731. BEDS.
Each child shall have his own bed which has substantial support, a comfortable non-neoprene mattress and seasonally appropriate non-neoprene bedding. The bed shall be equipped with railings when used for children under two (2) years of age. Over-and-under bunk beds shall not be used for children under eight (8) years of age. Cribs shall meet Consumer Product Safety Commission, Crib Safety Tips, recommendations. (3-30-01)

732. STORAGE OF POISONOUS AND TOXIC MATERIALS.
Poisonous and toxic materials shall be stored under lock and key and distinctly labeled as poisonous, toxic and stored so as not to contaminate food and so as not to be a hazard to children. (3-30-01)

733. FLAMMABLE LIQUIDS.
Flammable liquids, including gasoline, and kerosene shall be stored only in appropriate containers and only in a storage separate from any building housing children. (3-30-01)

734. FIREARMS.
Firearms shall not be maintained in a children's residential care facility, except in a facility which uses house parents for the direct care of children. Where house parents have firearms, they shall be unloaded and equipped with trigger locks and stored under lock and key and inaccessible to children. Ammunition shall be stored under lock and key separate from the firearms and inaccessible to children. (3-30-01)

735. SUFFICIENT RECREATIONAL SPACE.
Sufficient indoor and outdoor recreational space is needed so the number of children in care can participate in a wide range of physical and individual activities. (3-30-01)

736. GENERAL SAFETY PROVISIONS.

01. Reasonable Precaution. Reasonable precautions shall be taken to prevent children from having unauthorized access to machinery, tools, irrigation ditches, and hazardous materials. (3-30-01)

02. Balconies and Stairways. Balconies and stairways accessible to children shall have substantial railings as required by the State-adopted Uniform Building Code. (3-30-01)

03. Stairway Protection. Where a children's residential care facility provides care to children under three (3) years of age, stairways shall be protected to prevent children from falling down the stairs. (3-30-01)

04. Hazard Areas Restrictions. Based on the age and functioning level of children in care and the type of hazard, an outdoor hazard area shall be restricted to prevent easy access to the hazard. (3-30-01)

737. DIAPERING AND SANITATION.
A diaper-changing area shall be separate from food preparation and serving areas and be easily accessible to a hand-washing sink. The area shall have non-absorbent and washable surfaces, and shall be disinfected between uses by different children or protected by a disposable covering discarded after each use. (3-30-01)

738. -- 744. (RESERVED).

745. EDUCATION PROGRAM.
Each child of school age shall attend either an on-grounds or community-based education program that is approved by the Idaho Department of Education, excluding children in a non-accredited children's residential school. When the

education program is provided directly by the children's residential care facility, the education program shall: (3-30-01)

01. Teacher Ratio. At least one (1) teacher for every twenty (20) children or fraction thereof or as approved by the accreditation or certification standards. (3-30-01)

02. Teacher Qualifications. Employ only teachers who are at least twenty-one (21) years of age and who meet accreditation or certification requirements. (3-30-01)

03. Minimum Hours. Operate for at least as many school days and clock hours as are required by Section 33-512, Idaho Code. (3-30-01)

04. Core Curriculum. Core curriculum appropriate to the population served. (3-30-01)

05. Special Education. Provide special education services to a child in care who requires special education. (3-30-01)

06. Written Transcripts and an Individual Education Plan (IEP). Maintain transcripts and IEP's for each child as appropriate. (3-30-01)

07. Grading System. Use a uniform grading system. (3-30-01)

08. Release of Records. Process for transfer and release of education records to and from other schools and children's residential care facilities. (3-30-01)

746. WORK.
Children may be given a non-vocational work assignment as a constructive experience in compliance with child labor laws, which are age appropriate and within the child's capabilities. The primary purpose of work shall not be to substitute for paid labor. (3-30-01)

747. RECREATION, PHYSICAL EXERCISE, AND LEISURE TIME ACTIVITIES.
Leisure time activities both on and off the premises shall include both individual and group activities, and a balanced mix of planned recreation, leisure time activities, and physical exercise, including one (1) hour of large muscle activity each day. Participation may be encouraged but not forced. Children shall be offered a reasonable choice of activities. A schedule of monthly planned recreation, physical exercise and leisure time activities shall be readily available for staff to reference. (3-30-01)

748. SLEEP.
A children's residential care facility shall have and follow policies and procedures governing time to be set aside so that each child shall be given the opportunity for at least eight (8) hours of uninterrupted rest at night and more time if the service plan or health needs of the child require. (3-30-01)

749. SWIMMING POOL, POND, OR OTHER BODY OF WATER.
An above-ground or in-ground swimming pool, pond, or other body of water on the premises of a children's residential care facility for use by children must comply with Section 56-1003(3)(d), Idaho Code, and applicable swimming pool construction, sanitation, water quality standards, water temperature, recreational bathing and life saving provisions of federal, state, county and municipal laws, regulations and ordinances. (3-30-07)

01. Staff Person with Lifesaving or Lifeguard Certificate. The facility must maintain at least one (1) staff person who has a valid lifesaving or lifeguard certificate issued by a nationally recognized organization. This certified staff person must be on duty at all times when children are in the water. (3-30-07)

02. Pools, Hot Tubs, Ponds, and Other Bodies of Water. The facility must maintain the pools, hot tubs, ponds, and other bodies of water on its property in good repair, in a clean condition, and free from safety hazards and dangerous machinery and equipment. Areas and equipment that present a hazard to children must not be accessible by children. The following safeguards must be provided: (3-30-07)

a. The area surrounding a body of water must be fenced and locked in a manner that prevents access by children; or (3-30-07)

b. If the area surrounding a body of water is not fenced and locked, there must be a secured protective covering that will not allow access by a child; (3-30-07)

i. Pool or hot tub covers must be completely removed when in use; (3-30-07)

ii. When the pool or hot tub cover is in place, the cover must be free from standing water; (3-30-07)

iii. Covers must be kept locked at all times when the pool or hot tub is not in use; and (3-30-07)

c. A reaching pole with a hook and a ring buoy must be accessible; and (3-30-07)

d. Exterior ladders on above ground pools must be removed when the pool is not in use. (3-30-07)

03. Access by Children Five Years of Age and Under. Any children's residential care facility that cares for children five (5) years of age and under, and chooses to prevent access to a body of water by fencing must provide a fence that meets the following requirements: (3-30-07)

a. The fence must be at least four (4) feet high with no vertical opening more than four (4) inches wide, be designed so that a young child cannot climb or squeeze under or through the fence, and surround all sides of the pool or pond; (3-30-07)

b. The gate must be self-closing and have a self-latching mechanism in proper working order out of the reach of young children; (3-30-07)

c. If a building forms one (1) side of the barrier for the pool, doors that provide unrestricted access to the pool must have alarms that produce an audible sound when the doors are opened; and (3-30-07)

d. Furniture or other large objects must not be left near the fence that would enable a child to climb on the furniture and gain access to the pool. (3-30-07)

04. Irrigation Canals or Similar Body of Water. A children's residential care facility caring for a child five (5) years of age and under or a child who is physically or developmentally vulnerable whose property adjoins an irrigation canal must have fencing that prevents access to the canal or similar body of water by the child. (3-30-07)

05. Other Water Safety Precautions. (3-30-07)

a. Wading pools must be empty when not being used; (3-30-07)

b. Children must be under the direct supervision of an adult while using a wading pool; (3-30-07)

c. Toys that attract young children to the pool area must be kept picked up and away from the pool area when not in use; and (3-30-07)

d. A child who does not know how to swim must use an approved lifesaving personal flotation device. (3-30-07)

750. WATER FRONT.
At a waterfront used for swimming, there shall be available a whistle, an assist pole or other appropriate reaching device, a rope attached to a ring buoy or other appropriate throwing assist device, a backboard that has appropriate rigid cervical collars and a minimum of six (6) straps, a first aid kit and a rescue tube. (3-30-01)

751. SUPERVISION OF RECREATIONAL ACTIVITY.
Staff conducting or supervising a recreational activity shall have knowledge of and enforce appropriate safety

techniques for the activity and: (3-30-01)

01. Instruction. Instruct each participant in the appropriate safety procedures. (3-30-01)

02. Safety Equipment. Ensure that each participant uses adequate and appropriate safety equipment for the activity and the child's ability. (3-30-01)

03. Rescue Equipment. Ensure that there is proper rescue equipment available and easily accessible. (3-30-01)

04. Cardiopulmonary Resuscitation (CPR) and First Aid. Ensure that at least one (1) staff has current cardiopulmonary resuscitation (CPR) and first aid certification appropriate to the age of the children in the facility. (3-30-01)

05. Staff Coverage. Ensure that there are adequate members of staff for the activity and children involved. (3-30-01)

752. MEDICATION STORAGE AND ADMINISTRATION.
A children's residential care facility shall have and follow policies and procedures on the storage and administration of prescription and non-prescription medication. The policy shall address: (3-30-01)

01. Medication Storage and Administration. Require prescription and over-the-counter medication be stored under lock and key and the keys safe guarded from children. For medications taken on field outings, storage of medication shall be in the possession of a staff member qualified to administer medications. (3-30-01)

02. Trained Staff. Require that staff who administer and assist with self-administration of medications be trained by a qualified medical professional. (3-30-01)

03. Psychotropic Medication: (3-30-01)

a. Prohibit the administration of psychotropic medication unless a qualified medical professional determines that the medication is clinically indicated; and (3-30-01)

b. Prohibit the administration of psychotropic medications for disciplinary purposes, for the convenience of staff, or as a substitute for appropriate treatment services; (3-30-01)

04. Documentation. Required documentation for all prescription medication issued by a qualified medical professional's valid order that includes the dosage to be given, and documentation of each dose given, including: (3-30-01)

a. The child's name; (3-30-01)

b. The date and time; (3-30-01)

c. The amount of dosage given and whether the child did not take the medication; and (3-30-01)

d. The person who administered or assisted in self-administration of the medication. (3-30-01)

05. Medication Changes. Require that prescribed medication not be stopped or changed in dosage or administration without consulting with a qualified medical professional and documenting the consultation and the change. (3-30-01)

06. Disposal of Unused Medication. Require that all unused and expired medication be disposed of so they are not available to children. (3-30-01)

753. UNIVERSAL PRECAUTIONS.
Universal precautions shall be taken for spills of body fluids such as blood, blood containing body fluids, eye

discharge, feces, body tissue discharge, nasal discharge, saliva, urine, vomit, contaminated material and diapers, which shall be disposed of in a plastic bag that is secured with a tie. The disinfectant solution used to clean up body fluids shall be a commercially prepared spill kit or a disinfectant solution made from one-fourth (1/4) cup of household bleach to one (1) gallon of water. A person doing the cleaning and disinfecting shall wear non-porous disposable gloves, mops, and other cleaning devices and fluids used to clean up body fluid spills shall be disinfected, properly dried and stored. Syringes shall be disposed of in accordance with OSHA standards and not to be accessible to children. (3-30-01)

754. FIRST AID KIT.
A first aid kit which is approved by a physician or nationally recognized accrediting body, shall be readily available at all times, containing materials to sufficiently meet the needs of the child's medical needs until other medical treatment is obtained, if needed. The contents, location and use of first aid kits shall be reviewed annually with all staff. The content of the kits shall be inventoried monthly and restocked as needed. (3-30-01)

755. NUTRITION.
Children shall be provided three (3) nutritionally balanced meals in appropriate intervals and in amounts appropriate to their size and age, and which are in accordance with the recommended dietary allowances of the National Research Council or its equivalent. A child shall be provided a qualified medical professional prescribed diet or special diet based on religious beliefs. A nutritional or dietician professional shall approve menus annually. The current menu shall be readily available and any change or substitution shall be noted on the menu. Menus shall be maintained on file for at least six (6) months. (3-30-01)

756. ANIMALS AND PETS.
Animals and household pets shall be free from disease and cared for in a safe and clean manner. All domestic animals and pets shall be vaccinated against rabies. Documentation of the vaccination against rabies shall be kept on file at the children's residential care facility. (3-30-01)

757. USE OF TOBACCO PRODUCTS, ALCOHOL, AND ILLEGAL DRUGS PROHIBITED.
Tobacco products, alcohol and illegal drugs shall not be used by children, staff, volunteers, or visitors in any building used to house children or in the presence of children or in vehicles used to transport children. (3-30-01)

758. TRANSPORTING CHILDREN.

01. Vehicle. Transportation of children in a children’s residential care facility vehicle shall be in a vehicle that is: (3-30-01)

a. Properly registered; (3-30-01)

b. Covered by insurance for personal injury and liability; (3-30-01)

c. Driven by a person with a valid driver’s license for the type of vehicle who complies with all applicable traffic laws while transporting children; (3-30-01)

d. Maintained in a clean and safe condition; (3-30-01)

e. Equipped with a red triangular reflector device for use in emergency; (3-30-01)

f. Equipped with a first aid kit; and (3-30-01)

g. Equipped with a fire extinguisher that is properly secured and not readily available to children. (3-30-01)

02. Proper Seating of Children and Adults: (3-30-01)

a. A child shall ride in an age appropriate vehicle restraint seat, properly secured, or if the child is large enough, in a vehicle manufactured seat, properly using the passenger restraint device; and (3-30-01)

b. Adults riding in the vehicle shall occupy a manufactured seat and shall use the passenger restraint device. (3-30-01)

759. CONTRABAND.
A children's residential care facility shall define prohibited contraband in a written policy. Contraband found in the possession of children or staff shall be confiscated by staff and secured in a location inaccessible to children. Local law enforcement shall be notified in the event that illegal contraband is confiscated. It shall be the responsibility of the administrator or designee to dispose of all contraband not confiscated by law enforcement, in accordance with the children's residential care facility contraband policy. (3-30-01)

760. SEARCHES.
If a children's residential care facility conducts searches of children, the children's residential care facility, staff or visitors, it shall have and follow written policies and procedures. Searches shall be completed in the least intrusive manner possible for the type of search being conducted. All contraband will be disposed of in accordance with these rules. The policies and procedures at a minimum shall require: (3-30-01)

01. Pat Down Searches. Pat down searches of children may only be conducted when the children's residential care facility feels it is necessary to discourage the introduction of contraband into the children's residential care facility, or to promote the safety of staff and other children. Pat down searches are conducted as follows: (3-30-01)

a. By staff trained in proper search techniques; (3-30-01)

b. By a staff member of the same sex as the child being searched, and shall be in the presence of another staff member; (3-30-01)

c. The child is told he is about to be searched; (3-30-01)

d. The child should remove all outer clothing (gloves, coat, hat and shoes) and empty all pockets; (3-30-01)

e. The staff person shall then pat the clothing of the child using only enough contact to conduct an appropriate search; (3-30-01)

f. If the staff detects anything unusual the child shall be asked to identify the item and appropriate steps should be taken to remove the item for inspection; (3-30-01)

g. If the child refuses to comply, the administrator or designee will be notified immediately and be responsible to resolve the matter; and (3-30-01)

h. All searches shall be documented in writing. (3-30-01)

02. Strip Searches. Strip searches may only be conducted after a pat down search, whenever there is reason to believe that contraband may be found through additional searches. Only the children's residential care facility administrator or his designee shall authorize strip searches. Strip searches are to be conducted as follows: (3-30-01)

a. By staff trained in proper search techniques that do not touch the child; (3-30-01)

b. By two (2) staff members of the same sex as the child who is searched; (3-30-01)

c. Performed in an area that ensures the privacy of the child; (3-30-01)

d. The child removes all clothing and moves away from the articles; (3-30-01)

e. Require the child to runs his hands through his hair; (3-30-01)

f. Staff search the clothing and return it to the child; and (3-30-01)

g. Body cavity searches are not to be conducted by children's residential care facility staff. (3-30-01)

761. BEHAVIOR MANAGEMENT AND DISCIPLINE POLICY.

01. Behavior Management. A children's residential care facility shall have and follow a behavior management and discipline policy for children which identifies appropriate and specific methods of behavior management and discipline, and ensures that the methods of behavior management and discipline are positive and consistent. Individualized behavior management shall be based on an assessment of the child's needs, stage of development and behavior to promote self control, self direction, self esteem, and an acceptable pattern of social behavior appropriate to the age and development level of the child. The policy shall include the concept and application of least restrictive effective treatment and positive reinforcements and prohibit: (3-30-01)

a. Physical force, except as permitted under the restraint Sections 766 and 767 of these rules; (3-30-01)

b. Any kind of punishment inflicted on the body, including spanking, hitting, slapping, spitting, kicking, shaking, pulling hair, pinching skin, twisting of an arm or leg in a way that would cause pain or injury to the child, kneeling and sitting on the chest of a child, placing a choke hold on a child, bending back a finger, and shoving or pushing a child into the wall, floor or other stationary object; (3-30-01)

c. Cruel and unusual physical exercise, including forcing the child to take an uncomfortable position; (3-30-01)

d. Verbal abuse, ridicule, humiliation, profanity and other forms of degradation directed at a child or a child's family; (3-30-01)

e. Locked confinement in an area except an area approved by the Department for confinement of a child as provided in these rules; (3-30-01)

f. Withholding of necessary food, clothing, bedding, rest, toilet use, bathing facilities, and entrance to a children's residential care facility housing a child; (3-30-01)

g. Denial of visits or communication with the child's family except as specified in the child's service plan or court order; (3-30-01)

h. Denial of necessary educational, medical, counseling, and social services; (3-30-01)

i. Disciplining a child or group of children for the actions of one (1) child, unless the organization's policies and procedures for group behavior management and discipline are based on a nationally recognized peer group treatment model and clearly prescribe the circumstances and safeguards under which disciplining the group is allowed and is supervised directly by staff; (3-30-01)

j. The placing of anything in or on a child's mouth; and (3-30-01)

k. A physical work assignment that produces unreasonable discomfort. (3-30-01)

02. Documentation. An organization shall document that the policy has been provided to a resident capable of reading it or is explained to the resident appropriate to his age and level of understanding and is made available to parents, guardians, and referral sources. (3-30-01)

762. TIME-OUT.
A children's residential care facility shall have and follow written policy and procedures governing the appropriate use of time-out, which shall require: (3-30-01)

01. Use. Time-out is only used when a child's behavior is disruptive to the child's ability to learn, to

participate appropriately, or to function appropriately with other children or the activity. (3-30-01)

02. Children Under Six Years of Age. For children under six (6) years of age, the period of time for time-out is not to exceed one (1) minute for each year of the child's age and is used as a supplement to, but not a substitute for other developmentally appropriate positive methods of behavior management. (3-30-01)

03. Children Six Years of Age or Older. For children six (6) years of age and older the time duration shall not exceed sixty (60) consecutive minutes. (3-30-01)

04. Prohibited Locations. The time-out is not in a closet, bathroom or unfinished basement or attic and is not in a locked area or box. (3-30-01)

05. Documentation. A description in sufficient detail to provide a clear understanding of the incident which resulted in the child being placed in time-out, and the staff's attempts to help the child avoid time-out. (3-30-01)

06. Observations.A staff has been designated to be responsible for visually observing the child at random intervals not to exceed fifteen (15) minutes. (3-30-01)

07. Re-Introduction to the Group. The child is re-introduced to the group in a sensitive and non-punitive manner as soon as control is regained. (3-30-01)

08. Review. If there are more than ten (10) time-outs for a child in a twenty-four (24) hour period, a review is conducted by the chief administrator or designee, to determine the suitability of the child remaining in the children's residential care facility, whether modifications to the child's service plan are warranted, or whether staff need additional training in alternative therapeutic behavior management techniques and appropriate action taken is based on the findings of the review. (3-30-01)

763. UNLOCKED SECLUSION.
If a children's residential care facility uses seclusion there shall be written policies and procedures, which at a minimum shall require: (3-30-01)

01. Use of Unlocked Seclusion. Unlocked seclusion shall not be used as punishment or to substitute for other developmentally appropriate positive methods of behavior management. Seclusion may only be used as a means of intervention when the child's behavior is so violent or disruptive that it presents a high risk of physical or emotional harm to self or others, and less restrictive and less punitive interventions have been applied without success. (3-30-01)

02. Time Needed. Seclusion shall be used only for the time needed to change the behavior compelling it. (3-30-01)

03. Children Under Six Years of Age. For children under six (6) years of age, the period of time is not to exceed one (1) minute for each year of the child's age and is used as a supplement to, not a substitute for, other developmentally appropriate positive methods of behavior management. For children six (6) years of age and older the time duration shall not exceed sixty (60) consecutive minutes. (3-30-01)

04. Restrictions on Seclusion. The seclusion shall not be in a box, closet, bathroom, unfinished basement or attic. (3-30-01)

05. Staff Supervision. A staff person is designated to be responsible for visually observing the child at random intervals, which are not to exceed fifteen (15) minutes throughout the period of seclusion, and shall be recorded in a log. (3-30-01)

06. Supervisory Approval. Supervisory approval is required for a period of seclusion of one (1) child that exceeds two (2) hours, or the total seclusion time exceeds three (3) hours in a twenty-four (24) hour period, or more than four (4) separate seclusion incidents in a twenty-four (24) hour period. (3-30-01)

07. Documentation. Each seclusion shall be documented in writing and include the child's name, reason for the seclusion, date and start and end time of the seclusion and the staff assigning the seclusion. (3-30-01)

08. Re-Introduction. The child is re-introduced to the group in a sensitive and non-punitive manner as soon as he can participate appropriately. (3-30-01)

09. Review. If there are more than ten (10) seclusion's for a child in a twenty-four (24) hour period, there shall be a review by the chief administrator or his designee. The review shall determine whether modifications to the child's service plan are warranted and whether staff needs additional training in alternative therapeutic behavior management techniques or disciplinary action. Appropriate action shall be taken based on the findings of the review. (3-30-01)

764. LOCKED SECLUSION.

Locked seclusion is used only when a child's behavior is so violent or disruptive that it presents a high risk of physical or emotional harm to the child or others and other less restrictive and less punitive interventions have been applied without success. Locked seclusion is prohibited for: non-violent and non-assaultive offenses and behaviors; practices designed to prevent children from running away; secluding a child who is ill; as a punishment; and facilitating supervision for the convenience of staff. No more than one (1) child shall be in a locked seclusion room at a time. Supervisory staff shall be notified at the time the locked seclusion begins. (3-30-01)

01. Duration. Locked seclusion shall be used only for the time needed to change the behavior compelling its use. Locked seclusion shall not exceed two (2) consecutive hours or a total of four (4) non-consecutive hours within any twenty-four (24) hour period, unless approved by a qualified medical professional. (3-30-01)

02. Potentially Harmful Objects. A child placed in locked seclusion shall not be in possession of belts, matches, weapons or any other potentially harmful objects or materials that could present a risk of harm to the child. (3-30-01)

03. Observation. A child in locked seclusion shall be observed by staff at random intervals, not to exceed every ten (10) minutes to assure that the child is safe. (3-30-01)

04. Locked Seclusion Log. A locked seclusion room log shall be maintained and at a minimum include: (3-30-01)

a. The child's name; (3-30-01)

b. The date and time of placement in locked seclusion; (3-30-01)

c. The name of the staff who requested the child's locked seclusion; (3-30-01)

d. The name of the supervisory staff notified and the time and date notified. (3-30-01)

e. A description in sufficient details, to provide a clear understanding, of the incident which resulted in the child being placed in locked seclusion and the staff's attempts to help the child avoid locked seclusion; (3-30-01)

f. A record of observations; and (3-30-01)

g. The date and time of removal from locked seclusion. (3-30-01)

05. Re-Introduction. The child shall be re-introduced to the group in a sensitive and non-punitive manner as soon as he has re-gained control. (3-30-01)

06. Review. When a child is in locked seclusion for a total of two (2) cumulative hours or four (4) non-cumulative hours within a twenty-four (24) hour period, there be a review by the chief administrator or his designee within one (1) working day. The review shall determine whether modifications to the child's service plan is warranted, and whether staff need additional training in alternative therapeutic behavior management techniques or

disciplinary action. Appropriate action shall be taken based on the findings of the review. (3-30-01)

765. LOCKED SECLUSION ROOM REQUIREMENTS.
Rooms used for locked seclusion shall measure at least seventy-five (75) square feet with a ceiling height of at least seven (7) feet. They shall have either natural or mechanical ventilation and be equipped with a break resistant window, or a mirror or camera that allows for full observation of the room. Locked seclusion rooms shall have no hardware, equipment or furnishings that obstruct observing the child or that present a physical hazard or a suicide risk. Rooms used for locked seclusion shall be inspected and approved by a fire inspector and the Department. (3-30-01)

766. MECHANICAL RESTRAINT.
If a children's residential care facility uses mechanical restraint, it shall have and follow written mechanical restraint policies and procedures. The policies shall at a minimum require that: (3-30-01)

01. Mechanical Restraint Use as a Last Resort. Mechanical restraint shall only be used as a last resort when other therapeutic techniques have not worked and less restrictive interventions have been tried and have been found to be ineffective, and only after at least one (1) of the following has been determined: (3-30-01)

a. The child is emotionally or physically uncontrollable and constitutes a serious and evident danger to self or others; (3-30-01)

b. The child is causing serious property damage; or (3-30-01)

c. An attempted escape is imminent and the child is out of control and poses a danger to self or others. (3-30-01)

02. Staff Training. All staff who apply mechanical restraints shall be trained in the proper and safe use of the mechanical restraint device used and training must be current and documented. (3-30-01)

03. Intervention. Staff shall inform the child that if his behavior continues, staff will have to intervene by placing him in mechanical restraint to help him regain control. (3-30-01)

04. Administrator Approval. The administrator or designee shall approve the use of mechanical restraint for the specific child for the specific behavior before each application of mechanical restrain. (3-30-01)

05. Restraint Type. Restraints shall be of a soft type when used to restrain the child's wrists to his side, secure the child's ankles together, or both; or be in or on a mechanical restraint device specifically designed for restraint which is recognized as safe and is made by a nationally recognized restraint device manufacturer. A restraint device shall be used only in accordance with the manufacturer's written instructions for the device, except that handcuffs may not be used for more than five (5) minutes when it has been determined that the child may harm himself or others while the mechanical restraint is being applied. Handcuffs may only be used for the time needed to apply the mechanical restraints. (3-30-01)

06. Used Only Until Child Has Regained Control. A mechanical restraint shall be used only until the child has regained control. (3-30-01)

07. Prohibitions on Mechanical Restraints. Mechanical restraints are prohibited when there are specified medical reasons pursuant to a qualified medical professional's order. A child shall not be mechanically restrained to a fixed object except one that was specifically designed for the purpose, meets nationally recognized standards and has been approved by the Department. Mechanical restraints shall not be used for non-violent and non-assaultive offenses and behaviors as punishment to facilitate supervision for the convenience of staff or as a substitute for a treatment program. (3-30-01)

08. Monitoring. A staff assigned to monitor a child placed in mechanical restraint shall have no other immediate responsibility and shall be in visual and auditory contact with the child at all times to ensure that all personal needs of the child are met, including access to toilet facilities as needed. (3-30-01)

09. Professional Opinion. After one (1) hour has elapsed with the child in mechanical restraint, or if the child is released from mechanical restraint and has to be placed back in mechanical restraint, the supervisor shall obtain a qualified medical or mental health professional's opinion regarding continuation of the restraint. The professional giving the opinion shall be thoroughly familiar with the proper use of the mechanical restraint device being used. It shall be the qualified medical or mental health professional's responsibility to assess the problem requiring the use of restraint and amass any resources necessary to eliminate the problem. (3-30-01)

10. Mechanical Restraint Log. There shall be a mechanical restraint log documenting each use of mechanical restraint that shall include: (3-30-01)

a. The child's name; (3-30-01)

b. The date and time of placement in mechanical restraint; (3-30-01)

c. The name of the staff who requested the mechanical restraint of the child; (3-30-01)

d. The name of the administrator or designee who approved the use of mechanical restraint of the child; (3-30-01)

e. A description in sufficient details to provide a clear understanding of the incident which resulted in the child being placed in mechanical restraint and the staff's attempts to help the child avoid mechanical restraint; (3-30-01)

f. Detailed observation notes by the person assigned to monitor the child while in mechanical restraint; (3-30-01)

g. Documentation of the professional opinion required if a restraint lasts for more than one (1) hour or is returned to mechanical restraint; and (3-30-01)

h. The date and time of removal from mechanical restraint. (3-30-01)

11. Counsel. When the child has been released from mechanical restraint, staff shall counsel with the child about the behavior and problems experienced that resulted in the mechanical restraint. (3-30-01)

12. Re-Introduction. The child shall be re-introduced to the group in a sensitive and non-punitive manner as soon as he has regained control. (3-30-01)

13. Review. When the child is in mechanical restraint there shall be a review by the chief administrator or designee within twenty-four (24) hours. The review shall be to determine the suitability of the child remaining in the children's residential care facility, whether modifications to the child's service plan is warranted and if staff need further training or disciplinary action. Appropriate action shall be taken based on the findings of the review. The person doing the review shall be knowledgeable about the proper use of the mechanical restraint devise and its impact on the child. (3-30-01)

767. ALTERNATIVE FORMS OF RESTRAINT.
A children's residential facility shall have and follow written policies and procedures governing the appropriate use of alternative forms of restraint. Alternative forms of restraint may include, but are not limited to: pepper spray, tear gas, and medically administered sedatives. The policies and procedures shall be in accordance with the restraint intervention strategies of a nationally recognized program and approved by the Department. The policy shall at a minimum require that: (3-30-01)

01. Restraint Use as a Last Resort. Restraint is only to be used as a last resort when other therapeutic techniques have not worked and less restrictive interventions have been tried and have been found not to be effective and only after one (1) of the following has been determined: (3-30-01)

a. The child is emotionally or physically uncontrollable and constitutes a serious and evident danger to self or others; (3-30-01)

b. The child is causing serious property damage; or (3-30-01)

c. An attempted escape is imminent and poses a serious and evident danger to self or to the community. (3-30-01)

02. **Staff Training**. All staff who apply restraints are trained in the proper and safe use of the restraint device used and the training is current and documented, including any special certification required to apply the restraint. (3-30-01)

03. **Intervention**. Staff informs the child that if his behavior continues, staff will have to intervene by use of restraint to help him gain control. (3-30-01)

04. **Restraint Approval**. Administrative or designee approves the restraint for the specific child for the specific behavior before each application of restraint. (3-30-01)

05. **Used Only Until the Child Has Regained Control**. Restraint shall only be used until the child has regained control. (3-30-01)

06. **Restraint Is Prohibited**: (3-30-01)

a. When there are specific medical reasons pursuant to a medical professional's order; (3-30-01)

b. For non-violent and non-assaultive behaviors; (3-30-01)

c. As punishment; (3-30-01)

d. To facilitate supervision for the convenience of staff; and (3-30-01)

e. As a substitute for other more effective treatment methods. (3-30-01)

07. **Monitoring**. A staff assigned to monitor a child in restraint shall have no other immediate responsibility and shall be in visual and auditory contact with the child at all times to ensure that all personal needs of the child are met, including access to toilet facilities as needed. (3-30-01)

08. **Restraint Log**. A restraint log documenting each use of restraint which includes: (3-30-01)

a. The child's name; (3-30-01)

b. The time and date of initiation of the restraint; (3-30-01)

c. The name of the staff who requested the restraint of the child; (3-30-01)

d. The name of the administrator or designee who approved the use of the restraint of the child; (3-30-01)

e. A description in sufficient details to provide a clear understanding of the incident which resulted in the child being restrained and the staff's attempts to help avoid the restraint; (3-30-01)

f. Detailed observation notes by the person assigned to monitor the child while in restraint; and (3-30-01)

g. The time and date of termination of the restraint. (3-30-01)

09. **Counsel**. When a child has been released from restraint, staff shall counsel with the child about behavior and problems experienced which resulted in the restraint use. (3-30-01)

10. Re-Introduction. The child is re-introduced to the group in a sensitive and non-punitive manner as soon as he has regained control. (3-30-01)

11. Review. When a child has been in restraint there will be within twenty-four (24) hours a review by the chief administrator or his designee. The review shall be to determine the suitability of the child remaining in the children's residential care facility and whether modifications to the child's service plan is warranted and if staff need further training or disciplinary action. Appropriate action shall be taken based on the findings of the review. The person doing the review shall be knowledgeable about the proper use of the restraint device and its impact on the child. (3-30-01)

768. TRANSPORTATION OF CHILDREN IN RESTRAINTS.
When children who are security risks are transported they shall be accompanied by child care workers of the same gender. When rest stops and meals are provided to a child who is in mechanical restraints during transportation, the stops shall be made in areas with a minimum exposure to the public when possible. The childcare worker shall accompany the child during restroom stops. All vehicle doors shall be locked. Under no circumstances is a child to be restrained to a vehicle. (3-30-01)

769. (RESERVED).

ADDITIONAL PROVISIONS FOR CHILDREN'S RESIDENTIAL MATERNITY CARE

(Sections 770 Through 779)

770. ADDITIONAL PROVISIONS FOR CHILDREN'S RESIDENTIAL MATERNITY CARE.
(Sections 770 through 779, see also Sections 500 through 599 and 700 through 769.) (3-30-01)

771. SERVICE WORKER AVAILABLE.
A service worker shall be available to each pregnant minor and minor mother to provide information on options open to her and to assist her in making decisions that are in her best interest and her child. The decision for final plans for the minor mothers child rests with the minor parent. A pregnant minor is prohibited from signing a statement committing to any definitive plan prior to the birth of her child and shall not be subject to coercion to release her child before or after the birth of her child. (3-30-01)

772. PRENATAL AND POSTPARTUM CARE.
Prenatal and postpartum care for residents and newborns shall be performed only by a physician licensed to practice medicine in Idaho and shall include: (3-30-01)

01. Obstetric History. The obtaining of an obstetric history; (3-30-01)

02. Obstetrical Exam. Within ten (10) days of entering care, a complete obstetrical exam; (3-30-01)

03. Ongoing Medical Care. Ongoing medical care with examinations as prescribed by the physician; (3-30-01)

04. Infant Medical Care Plan. A planned program of medical and nursing care of all infants in care, approved by the physician; (3-30-01)

05. Hospital Delivery Required. Infants shall only be delivered in a hospital licensed by the state of Idaho; and (3-30-01)

06. Prenatal and Postnatal Education. A pregnant resident shall be provided educational information on prenatal and postnatal care as appropriate. (3-30-01)

773. DISCHARGE PLANS.
Discharge plans shall be developed in a timely manner with the service worker and the new parent to ensure an infant does not remain in a children's residential maternity care facility apart from parental care and supervision. (3-30-01)

774. -- 779. (RESERVED).

ADDITIONAL PROVISIONS FOR CHILDREN'S ALCOHOL-DRUG ABUSE RESIDENTIAL CARE FACILITIES

(Sections 780 Through 789)

780. ADDITIONAL PROVISIONS FOR CHILDREN'S ALCOHOL-DRUG ABUSE RESIDENTIAL CARE FACILITIES.
(Sections 780 through 789, see also Sections 500 through 599 and 700 through 769.) (3-30-01)

781. DIAGNOSIS.
A children's alcohol-drug treatment facility shall only admit children with a primary diagnosis of substance abuse, alcohol or drug dependency. (3-30-01)

782. TREATMENT FOCUS.
A children's alcohol-drug abuse residential care facility program shall focus primarily on alcohol-drug abuse diagnosed problems. A child who is likely to have a withdrawal reaction shall be admitted only after stabilization of withdrawal unless the children's residential care facility has a medically supervised program specifically designed for dealing with withdrawal. A children's alcohol-drug abuse residential care facility shall provide individual and group counseling sessions, family treatment services, and alcohol-drug education sessions. Care shall include at least twenty-one (21) hours a week of treatment program hour's specific to alcohol-drug treatment by clinical staff, including planned and structured education, individual and group counseling, family counseling and motivational counseling. (3-30-01)

783. CARE TO CHILDREN AND ADULT RESIDENTS.
An alcohol-drug treatment facility providing care to both children and adults shall ensure the separation of the two (2) populations, which includes not sharing the same wing, or the same floor for recreation, living, sleeping, and restroom facilities. Children and adult residents shall not dine together. Children and adult residents shall not share treatment groups, recreation, counseling sessions, educational programs, or treatment programs unless there is a documented therapeutic reason. (3-30-01)

784. STAFF QUALIFICATIONS FOR CHILDREN'S ALCOHOL-DRUG ABUSE RESIDENTIAL FACILITY.

01. Chief Administrator. Qualifications of the chief administrator must be verified through written documentation of work experience, education and classroom instruction. The chief administrator must have at least: (3-30-07)

a. A Master's degree from an accredited college or university in a relevant field and two (2) years of paid full-time experience with one (1) year in administration; or (3-30-01)

b. A Bachelor's degree from an accredited college or university in a relevant field and three (3) years of paid full-time experience with one (1) year in administration; and (3-30-01)

c. Knowledge and demonstrated competence in planning, budget development and other administrative duties. (3-30-01)

02. Clinical Director Qualifications. A clinical director must have at least: (3-30-07)

a. A Master's Degree from an accredited college or university in a relevant field and five (5) years of paid full-time experience with three (3) years experience in direct alcohol-drug abuse treatment; (3-30-01)

b. Knowledge and experience and demonstrated competence in treatment including client evaluation, counseling techniques, relapse prevention, case management and family systems; and (3-30-01)

c. Working knowledge of the normal process of child and adolescent growth and development, the effects of alcohol and drugs on a child's growth and development. (3-30-01)

03. Program Supervision Qualifications. A program supervisor, located at the children's residential care facility must possess at least: (3-30-07)

a. Five (5) years of full-time paid experience in alcohol-drug abuse treatment with at least two (2) years in direct treatment; or (3-30-01)

b. A Master's degree from an accredited college or university and three (3) years of paid full-time experience with two (2) years in direct alcohol-drug treatment; or (3-30-01)

c. A Bachelor's degree from an accredited college or university in a relevant field and four (4) years of paid full-time experience with two (2) years in direct alcohol-drug treatment; and (3-30-01)

d. One (1) year of paid full-time experience in supervision; and (3-30-01)

e. Knowledge and experience and demonstrated competence in alcohol-drug treatment, including client evaluation, counseling techniques, relapse prevention, case management and family systems; and (3-30-01)

f. Working knowledge of the normal process of child and adolescent growth and development, the effects of alcohol-drugs on a child's growth, and development. (3-30-01)

04. Counselor Qualifications. The facility must have a ratio of at least one (1) alcohol-drug counselor for every six (6) children in treatment. The alcohol-drug counselor must meet the following qualifications: (3-30-07)

a. Five (5) years of full-time paid experience in alcohol-drug abuse treatment with at least two (2) years in direct alcohol-drug treatment with children; or (3-30-01)

b. A Bachelor's degree from an accredited college or university in a relevant field and two (2) years of paid full-time experience with one (1) year in direct alcohol-drug abuse treatment with children; and (3-30-01)

c. Possess certification or licensure by a state or nationally recognized alcohol-drug addiction counselor credentialing or certifying organization which requires: (3-30-01)

i. Knowledge and skill acquired through at least two-thousand (2000) hours of a combination of specialized training, education and experience with direct treatment of children; and (3-30-01)

ii. Thirty (30) hours of classroom instruction in child development; and (3-30-01)

iii. A working knowledge of family systems as documented through experience, course-work or training. (3-30-01)

d. An alcohol-drug counselor hired prior to January 1, 2007, will have three (3) years to complete the minimum requirements as described in Subsections 784.04.a. through 784.04.c. of these rules. A counselor hired on January 1, 2007, or after, must meet all requirements. (3-30-07)

05. Direct Care Staff Qualifications. Direct care staff must have at least sixteen (16) hours of training in basic alcohol-drug abuse issues, addressing dependency, enabling, co-dependency and confidentiality within sixty (60) days of employment. (3-30-07)

785. AFTER CARE PLAN.

A children's residential care facility that provides alcohol or drug treatment shall develop a written plan of aftercare services for each child that includes procedures for reintegrating the child into the family and community as appropriate, and outpatient and other continued care services recommended. (3-30-01)

786. ALCOHOL-DRUG TESTING.
A children's alcohol-drug treatment facility shall establish and follow written policies and procedures for drug testing of children in care. (3-30-01)

787. CONFIDENTIALITY.
All matters relating to confidentiality of records of children shall comply with 42 CFR Chapter 1, Sub-Chapter A, Part 2, "Confidentiality of Alcohol and Drug Abuse Patient Records." (3-30-01)

788. --789. (RESERVED).

ADDITIONAL PROVISIONS FOR NON-ACCREDITED CHILDREN'S RESIDENTIAL SCHOOLS

(Sections 790 Through 793)

790. ADDITIONAL PROVISIONS FOR NON-ACCREDITED CHILDREN'S RESIDENTIAL SCHOOLS.
(Sections 790 Through 793, see also Sections 500 through 599 and 700 through 769.) (3-30-01)

791. APPLICATION PROCESS.
A non-accredited children's residential school shall file with the Division of Family and Community Services of the Department, an affidavit addressing the following elements and the listed attachments: (3-30-01)

01. Affidavit Statement. Affiant shall make this affidavit based upon their own personal knowledge and belief. (3-30-01)

02. Affiant Administrative Employees. Affiants state that they are the administrative employees responsible for operation of the school and the head of the governing body of the named school. (3-30-01)

03. School Administrative Description. The school is a non-accredited children's residential school as defined in this Chapter and as demonstrated by the attached by-laws or an attached organizational statement of purpose detailing organizational structure, philosophy, program, intake and enrollment policy, services, geographic area served, and children served according to their legal status, physical, mental and behavioral characteristics. (3-30-01)

792. STAFF RATIOS REQUIRED.
Non-accredited children's residential schools shall have at least one (1) staff member on duty and one (1) on call and available within (10) minutes for each twenty-five (25) children or fraction thereof, when children are awake and present. During normal sleeping hours, children in each sleeping quarters shall be under close supervision and within easy call of a staff member, with one (1) on-call staff available within ten (10) minutes. The facility shall at all times have a staff coverage plan to ensure the safety and needs of the children that is approved by the Department. (3-30-01)

793. CHILD'S RECORD.
The school shall maintain a record on each child. (3-30-01)

01. Content. The child's record shall contain the following information: (3-30-01)

a. Child's full name; (3-30-01)

b. Birth date; (3-30-01)

c. Gender; (3-30-01)

d. Height, weight, hair color, eye color, race, and identifying marks; (3-30-01)

e. Name, address and telephone number of responsible parent, guardian or legal custodian of the

child; (3-30-01)

f. Documentation of authority to accept and care for the child; (3-30-01)

g. Medical care authorizations; (3-30-01)

h. School reports including grades and adjustment; (3-30-01)

i. Reason for referral or placement; and (3-30-01)

j. Special problems and needs. (3-30-01)

02. Record Entries. For record entries by professional and clinical staff, the entries shall be signed and dated by the person providing the service. (3-30-01)

794. -- 799. (RESERVED).

ADDITIONAL STANDARDS FOR CHILDREN'S THERAPEUTIC OUTDOOR PROGRAMS

(Sections 800 Through 899)

800. ADDITIONAL STANDARDS FOR CHILDREN'S THERAPEUTIC OUTDOOR PROGRAMS.
(See sections 800 through 899, also see Sections 500 through 599.) (5-3-03)

801. PROGRAM DESCRIPTION.
Every children's therapeutic outdoor program shall have a detailed, written description of the services and activities provided. All written descriptions shall be factual and accurate and be provided to the parent or guardian of the child prior to entrance into the program. Any program which advertises their children's therapeutic outdoor program in any manner shall ensure any advertisement of a children's therapeutic outdoor program must be factual and accurate in its statements and representations. (5-3-03)

802. POLICIES AND PROCEDURES.
In addition to the requirements for policies in Sections 500 through 599 of these rules, a children's therapeutic outdoors program shall have policies and procedures in place addressing the licensing standards set forth in Sections 800 through 899 of these rules. (5-3-03)

803. -- 804. (RESERVED).

805. BASE CAMP REQUIREMENTS.

01. Base Camp. A children's therapeutic outdoor program shall have a base camp or field office in Idaho, here after referred to as a base camp. Base camp at a minimum shall: (5-3-03)

a. Be staffed and monitored twenty-four (24) hours a day when there are children in care in the base camp or on expeditions; (5-3-03)

b. Have current staff personnel files; (5-3-03)

c. Have a current list of the names of staff and children in each field group; (5-3-03)

d. Have a master map of all activity areas used by the program; (5-3-03)

e. Have copies of each group's expeditionary route with its schedule and itinerary, copies of which shall be sent to the Department and local law enforcement when requested; (5-3-03)

f. Maintain current logs of all communications with each field group away from the base camp; and

(5-3-03)

g. Have an emergency response plan that is reviewed annually. (5-3-03)

02. Participant File Requirements. The base camp shall have program participant files, which include: (5-3-03)

a. Demographics; (5-3-03)

b. Eligibility criteria; (5-3-03)

c. Medical forms; and (5-3-03)

d. Medical treatment authorization. (5-3-03)

03. Proof of Compliance. A children's therapeutic outdoor program which operates in Idaho shall comply with federal, state, and local regulations and shall maintain proof of compliance at the base camp. (5-3-03)

806. HIGH ADVENTURE REQUIREMENTS.

01. High Adventure Activities. High adventure activities may include the following: (5-3-03)

a. Target sports; (5-3-03)

b. Aquatics; (5-3-03)

c. Hiking; (5-3-03)

d. Adventure challenge courses; (5-3-03)

e. Climbing and rappelling; (5-3-03)

f. Winter camping; (5-3-03)

g. Soloing; (5-3-03)

h. Spelunking; (5-3-03)

i. Expeditioning; (5-3-03)

j. Swimming in a river, stream, lake, or pond; (5-3-03)

k. White water activities; and (5-3-03)

l. Animal related activities. (5-3-03)

02. High Adventure Activity Policy and Procedures. For the high adventure activities identified in Subsection 806.01 of these rules and for any activity identified by the children's therapeutic outdoor program or the Department as a high adventure activity, there shall be a written policy and procedure to be followed which include: (5-3-03)

a. Training, experience, and qualifications for leader and staff; (5-3-03)

b. Specific staff-to-participant ratios appropriate to the activity; (5-3-03)

c. Classification and limitations for each child's participation; (5-3-03)

d. Arrangement, maintenance, and inspection of the activity area; (5-3-03)

e. Appropriate equipment and the inspection and maintenance of the equipment; and (5-3-03)

f. Safety precautions to reduce the possibility of an accident or injury. (5-3-03)

03. High Adventure Activities Leader. An activity leader who is at least twenty-one (21) years of age and who has documented training and experience in conducting the activity shall conduct high adventure activities. (5-3-03)

807. -- 809. (RESERVED).

810. STAFF QUALIFICATIONS FOR CHILDREN'S THERAPEUTIC OUTDOOR PROGRAMS. Qualifications of staff, interns, and volunteers shall be verified through written verification of a complete criminal history check as required by IDAPA 16.05.06, "Criminal History and Background Checks," work experience, education, and classroom instruction. A program which provides children's therapeutic outdoor programs shall have the following staff: (5-3-03)

01. Chief Administrator. A children's therapeutic outdoor program shall have a chief administrator who is primarily responsible for ensuring that the program is at all times in compliance with applicable licensing rules and that staff are familiar with all program policies and procedures. The chief administrator may also function as the field director. The chief administrator shall: (5-3-03)

a. Be at least twenty-five (25) years of age; (5-3-03)

b. Have two (2) years experience working with children and three (3) years experience in staff supervision and administration; and either; (5-3-03)

i. At the time of appointment, at a minimum, have a Bachelor's degree in a relevant discipline; or (5-3-03)

ii. Have completed a career development program which includes work related experience, training, or college credits that provide a level of achievement equivalent to the Bachelor's degree; and (5-3-03)

c. Have a minimum of thirty (30) semester hours or forty-five (45) quarter hours in recreational therapy or related experience, or one (1) year of outdoor youth program field experience; and (5-3-03)

d. Demonstrate or obtain proficiency in the required training criteria set forth in Subsection 812.02 of these rules. (5-3-03)

02. Field Director. A children's therapeutic outdoor program shall have a field director who is primarily responsible for the quality of the field activities, coordinates field operation, supervises direct care staff, and manages the field office. The field director shall be responsible for compliance with applicable licensing rules and ensure that staff are familiar with all program policies and procedures. The field director shall: (5-3-03)

a. Be at least twenty-five (25) years of age; (5-3-03)

b. Have a minimum of thirty (30) semester hours or forty-five (45) quarter hours in recreational therapy or related experience, or one (1) year of outdoor youth program field experience; (5-3-03)

c. Have a minimum of forty (40) twenty-four (24) hour field days of program experience or equivalent experience in outdoor programs documented in his personnel file; and (5-3-03)

d. Demonstrate or obtain proficiency in the required training criteria set forth in Subsection 812.02 of these rules within ninety (90) days of assuming administrative responsibilities and prior to any provision of direct care to children; and (5-3-03)

e. Be certified to provide cardiopulmonary resuscitation (CPR) and first aid. (5-3-03)

03. **Senior Field Staff**. A children's therapeutic outdoor program shall have a senior field staff working directly with each group of program participants. Each senior field staff shall: (5-3-03)

a. Be at least twenty-one (21) years of age; (5-3-03)

b. Have an associate degree or high school diploma or equivalent with thirty (30) semester hours or forty-five (45) quarter hours of education and training or comparable experience and training in a field related to recreation and adventure activities; (5-3-03)

c. Have a minimum of forty (40) twenty-four (24) hour field days of program experience or equivalent experience in outdoor programs documented in his personnel file; (5-3-03)

d. Demonstrate or obtain proficiency in the required training criteria set forth in Subsection 812.02 of these rules prior to assuming direct care responsibilities; and (5-3-03)

e. Be Certified to provide cardiopulmonary resuscitation (CPR) and first aid. (5-3-03)

04. **Field Staff**. Each field staff shall: (5-3-03)

a. Be at least twenty-one (21) years of age; (5-3-03)

b. Have a high school diploma or equivalent; (5-3-03)

c. Have completed staff training and field course work as required by Subsection 812.02 of these rules prior to assuming direct care responsibilities; and (5-3-03)

d. Be certified to provide cardiopulmonary resuscitation (CPR) and first aid. (5-3-03)

05. **Program Consultants**. A children's therapeutic outdoor program shall have a multidisciplinary staff or program consultants that have knowledge of the physical and emotional demands of the program and be available to program participants upon the recommendation of the field director or senior field staff. At a minimum the team shall consist of: (5-3-03)

a. A licensed physician; and (5-3-03)

b. A licensed treatment professional including either a licensed psychologist, certified social worker, marriage and family counselor, or professional counselor. (5-3-03)

06. **Intern**. Each intern shall: (5-3-03)

a. Be in a learning program to meet personal educational goals; (5-3-03)

b. Be at least nineteen (19) years of age; (5-3-03)

c. Have at least a high school diploma or its equivalent; (5-3-03)

d. Have completed staff training and field course work as required by Subsection 812.02 of these rules prior to assuming direct care responsibilities; and (5-3-03)

e. Be under the supervision of a licensed therapist if they are in a clinical internship pursuing a professional degree or license. (5-3-03)

07. **Volunteers**. Each volunteer shall: (5-3-03)

a. Be at least eighteen (18) years of age; (5-3-03)

b. Be under the direct, constant supervision of qualified staff; and (5-3-03)

c. Have completed the staff training and course work required by Subsection 812.02 of these rules prior to assuming direct care responsibilities. (5-3-03)

811. STAFF HEALTH REQUIREMENTS.
Prior to engaging in any field activities with children, staff, interns, and volunteers shall have a written statement from a licensed physician, physician's assistant or nurse practitioner verifying they are physically fit to perform the duties of the job. A new written physician's statement shall be obtained at least every three (3) years. The medical professional who provides the written statement shall be given a form to use which clearly describes the physical demands for the job and the environmental conditions the person being evaluated is required to work in. The administrator or designee shall review the form and maintain it in the individual's personnel file. At no time shall staff be under the influence of an intoxicating or illegal substance, or any other substance that impairs their ability to function and ensure the health and safety of the children in the program while on duty. (5-3-03)

812. SKILLS AND TRAINING.
Skills and training for each staff, intern, and volunteer shall be documented and kept on file at the base camp. (5-3-03)

01. Skills. Each staff shall demonstrate specific skills to the administrator or designee, prior to assuming field supervision. The skill assessment procedures shall be approved by the Department and results of the assessment shall be documented and kept on file at the base camp. (5-3-03)

02. Training. Training must supplement any deficiencies. The curriculum shall include at a minimum: (5-3-03)

a. Four (4) days of practicum field training; (5-3-03)

b. Supervision of program participants; (5-3-03)

c. Water, food, and shelter procurement, preparation and conservation; (5-3-03)

d. Low impact wilderness expedition and environmental conservation skills and procedures; (5-3-03)

e. Child management including containment control, safety, conflict resolution, and behavior management; (5-3-03)

f. Instruction in safety procedures and safe equipment use of fuel, fire, and life protection; (5-3-03)

g. Sanitation procedures related to food, water, and waste; (5-3-03)

h. Special instruction for staff who conduct and staff who supervise high adventure activities; (5-3-03)

i. Wilderness medicine, including health issues related to acclimation, exposure to the environment, and environmental elements; (5-3-03)

j. First aid kit contents and use; (5-3-03)

k. Navigation skills including map and compass use, contour and celestial navigation, and Global Positioning System (GPS); (5-3-03)

l. Local environmental precautions, including terrain, weather, insects, poisonous plants, wildlife, and proper response to adverse situations; (5-3-03)

m. Report writing, including development and maintenance of logs and journals; (5-3-03)

n. Federal, state, and local regulations including Idaho State Department of Health and Welfare, Idaho State Department of Fish and Game, Idaho Outfitters and Guides, and State and Federal land use agencies; and (5-3-03)

o. Ongoing training for direct care staff to upgrade their skills, including mandatory training to maintain skills, certifications and licenses. (5-3-03)

813. STAFF RATIOS AND GROUP SIZE.

01. Staffing Ratio. Each group of children shall be staffed as follows: (5-3-03)

a. One (1) staff for every four (4) children or fraction thereof, but where there are less than four (4) children there shall be at least two (2) staff; and (5-3-03)

b. Where the gender of a group is mixed, there shall be at least one (1) female staff and one (1) male staff member. (5-3-03)

02. Interns and Volunteers. Interns and volunteers shall never be counted in the staff ratio and shall never have sole responsibility to supervise the youth. (5-3-03)

814. -- 820. (RESERVED).

821. ASSESSMENTS.
Preadmission and subsequent assessments shall be performed on each child. (5-3-03)

01. Preadmission Assessment. Admission assessments shall be done for each child by a qualified treatment professional familiar with the children's therapeutic outdoor program prior to enrollment. This shall include a review of the child's social and psychological history. (5-3-03)

02. Subsequent Assessments. Subsequent assessments shall be done at least one (1) week before the child leaves for the field portion of the program away from the main base of operations. The assessment shall include: (5-3-03)

a. An interview with the child by the senior field staff assigned to the child's field experience prior to entrance into the field; and (5-3-03)

b. A review of the child's health history and physical examination by a medically trained field staff assigned to the child's field experience. (5-3-03)

03. Psychological Problems. For a child with a history of psychological problems, a psychological evaluation shall be obtained and reviewed by the multidisciplinary team prior to the child's entrance into the field portion of the program. (5-3-03)

822. PHYSICAL EXAMINATION.
A child shall have a physical examination within thirty (30) days prior to entrance into the children's therapeutic outdoor program. (5-3-03)

01. Standard Physical Examination Requirements. The result of the physical exam shall be recorded on a standard form provided by the program. The form shall clearly document the type and extent of physical activity in which the child will be engaged. The exam shall be completed by a licensed physician, physician's assistant, or nurse practitioner, who signs the form, and shall include: (5-3-03)

a. A Complete Blood Count (CBC); (5-3-03)

b. A urinalysis; (5-3-03)

c. An electrolyte screen; (5-3-03)

d. A pregnancy test for each female participant; (5-3-03)

e. A physical assessment to determine fitness given the climate and temperature in which the child will be participating, and the child's age, weight, and physical condition; and (5-3-03)

f. A determination whether detoxification is indicated for the child prior to entrance into the field portion of the program. (5-3-03)

02. Prior Physical Examination. A physical examination of a child who is coming into a children's therapeutic outdoor program directly from a children's residential care facility, shall be acceptable provided the physical examination is current as required by Section 571 of these rules, meets the criteria set forth in Subsection 822.01, occurred prior to entrance into the field, and includes a new CBC and electrolyte screen; (5-3-03)

03. Medical Special Needs. If a child is currently taking or has been taking prescribed medication within the past six (6) months prior to placement in the children's therapeutic outdoor program, a specific notation must be made on the physical examination form by the medical professional. The medical professional must also include approval for the child's participation in an outdoor, high impact environment and a description of any possible special needs due to the use of medication in said environment. (5-3-03)

04. Sickle Cell Anemia and Thalassemia. If a child is in a risk group for Sickle Cell Anemia or Thalassemia, written approval must be included on the physical examination form by the medical professional. The examination form must also include written approval by the medical professional for the child's participation in strenuous exercise, exposure to cold temperatures and participation in activities that may occur in altitudes over five thousand (5000) feet. (5-3-03)

05. Physical Examination Availability. The physical examination form shall be copied and the original maintained at the base camp and a copy carried by staff in a waterproof container when the child is away from the base camp. The physical examination form shall be maintained in a manner that assures the confidentiality of all medical and identifying information. (5-3-03)

823. GROUPING BY AGE.
Children shall be assigned to groups according to age and ability. (5-3-03)

01. Age. A child shall be at least eleven (11) years of age and less than eighteen (18) years of age unless the individual meets the definition of continued care as defined in Subsection 006.11 of these rules. (5-3-03)

02. Placement. A licensed treatment professional familiar with the children's therapeutic outdoor program shall determine whether children eleven (11) years of age through thirteen (13) years of age are to be placed in a younger program group or in an older program group. The decision shall be based upon the child's needs and level of maturity, both physical and mental. The basis for the decision shall be documented in the child's record. (5-3-03)

824. EXPEDITIONS.
Expeditions include any excursion that will take the children away from the base camp. (5-3-03)

01. Written Description. There shall be a written description of expedition programming, approved by the organization's governing body and provided to the Department. The expedition shall not expose children to unreasonable risk. (5-3-03)

02. Group Size. For an expedition group, the number of participants shall not exceed fifteen (15) children. (5-3-03)

03. Wilderness First Responder (WFR). At least one (1) staff member per expedition group shall have a current WFR Certificate. (5-3-03)

04. Global Positioning System (GPS). Each group shall be equipped with a GPS system for use on all expeditions. (5-3-03)

05. Staff Briefing. Staff shall be briefed prior to any expedition. The briefing at a minimum shall include: (5-3-03)

a. The expedition route, terrain, time schedule, weather forecast and any potential hazards; (5-3-03)

b. Any procedures unique to that expedition; and (5-3-03)

c. Participant backgrounds and any potential problems. (5-3-03)

06. Expedition Evaluations. Each expedition shall be evaluated at least every seven (7) days, either in person or through Department approved procedures by a field director. If the expedition is longer in duration than three (3) weeks, on-site visits by a field director must occur at minimum increments of three (3) weeks. (5-3-03)

07. Staff De-Briefing. Staff shall be de-briefed after returning from any expedition. (5-3-03)

08. Participant De-Briefing. Children shall be de-briefed after returning from any expedition. The de-briefing shall include a written summary of the child's participation and progress achieved and be retained in the child's record. (5-3-03)

09. Expedition Summary. Results of the evaluation of the conditions of the children, interactions of children and staff, briefings, de-briefings, and compliance with program policies and procedures shall be summarized and documented. (5-3-03)

825. SAFETY.
Each children's therapeutic outdoor program shall have appropriate safety procedures and equipment. (5-3-03)

01. Environmental Hazards. Each program participant shall have instruction on environmental hazards and precautions. (5-3-03)

02. First Aid Kit. There shall be a first aid kit with sufficient supplies available at all times. The first aid kit shall at a minimum: (5-3-03)

a. Meet the standards of an appropriate national organization for the activity being conducted and the location and environment being used; (5-3-03)

b. Be reviewed with new staff for contents and use; (5-3-03)

c. Be reviewed at least annually with all staff for contents and use; and (5-3-03)

d. Be inventoried after each expedition and restocked as needed. (5-3-03)

826. COMMUNICATIONS.

01. Communication Support System. There shall be a communication system that includes: (5-3-03)

a. A reliable two (2) way radio communication with extra charged battery packs for each group away from the base camp; and (5-3-03)

b. A back up plan for re-establishing communication to be implemented in the event regular communication fails. (5-3-03)

02. Communication Requirements. There shall be daily verbal communication between each field group and the base camp unless alternative arrangements have been made and documented in a communications log maintained at the base camp and shall never exceed seventy-two (72) hours. (5-3-03)

03. Emergencies. The base camp support personnel shall have immediate access to emergency telephone numbers, contact personnel and procedures for an emergency evacuation or field incident requiring emergency medical support. (5-3-03)

827. EMERGENCY PLAN.
A children's therapeutic outdoor program shall have and follow a written emergency plan and specific procedures for evacuations, disasters, medical emergencies, hostage situations, casualties, and missing children. (5-3-03)

01. Written Plan. The plan shall at a minimum include: (5-3-03)

a. Designation of authority and staff assignments; (5-3-03)

b. Transportation and relocation of program participants when necessary; (5-3-03)

c. Instruction to all participants on how to respond in the event of an emergency; (5-3-03)

d. Notification to the base camp of the nature of the emergency and an accounting of each participant's location and status; (5-3-03)

e. Supervision of program participants after an evacuation or a relocation; and (5-3-03)

f. Arrangements for medical care and notification of a child's physician and identified parent or guardian. (5-3-03)

02. Emergency Drills. Emergency plan drills shall be held and recorded at least annually. (5-3-03)

828. EXPEDITION AND HIKING LIMIT REQUIREMENTS.

01. Physical Capability. Hiking shall not exceed the physical capability of the weakest member of the group. (5-3-03)

02. Maximum Temperature. There shall be no hiking when the temperature is above ninety-five (95) degrees Fahrenheit. (5-3-03)

03. Inability or Refusal to Hike. When a child cannot or refuses to hike, the group shall not continue hiking unless it is necessary for obvious safety reasons, and a contingency plan, based on preapproved polices and procedures shall be used. The contingency plan shall ensure there is staff coverage for each group if the group is split and that communication between the groups is maintained. (5-3-03)

04. Maps and Itinerary. Copies of map routes, anticipated schedules including arrival and departure times shall be maintained by the field staff and base camp when a group is on an outing away from the base camp. (5-3-03)

05. Acclimation to Environment. Staff shall closely monitor children for acclimation to the temperature, climate, altitude, environment and situation. (5-3-03)

06. Log. There shall be a common written log, which is signed and dated by the participating staff immediately following the termination of an outing away from the base camp. The log shall contain information on health problems, accidents, injuries, medications used, behavioral problems, and unusual occurrences. The log shall be recorded in permanent ink with any corrections initialed and dated. (5-3-03)

829. WATER REQUIREMENTS.

01. Water. Children shall have access to potable water while hiking. At a minimum the program shall: (5-3-03)

a. Provide each child with six (6) quarts of potable water a day, unless a child's weight exceeds one hundred fifty (150) pounds, then one (1) additional quart of potable water will be provided for every twenty-five (25) pounds of body weight over one hundred fifty (150) pounds; and (5-3-03)

b. Encourage each child to consume at least three (3) quarts of potable water per day. (5-3-03)

02. Water for Cooling. When the temperature is eighty (80) degrees Fahrenheit or higher, adequate water shall be available for coating each child's body for the purpose of cooling when needed. (5-3-03)

03. Water Caches. When water caches are used, each water cache shall be placed at predetermined sites prior to the day the group leaves the camp. Field staff shall verify the water cache locations before the group leaves the base camp each day. (5-3-03)

04. Aerial Water Drops. An expedition group shall not depend on aerial drops for its water supply. Aerial water drops shall be used only in the event of an emergency. (5-3-03)

05. Water From a Natural Source. Water from a natural source used for drinking or cooking shall be treated to eliminate health hazards. (5-3-03)

06. Electrolyte Replacement. Each group shall have a supply of electrolyte replacement, quantities to be determined by group size and environment conditions. (5-3-03)

830. NUTRITIONAL AND SANITARY REQUIREMENTS.

01. Menu. There shall be a written menu approved annually by a professional nutritionist or dietitian with knowledge of program activity levels and environmental factors. The menu shall list the necessary or recommended food supplies and caloric intake for each group. The current menu shall be readily available and any change or substitution shall be noted on the menu. Menus shall be maintained on file for six (6) months. (5-3-03)

02. Food. Each child shall be provided a sufficient amount of food and calories based on the approved menu. The food provided shall include fresh fruit and vegetables at least twice a week. (5-3-03)

03. Special Needs. The menu shall take into consideration a child's special nutritional needs, including food allergies or religious restrictions. (5-3-03)

04. Fasting. There shall be no imposed food fasting. (5-3-03)

05. Cleansing of Hands. Cleansing of hands shall occur after each latrine use and prior to food preparation and food consumption. (5-3-03)

831. -- 834. (RESERVED).

835. HEALTH CARE.

01. First Aid. First aid treatment shall be provided in as prompt a manner as the location and circumstances allow. (5-3-03)

02. Field Treatment. A child with an illness or physical complaint needing care or treatment beyond what can be provided in the field shall be immediately transported to appropriate medical care. (5-3-03)

03. Documentation. Complaints or reports by a child of illness and injuries shall be recorded in the daily log along with any treatment provided. (5-3-03)

04. Negative Consequences. There shall be no negative consequences imposed on a child for reporting an injury or illness or for requesting to see a health care professional. (5-3-03)

05. Daily Physical Assessment. Children's hydration, skin condition, extremities, and general physical

condition shall be evaluated and recorded by field staff in the daily log on a daily basis. (5-3-03)

06. Weekly Physical Assessment. At least every seven (7) days, each child's physical condition shall be assessed by a Wilderness First Responder (WFR), an Emergency Medical Technician (EMT), or qualified medical professional. The results of the assessment shall be recorded in the daily log and shall at a minimum include: (5-3-03)

a. Blood pressure; (5-3-03)

b. Heart rate; (5-3-03)

c. Condition of extremities; (5-3-03)

d. Condition of skin; (5-3-03)

e. Hydration level; (5-3-03)

f. Allergies, if any; (5-3-03)

g. General physical condition; and (5-3-03)

h. Provision of appropriate medical treatment if needed. (5-3-03)

836. MEDICATION STORAGE AND ADMINISTRATION.
A children's therapeutic outdoor program shall have and follow policies and procedures on the storage, administration, and disposal of prescription and nonprescription medication. (5-3-03)

01. Medication Storage and Administration. Prescription and over-the-counter medication must be stored under lock and key safeguarded from children. For medications taken on field outings, all medication shall be in the possession of a staff member qualified to administer medications. (5-3-03)

02. Trained Staff. Staff who administer and assist with self-administration of medications shall be trained by a qualified medical professional. (5-3-03)

03. Prescription Medication. All prescription medications shall be issued by a qualified medical professional's valid order that includes the dosage to be given. (5-3-03)

04. Psychotropic Medication. The administration of psychotropic medication shall be prohibited unless a qualified medical professional determines that the medication is clinically indicated, and under no circumstances shall psychotropic medication be administered for disciplinary purposes, for the convenience of staff, or as a substitute for appropriate treatment services. (5-3-03)

05. Documentation. There shall be a written record of all medications given to the child. The record shall include: (5-3-03)

a. The child's name; (5-3-03)

b. The name of the medication; (5-3-03)

c. The date and time the medication was given; (5-3-03)

d. The dosage given and whether the child did or did not take the medication; and (5-3-03)

e. The person who administered or assisted in self-administration of the medication. (5-3-03)

06. Medication Changes. Prescribed medication shall not be stopped or changed in dosage or administration without consulting with the prescribing physician. If the prescribing physician is not available, a

qualified medical professional must be consulted. Results of the consultation and any resulting medication changes must be recorded in the child's record. (5-3-03)

07. Disposal of Unused Medication. All unused and expired medication must be disposed of so it is not available to anyone. When medication is disposed of, this must be witnessed by at least one (1) other staff member and the disposal documented in the child's record. (5-3-03)

837. -- 839. (RESERVED).

840. PARTICIPANT CLOTHING, EQUIPMENT AND SUPPLIES.
Each program participant shall have appropriate clothing, equipment and supplies appropriate for the types of activities and for the weather conditions likely to be encountered. (5-3-03)

01. Clothing, Equipment, and Supplies Requirements. Clothing, equipment and supplies shall include at a minimum: (5-3-03)

a. Sunscreen; (5-3-03)

b. Insect repellent; (5-3-03)

c. A commercially available backpack or the materials to construct a safe backpack or bedroll; (5-3-03)

d. Personal hygiene items necessary for cleansing; (5-3-03)

e. Appropriate feminine hygiene supplies; (5-3-03)

f. Wool blankets or an appropriate sleeping bag and a tarp or poncho in the event the average nighttime temperature is expected to be forty (40) degrees Fahrenheit or higher; (5-3-03)

g. Shelter, appropriate sleeping bag and ground pad when the average night time temperature is expected to be thirty-nine (39) degrees Fahrenheit or lower; (5-3-03)

h. Clothing appropriate for temperature changes generally expected for the area; (5-3-03)

i. Each child shall be provided a clean change of clothing at least once a week or an opportunity to wash his clothes at least once a week; and (5-3-03)

j. Each child shall be provided clean undergarments and a means to clean his body at least twice a week. Additional clean undergarments shall be provided to a child as may be needed for health or sanitary reasons. (5-3-03)

02. Denial of Clothing, Equipment, and Supplies. Appropriate clothing, equipment, and supplies shall not be removed, denied, or made unavailable for any reason. (5-3-03)

841. CONTRABAND.
A children's therapeutic outdoor program shall define prohibited contraband in a written policy. (5-3-03)

01. Confiscation. Contraband found in the possession of children or staff shall be confiscated by staff and secured in a location inaccessible to children. (5-3-03)

02. Law Enforcement Notification. Local law enforcement shall be notified when illegal contraband is confiscated. (5-3-03)

03. Disposal. It shall be the responsibility of the administrator or designee to dispose of all contraband not confiscated by law enforcement, in accordance with the program's contraband policy. When contraband is disposed of, this must be witnessed by at least one (1) other staff member and the disposal documented in the child's

record. (5-3-03)

842. SEARCHES.
If a children's therapeutic outdoor program conducts searches of children, staff or visitors, it shall have and follow written policies and procedures. Searches shall be completed in the least intrusive manner possible for the type of search being conducted. All contraband will be disposed of in accordance with Section 841 of these rules. All searches shall be documented, including the reasons for the search, the persons conducting the search, and any results. The policies and procedures at a minimum shall require: (5-3-03)

01. Pat Down Searches. Pat down searches of children may only be conducted when the therapeutic outdoor program feels it is necessary to discourage the introduction of contraband or to promote the safety of staff and other children. Pat down searches shall be conducted as follows: (5-3-03)

a. Staff shall be trained in proper search techniques; (5-3-03)

b. There shall be a staff member of the same sex as the child being searched and shall be in the presence of another staff member; (5-3-03)

c. The child shall be told he is about to be searched; (5-3-03)

d. The child shall remove all outer clothing (gloves, coat, hat, and shoes) and empty all pockets; (5-3-03)

e. The staff person shall pat the clothing of the child using only enough contact to conduct an appropriate search; (5-3-03)

f. If the staff detects anything unusual, the child shall be asked to identify the item and appropriate steps should be taken to remove the item for inspection; (5-3-03)

g. If the child refuses to comply, the administrator or designee shall be notified immediately and be responsible for resolving the matter; and (5-3-03)

h. All searches shall be documented in writing. (5-3-03)

02. Strip Searches. Strip searches may only be conducted after a pat down search whenever there is reason to believe that contraband may be found through additional searches. Only the administrator or his designee shall authorize strip searches. Strip searches are to be conducted as follows: (5-3-03)

a. Staff shall be trained in the proper search techniques and staff shall not touch the child; (5-3-03)

b. The child shall be searched by two (2) staff members of the same sex as the child who is searched; (5-3-03)

c. The search shall be performed in an area that ensures the privacy of the child; (5-3-03)

d. The child shall remove clothing and move away from the articles; (5-3-03)

e. The staff shall require the child to run his hands through his hair; (5-3-03)

f. Staff shall search the clothing and return it to the child; and (5-3-03)

g. Body cavity searches shall not be conducted by children's therapeutic outdoor program staff. (5-3-03)

843. BEHAVIOR MANAGEMENT AND DISCIPLINE POLICY.

01. Behavior Management. A children's therapeutic outdoor program shall have and follow a

behavioral management and discipline policy which identifies appropriate methods of behavioral management and ensures that any discipline is positive and consistent. Individual behavioral management shall be based on an assessment of the child's needs, behavior, and stage of development with the goal of promoting self-control, self-direction, self-esteem, and an acceptable pattern of social behavior appropriate to the age and development level of the child. The policy shall require the application of least restrictive effective treatment and positive reinforcement and shall prohibit: (5-3-03)

a. Physical force, except as permitted under Section 573 of these rules; (5-3-03)

b. Any kind of punishment inflicted on the body, including spanking, hitting, slapping, spitting, kicking, shaking, pulling hair, pinching skin, twisting of an arm or leg in a way that would cause pain or injury to the child, kneeling and sitting on the chest of a child, placing a choke hold on a child, bending back a finger, and shoving or pushing a child into a stationary object; (5-3-03)

c. The placing of anything in or over a child's mouth; (5-3-03)

d. Cruel or excessive physical exercise, prolonged positions, or work assignments that produce unreasonable discomfort; (5-3-03)

e. Verbal abuse, ridicule, humiliation, profanity, and other forms of degradation directed at a child or a child's family; (5-3-03)

f. Locked seclusion as described under Section 764 of these rules; (5-3-03)

g. Mechanical restraint as described under Section 766 of these rules; (5-3-03)

h. Alternative forms of restraint as described in Section 767 of these rules; (5-3-03)

i. Withholding of necessary food, clothing, shelter, bedding, rest, medical care, and toilet use; (5-3-03)

j. Denial of visits or communication with the child's family except as specified in the child's plan or court order; and (5-3-03)

k. Disciplining a child or group of children for actions of one (1) child, unless the organization's policies and procedures for group behavior management and discipline are based on a nationally recognized peer group treatment model and clearly prescribe the circumstances and safeguards under which disciplining the group is allowed and is supervised by staff. (5-3-03)

02. Documentation. An organization shall document that the policy has been provided to a child and is made available to parents, guardians, and referral sources. (5-3-03)

844. TIME-OUT.
A children's therapeutic outdoor program shall have and follow written policy and procedures governing the appropriate use of time-out that shall require: (5-3-03)

01. Use. Time-out is only used when a child's behavior is disruptive to the child's ability to learn, to participate appropriately, or to function appropriately with other children or the activity. (5-3-03)

02. Duration. Time duration shall not exceed sixty (60) consecutive minutes. (5-3-03)

03. Observation. A staff has been designated to be responsible for visually observing the child at random intervals at least every fifteen (15) minutes. (5-3-03)

04. Documentation. A written description in sufficient detail to provide a clear understanding of the incident or behavior which resulted in the child being placed in time-out, and staff's attempts to help the child avoid time-out, and observations by staff maintained in the child's file. (5-3-03)

05. Reintroduction to the Group. The child is reintroduced to the group in a sensitive and nonpunitive manner as soon as control is regained. (5-3-03)

06. Review. If there are more than ten (10) time-outs for a child in a twenty-four (24) hour period, a review is conducted by the chief administrator or designee to determine the suitability of the child remaining in the program, whether modification to the child's plan is warranted, whether staff need additional training in alternative therapeutic behavior management techniques, and to ensure that appropriate action is taken as a result of the review. (5-3-03)

845. WORK.
Children may be given a non-vocational work assignment as a constructive experience in compliance with child labor laws, which are age appropriate and within the child's capabilities. The primary purpose of work shall not be to substitute for paid labor. (5-3-03)

846. ANIMALS AND PETS.
Animals, including pets, shall be free from disease and cared for in a safe and clean manner. All domestic animals and pets shall be vaccinated against rabies. Documentation of the vaccination against rabies shall be kept on file at the base camp. (5-3-03)

847. TRANSPORTING CHILDREN.

01. Vehicle. Transportation of children in a therapeutic outdoor program shall be in a vehicle that is: (5-3-03)

a. Properly registered; (5-3-03)

b. Covered by insurance for personal injury and liability; (5-3-03)

c. Driven by a person with a valid driver's license for the type of vehicle and who complies with all applicable traffic laws while transporting children; (5-3-03)

d. Maintained in a safe condition; (5-3-03)

e. Equipped with a red triangle reflector device for use in an emergency; (5-3-03)

f. Equipped with a first aid kit; and (5-3-03)

g. Equipped with a fire extinguisher that is properly secured and not readily available to children. (5-3-03)

02. Proper Seating of Children and Adults. The driver and all passengers shall ride in a vehicle manufactured seat, properly using a passenger restraint device. (5-3-03)

848. FIREARMS.
Firearms shall not be allowed in children's therapeutic outdoor programs. (5-3-03)

849. (RESERVED).

850. PROGRAM SUMMARY.
The organization shall provide the child's parent or guardian a written summary of the child's participation and progress upon completion of the therapeutic outdoor program. The parents or guardian and child shall be given the opportunity and be encouraged to submit a written evaluation of the therapeutic outdoor experience. (5-3-03)

851. -- 859. (RESERVED).

ADDITIONAL STANDARDS FOR SOLO EXPERIENCES IN CHILDREN'S THERAPEUTIC OUTDOOR PROGRAMS

(See also Sections 500 Through 599, Rules Governing General Standards for Organizations Known as Children's Agencies and Children's Residential Care Facilities, and Sections 800 through 859, Rules Governing Standards for Children's Therapeutic Outdoor Programs)

860. STANDARDS FOR SOLO EXPERIENCES IN CHILDREN'S THERAPEUTIC OUTDOOR PROGRAMS.

If a children's therapeutic outdoor program conducts a solo component for children as part of the therapeutic process during expeditions, they shall have and follow written policies and procedures. Every children's therapeutic outdoor program that includes a solo component shall include a written description of the solo component as required in Section 528 of these rules. (5-3-03)

861. PLAN.

For a children's therapeutic outdoor program that conducts a solo component as part of the therapeutic process there shall be a plan for the solo component, as well as an individual solo plan for each child. The plans shall be documented and must be approved by the senior field staff to ensure that the children are not exposed to unreasonable risks. The plans shall include the following: (5-3-03)

01. Individual Solo Plan. The goals, methods, techniques to be used, and time frames shall be listed for each participant. Each individual plan shall be reviewed with the child and signed and dated by the child and the designated staff member. (5-3-03)

02. Ability. There shall be consideration of the maturity level, health, physical ability and emotional state of the child. (5-3-03)

03. Preparation. The child shall be instructed on the solo experience, including expectations, restrictions, communication, environment, and emergency procedures. (5-3-03)

04. Back Up Plan. There shall be documented instructions for a back up plan in case the child's plan does not work. (5-3-03)

05. Responsible Staff. A designated staff member shall be responsible for coordination and implementation of the plan. (5-3-03)

862. SOLO SITES.

Staff shall be familiar with the site chosen to conduct solos. The following requirements shall apply: (5-3-03)

01. Pre-Site Investigation. A pre-site investigation shall be conducted and mapped prior to the solo. The site shall be checked at the time the child is placed to assure that no changes in the environment have taken place since the pre-site investigation that may put the child at risk. (5-3-03)

02. Hazardous Conditions. Any hazardous conditions, including terrain, are to be considered prior to the selection of a solo site, taking into account the age, physical, developmental and psychological issues of the children served in the solo experience. (5-3-03)

03. Mapping and Site Coordinates. The site selected for the solo shall be mapped and the site coordinates shall be recorded. The map and the site coordinates shall be maintained at the solo site and shall be communicated to the base camp prior to leaving for the solo component. (5-3-03)

04. Supplies. Arrangements shall be made prior to the solo for medication, food and water drop offs if needed. (5-3-03)

863. SUPERVISION.

Plans for supervision shall be in place during the solo. At a minimum these shall require the following: (5-3-03)

01. **Assigned Staff**. The assignment of a specific staff member to be responsible for the supervision of each solo participant. (5-3-03)

02. **Observation**. A predetermined procedure for observation, that ensures the health, safety and well being of the child at all times, that includes: (5-3-03)

a. Placing children at a distance from each other and the central staff site to allow for appropriate supervision and emergency communication; (5-3-03)

b. Placing children requiring special attention closer to the central staff site; (5-3-03)

c. Clearly defining physical boundaries and any other restrictions; (5-3-03)

d. Instructing children to not participate in potentially dangerous activities; (5-3-03)

e. Notification and check in systems; (5-3-03)

f. Visual checks; and (5-3-03)

g. Checking the participant's emotional and physical condition daily. (5-3-03)

864. EMERGENCY PROCEDURES.
In addition to the requirements of Section 827 of these rules, solo emergency plans shall include: (5-3-03)

01. **Instruction**. Instructing the participant on the safety and emergency procedures, including evacuation routes. (5-3-03)

02. **Communication**. Providing each participant with signaling capabilities, including a whistle, for emergency notification. (5-3-03)

03. **Participant Response**. Instruction to all participants on how to respond if the emergency notification system is put into use, including each participants requirement to check in to the central staff site. (5-3-03)

04. **Check In**. Provide a check-in system should an emergency occur, which includes notification to the base camp and an accounting of each participant's whereabouts and safety. (5-3-03)

865. -- 869. (RESERVED).

ADDITIONAL STANDARDS FOR STATIONARY CHILDREN'S THERAPEUTIC OUTDOOR PROGRAMS

(Sections 870 Through 872, see also Sections 500 through 599 and 800 Through 869.)

870. ADDITIONAL PROVISIONS FOR STATIONARY CHILDREN'S THERAPEUTIC OUTDOOR PROGRAMS.
A children's therapeutic outdoor program that maintains a designated location for the housing of children is considered stationary and shall be subject to additional fire, health, and safety standards. (5-3-03)

871. FIRE SAFETY REQUIREMENTS.
A stationary children's therapeutic outdoor camp shall be inspected by a state certified fire inspector before being occupied and on an annual basis thereafter. A copy of the inspection shall be maintained at the children's therapeutic outdoor camp. The inspection shall require: (5-3-03)

01. **Fire Extinguishers**. One (1) 2-A-10BC type fire extinguisher shall, at minimum, be in each of the following locations: (5-3-03)

a. On each floor in any building that houses children; (5-3-03)

b. In any room where cooking or heating takes place; (5-3-03)

c. In a group of tents within a seventy-five (75) foot travel distance; and (5-3-03)

d. Each fire extinguisher shall be inspected annually by a fire extinguisher service agency. (5-3-03)

02. **Smoke Detectors**. A smoke detector shall be in buildings where children sleep. (5-3-03)

03. **Escape Routes**. A minimum of two (2) escape routes from buildings where children sleep. (5-3-03)

04. **Flammable Liquids**. Flammable liquids shall not be used to start fires, be stored in structures that house children, or be stored near ignition sources. If generators are used, they will only be refueled by staff when the generator is not running and cool to the touch. (5-3-03)

05. **Electrical**. Wiring shall be properly attached and fused to prevent overloads. (5-3-03)

872. HEALTH SAFETY REQUIREMENTS.
A stationary children's therapeutic outdoor camp shall be inspected by the District Health Department before being occupied and on an annual basis thereafter. A copy of the inspection shall be maintained at the site of the camp. The inspection shall require the following: (5-3-03)

01. **Food**. Food be stored, prepared, and served in a manner that is protected from contamination. (5-3-03)

02. **Water Supply**. The water supply shall be from a source that is accepted by the local health authority according to IDAPA 58.01.08, "Idaho Rules for Public Drinking Water Systems," at the time of application and for annual renewal of such licenses. (5-3-03)

03. **Sewage Disposal**. Sewage shall be disposed of through a public system, or in absence of a public system, in a manner approved by the local health authority, according to IDAPA 58.01.03, "Individual/Subsurface Sewage Disposal Rules." (5-3-03)

873. -- 999. (RESERVED).

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