

201 Child Placing Agencies

LEGAL BASE AND LAWS

1. The legal base for Delacare: Regulations for Child Placing Agencies is in the Delaware Code, Title 31, Welfare, Chapter 3 Child Welfare, Subchapter III, The Delaware Child Care Act, and Subsections 341 through 347.
2. The laws pertaining to the placement of a child for foster care and adoption are found in:
 - A. Title 13 Domestic Relations, Chapter 9 Adoption, Subchapters I Minors and II Persons 18 Years of Age or Over, Subsections 901 through 956;
 - B. Title 13 Domestic Relations, Chapter 11 Termination and Transfer of Parental Rights in Adoption Proceedings, Subsections 1101 through 1115
 - C. Title 31 Welfare, Chapter 3 Child Welfare, Subchapter IV Placement of Dependent Children, Subsections 351 through 356; and
 - D. Title 31 Welfare, Chapter 3 Child Welfare, Subchapter VI Interstate Compact on the Placement of Children, Subsections 381 through 389.

PURPOSE

3. The overall purpose of the Delacare: Regulations for Child Placing Agencies is to:
 - A. Protect the rights of a child in foster care, a child who is in the process of being adopted, and the child's birth parent or guardian;
 - B. Establish standards to approve a foster or adoptive parent and any other household member, and a foster or adoptive home; and
 - C. Ensure effective foster care and adoption services resulting in humane placement for each child.

PART I GENERAL PROVISIONS

DEFINITION OF REGULATED SERVICE

4. **“Child Placing Agency”** (Agency) means an organization established for the purpose of providing or arranging placement for a child in the home of an approved foster or adoptive parent.
5. The Regulations are divided into the following parts:
 - A. Part I General Provisions
 - B. Part II Foster Care
 - C. Part III Adoption

REGULATED SERVICE

6. To be licensed as a Child Placing Agency, the General Provisions of Part I shall be met. In addition, an Agency shall meet the following Regulations during the course of providing the following:
 - A. Foster Care - for placement of a child in a foster home, assistance for the child's birth parent or guardian, and to investigate and approve a foster parent, any other household member, and a foster home, an Agency shall also meet Part II Regulations.

- B. Adoption - for placement of a child in a private home for adoption, assistance to the child's relinquishing birth parent or guardian, and to investigate and approve an adoptive parent, any other household member, and an adoptive home, an Agency shall also meet Part III Regulations.

DEFINITION OF TERMS

- 7. "Addendum" means adding to a home study or home study update based on a significant change or new information.
- 8. "Administrator" means a staff member responsible for the supervision and administration of the Office of Child Care Licensing.
- 9. "Adoption" means termination of previously held parental rights over a child and creation of a new legal parent-child relationship is finalized.
- 10. "Adoptive Home" means a private residence in which an adoptive parent lives, and meets the requirements of these Regulations to accept a child for adoption.
- 11. "Adoptive Parent" means a person approved by an Agency to adopt a child and create a new legal parent-child relationship.
- 12. "Adult" means a person who has reached his or her eighteenth (18th) birthday.
- 13. "Agency" means any Child Placing Agency.
- 14. "Agreement of Understanding" means a formal written document that is part of an administrative action, part of a corrective action plan, or used when a formal agreement is deemed necessary between a Licensee and the Office of Child Care Licensing which clearly explains and memorializes what actions a Licensee shall take in order to maintain licensure.
- 15. "Applicant" means a person applying to provide foster care or to adopt a child and can also be an individual, agency, corporation, or partnership applying for a license that is obtained from the Office of Child Care Licensing.
- 16. "Birth Parent" means the biological mother or father of a child.
- 17. "Business Day" means any weekday Monday through Friday but not including the weekend (Saturday and Sunday) or an official holiday that occurs on a weekday.
- 18. "Calendar Day" means every consecutive day of a week including weekends and holidays.
- 19. "Case Worker" means a staff member of an Agency who works directly with a child, his or her birth parent or guardian, foster or adoptive parent, and any other relevant person and is primarily responsible for the development, implementation, and review of a service plan for a child and his or her birth parent or guardian; performs placement or home finding service for a child, and conducts an assessment study for a foster or adoptive parent and meets the qualifications as specified in these Regulations.
- 20. "Case Work Supervisor" means a staff member of an Agency who is assigned responsibility by a Licensee for the supervision of one or more case workers and meets the qualifications specified in these Regulations.
- 21. "Chief Administrator" means a staff member of an Agency designated by a Licensee or by a governing body, as having day-to-day responsibilities for the overall administration and

operation of an Agency and for assuring the care, treatment, safety, and protection of a child who is a client of an Agency and meets the qualifications specified in these Regulations.

22. "Child" means a person who for the purposes of these Regulations, has not reached the age of eighteen (18) years and is being placed, or has been placed in foster care, or is in the process of being adopted or has been adopted.
23. "Child Abuse" means the abuse of a child as defined in 16 Del. C. Ch. 9.
24. "Child Care Licensing Specialist" means an employee of the Department of Services for Children, Youth, and their Families, Division of Family Services, Office of Child Care Licensing who is responsible for performing regulatory activities including monitoring, investigation, enforcement actions, and decisions for licensure as set forth in Delaware Code and these Regulations.
25. "Child Care Licensing Supervisor" means an employee of the Department of Services for Children, Youth, and their Families, Division of Family Services, Office of Child Care Licensing who is responsible for performing supervisory and regulatory activity including monitoring, investigation, enforcement actions, and decisions for licensure as set forth in Delaware Code and these Regulations.
26. "Child Neglect" means neglect of a child as defined in 16 Del. C. Ch. 9.
27. "Child Sex Abuse" means any act against a child that is described as a sex offense as defined in Delaware Code, Title 11, Subsection 761 (d) or in subpart D. "sexual offenses" of Subchapter I of Chapter 5 of Title 11 of the Delaware Code.
28. "Clock Hour" means the actual number of hours a Licensee, Agency staff member, and foster and adoptive parent spends attending the instructional portion of a training to develop or enhance knowledge and skills.
29. "Complaint Investigation" means the process followed by the Office of Child Care Licensing or other appropriate entity to effectively investigate accusations that a Licensee is not in compliance with these Regulations or any other applicable local, State, Federal and International code, regulation, law, treaty, and agreement, including the Hague Convention. A Licensee is notified of a complaint generally at the time of an unannounced visit regarding the complaint and a written report is created stating the results of an investigation and provided to a Licensee.
30. "Corrective Action Plan" means a written document developed with a Licensee by the Office of Child Care Licensing which specifies any non-compliance that must be corrected, how they must be corrected, and the date by which they must be corrected.
31. "Court Appointed Special Advocate (CASA)" means a volunteer appointed by a Family Court Judge for an abused, neglected or dependent child who comes before the Court to provide advocacy and independent factual information. The CASA is charged with representing the best interests of a child, is a full party to court proceedings, and monitors a case until the terms of a court order have been fulfilled and/or a safe and permanent home has been achieved for a child.
32. "Criminal History Record Check" means the State (Delaware or other State) and Federal (National) report of a person's entire criminal history, a search of the Department's child abuse and neglect records, and when applicable, a search of the Department of Health and Social Services' adult abuse registry or any other check as required by State or Federal Law.

33. "Denial" means the refusal by the Office of Child Care Licensing to issue a License after the receipt of an original or renewal application and the completion of an investigation. This constitutes refusal of official permission for an Applicant or Licensee to provide regulated service.
34. "Department" means the Department of Services for Children, Youth and Their Families.
35. "Developmentally Appropriate" means offering a child an opportunity for learning that is suitable to his or her individual developmental age and stage, is consistent with the child's special needs, and encourages development to the next stage.
36. "Direct Voice Contact" means a Licensee speaking directly with a Child Care Licensing Specialist, Child Care Licensing Supervisor, or the Administrator from the Office of Child Care Licensing through a telephone call or face-to-face contact. A voice mail message is not acceptable and does not constitute direct voice contact.
37. "Disability" means a physical, intellectual, emotional, developmental or chronic medical condition or impairment.
38. "Division" means the Division of Family Services within the Department of Services for Children, Youth and Their Families.
39. "Division Director" means the Director of the Division of Family Services.
40. "Family" means biological or adoptive father or birth or adoptive mother, brother and sister, but may be interpreted broadly to include any person, whether related to a child by blood or not, who resides in a child's home, takes part in a child's family life, or also may have responsibility for or legal custody of a child.
41. "Family Service Plan" means a comprehensive individualized program of action developed by the Agency in cooperation with a child and his or her birth parent or guardian and any other family member that establishes any goal, objective, and deadline based on resolving any problem that necessitated the placement of the child, any referred service, and if determined to be in the best interests of the child, visitation and reunification plan.
42. "Foster Care" means the temporary care of a child who has been placed in a foster home with a foster parent as approved by an Agency.
43. "Foster Home" means a private residence in which a foster parent lives, and meets the requirements of these Regulations for foster care placement of a child.
44. "Foster Parent" means a person approved by an Agency to provide foster care for a child.
45. "Governing Body" means a group of people with the ultimate responsibility for and authority over the operation of an Agency as, for example, a Board of Directors.
46. "Guardian" means a person appointed by a court of appropriate jurisdiction.
47. "Guardian ad litem (GAL)" means a person appointed by the Court to represent the best interests of a child whether or not that reflects the wishes of the child, and who by his or her appointment, shall be a party to child welfare proceedings. The GAL is charged with obtaining a clear understanding of the situation and needs of a child and making recommendations to the Court as to what is in the best interests of the child.
48. "Health Appraisal" means a medical assessment of a person by a health care provider that may include but is not limited to a physical examination; physical, mental and behavioral health

history; progression and assessment of growth and development; current medication; restriction or modification of activity, diet and care: documentation of any recommended or required screening and testing; immunization status with a listing of month and year of administration; and specifically for an adoptive and foster parent applicant, evidence of the lack of a communicable disease, specific illness, disability, and mental condition which would either interfere with the ability to provide care for a child or pose a threat to the health, safety or well-being of a child.

49. "Health Care Provider" means an individual licensed, certified, or otherwise authorized or permitted by law to provide health care in the ordinary course of business or practice of a profession.
50. "Hearing" means due process provided to an Applicant or Licensee when the Applicant or Licensee has requested an appeal of the Division's decision to deny an application, suspend or revoke a license, or place a facility on an enforcement action.
51. "Home Study" means assessment of a foster or adoptive parent applicant, any other household member, and the physical environment of his or her home to determine suitability as a foster or adoptive parent. A home study must be updated at least yearly or whenever a significant change occurs in the household.
52. "Home Study Update" means a home study has been reviewed at least annually to ensure all information is current and valid and updated through an addendum.
53. "Household Member" means a person living permanently or temporarily in a home with a foster or adoptive parent applicant or approved foster or adoptive parent without regard to whether he or she is related by marriage/civil union or blood and without regard to the length of time or continuity of such residence, and may include a person who previously lived in the home as a member of the household.
54. "Infant" means a child who is less than one (1) year old.
55. "Institutional Abuse Unit" means a section within the Division of Family Services, Department of Services for Children, Youth and their Families that investigates child abuse or neglect which has occurred to a child in the Department's custody and while placed in a facility, center or home operated, contracted or licensed by the Department.
56. "Institutional Child Abuse or Neglect" means the injury, maltreatment, or mistreatment of a child by a person or persons responsible for a child's care in an out-of-home setting, jeopardizing the well-being of a child as defined in 11 Del. C. §468 and 16 Del. C. §902 including but not limited to the physical injury through unjustified force, emotional abuse, torture, criminally negligent treatment, sexual abuse, or exploitation.
57. "International Adoption" means the adoption of a child who resides in a country other than the United States of America, or resides in the United States and is being adopted by a person from another country.
58. "License" means a formal written document issued by the Office of Child Care Licensing permitting the operation of a Child Placing Agency and verifying that a Licensee has demonstrated compliance with the Delacare: Regulations for Child Placing Agencies and any other applicable local, State, Federal and International code, regulation, law, treaty, and agreement, including the Hague Convention.
59. "Licensee" means a person or entity legally responsible for a licensed Child Placing Agency.

60. "Licensure" means the Office of Child Care Licensing issuing a license to a Licensee when in compliance with Delacare: Regulations for Child Placing Agencies and any other applicable local, State, Federal and International code, regulation, law, treaty, and agreement, including the Hague Convention.
61. "Medical Care" means any type of medical, dental, and behavioral health care of a child including treatment, prescribed medication and immunization. Behavioral health includes mental and chemical dependency care.
62. "Mixing" means placement by the Department of Services for Children, Youth and Their Families of a child charged with or adjudicated of a felony level juvenile offense, or adjudicated of a serious misdemeanor level juvenile offense, in the same foster home with a dependent or neglected child who has not committed or has been charged with a delinquent act.
63. "Office of Child Care Licensing" means the governmental organization within the Department authorized under 31 Del. C. Ch. 3, Subchapter III, to prescribe, by regulation or otherwise, any reasonable standard for the conduct of a child care facility, institution, agency, association, and organization and to license this entity to conform to the standard.
64. "Parent" means a birth or adoptive mother or biological or adoptive father, guardian, named father or a person named in a sworn statement or consent who has responsibility for or legal custody of a child.
65. "Personal Belongings" means those items, including clothing, toys, photos, mementos brought with a foster child into the foster or adoptive home or accumulated by the child during placement.
66. "Post-finalization Services" means services provided after an adoption is finalized.
67. "Post-placement Services" means services provided after a child is placed for adoption or prior to the finalization of adoption.
68. "Pre-adoptive" means after placement of a child but prior to the finalization of an adoption.
69. "Preschool-Age Child" means a child three (3) through five (5) years of age who is not yet attending a public or private kindergarten program. If a child is older than five (5) years of age and is not yet attending a public or private kindergarten program, that child shall be considered in the pre-school age group until attending kindergarten or first grade, whichever comes first.
70. "Regular Basis" or "Regularly" means occurring or scheduled at specific intervals of time for the purpose of monitoring a situation, gathering required information, or providing routine access to an activity or event.
71. "Regulation" means a baseline or minimum standard as established by the Office of Child Care Licensing and required for licensure. A Licensee of an Agency may and is encouraged to exceed a baseline or minimum standard required by Delacare: Regulations for Child Placing Agencies.
72. "Relative" means a person having any of the following relationships by blood, marriage/civil union, or adoption to a child including parent, grandparent, great-grandparent, brother, sister, aunt, uncle, stepparent, stepbrother, and stepsister.
73. "Respite Care" means alternate care provided for 14 days or less for a foster child placed by an Agency.

74. "Revocation" means a process of rescinding a License during the effective dates of the License. If the process concludes with a decision by the Secretary of the Department to revoke a License, a Licensee shall cease operation of a Child Placing Agency within thirty (30) days of the decision.
75. "School-Age Child" means a child five (5) years of age or older or who is attending kindergarten or higher grade. A child shall be considered school-age beginning the first day attending kindergarten or first grade whichever comes first.
76. "Secretary" means the Cabinet Secretary of the Department of Services for Children, Youth and Their Families.
77. "Service Plan" means a comprehensive individualized program of action for a child and his/her family developed by the Agency in cooperation with the child, biological family, foster parent(s), and referral source to establish specific goals and objectives, and deadlines for meeting these goals and objectives based on the child's age, functioning level, and perception of time and on the family's ability to understand and participate.
78. "Snack" means supplemental food served between meals.
79. "Social Worker" means a person holding the appropriate credentials who works directly with children, their families, and other relevant individuals and who is primarily responsible for the development, implementation, and review of service plans for the child and family; or performs home finding and assessment studies related to foster home and adoptive services.
80. "Special Needs" means a diagnosed physical disability, chronic disease requiring medical attention, or a mental, educational, or emotional condition requiring treatment.
81. "Staff or Staff Member" means any full- or part-time employee of an Agency including a Volunteer working over five (5) days or 40 hours a year.
82. "Suspension Hearing" means an informal hearing between the Division Director or his/her designee, the Office of Child Care Licensing, and a Licensee in order to determine whether a License remains suspended.
83. "Suspension Order" means a notice issued by the Office of Child Care Licensing to a Licensee directing that services be discontinued on a specified date. A Licensee shall not provide services during the term of a Suspension Order.
84. "Toddler" means a child who is between the age of twelve (12) months and less than thirty-six (36) months of age.
85. "Training" means successful participation and completion in an organized professional development activity that is approved or accepted by the Office of Child Care Licensing in order to develop or enhance competencies of an Agency staff member, and foster and adoptive parent.
86. "Variance" means the non-transferable written authorization issued by the Division granting the Provider approval to use the specifically approved alternative means to meet the intent of the specific licensing regulation(s) in a manner other than originally prescribed in regulation which maintains the health, safety, and well-being of a child or client of an Agency.
87. "Volunteer" means a person who provides an unpaid service or support to an Agency.

88. "Young Adult" means a person who, for the purposes of these Regulations, has turned eighteen (18) years of age but remains in foster care pursuant to a board extension approved by the Division of Family Services and is not yet living independently

CHILD PLACING AGENCY LICENSURE

89. A corporation, partnership or individual shall not operate or maintain a Child Placing Agency unless issued a license to do so by the Office of Child Care Licensing.
- A. Anyone who violates 31 Del. C. Ch. 3, Subchapter III, The Delaware Child Care Act shall be fined not more than \$100 or imprisoned not more than three (3) months, or both.

APPLICATION PROCESS

90. An Applicant shall obtain information on the Delaware: Regulations for Child Placing Agencies, and the licensure process by contacting the Office of Child Care Licensing to schedule a meeting.
91. An Applicant shall apply for a License on a form provided by the Office of Child Care Licensing and in a manner prescribed by the Office of Child Care Licensing which includes a signed statement which certifies that he or she:
- A. Has read and understands these Regulations;
- B. Intends to maintain compliance with these Regulations and any other applicable local, State, Federal and International code, regulation, law, treaty, and agreement, including the Hague Convention;
- C. Intends to provide service throughout the majority of a licensure period;
- D. Has provided information that is true to the best of his or her knowledge; and
- E. Will not discriminate on the basis of sex, sexual orientation, race, religion, cultural heritage, disability, marital status, or economic status.
92. An Applicant shall submit a completed and signed application including any other required information to the Office of Child Care Licensing.
- A. Other information may include, when applicable, any other authorization, inspection, or document that states any limitation on the use of Agency property through a deed restriction, lease or rental agreement, or as required by a code, regulation, or law such as, but not limited to, the Division of Public Health, City or State Fire Marshal, Division of Revenue, Department of Natural Resources and Environmental Control, Land Use, or Zoning.
93. An Applicant shall demonstrate to the satisfaction of the Office of Child Care Licensing that he or she and an Agency is in compliance with any applicable provision of these Regulations, and any other applicable local, State, Federal and International code, regulation, law, treaty, and agreement, including the Hague Convention, before a License may be issued.

LICENSE AND INITIAL LICENSE

94. A Licensee shall be issued a license only for an Agency for which application is made and for the address of the Agency's actual site where services are being provided.
95. A Licensee shall be issued a license that is not transferable, assignable, or subject to sale.
96. When an initial application is received, an Office of Child Care Licensing representative shall review the application, confer with the applicant, review the policy and procedures manual for

staff and clients, and inspect the premises to determine whether the applicant has complied with applicable provisions of these regulations.

97. If an initial license to operate is granted, the initial provisional license shall be issued for six (6) months.
 - A. Upon expiration of the initial provisional license, an annual license shall be issued for the balance of the initial twelve (12) month period if the Licensee meets the applicable provisions of these regulations.
 - B. A provisional license may be issued or extended (as stated in these Regulations) when the Office of Child Care Licensing determines that a Licensee has demonstrated good faith efforts to achieve compliance but requires additional time to achieve compliance with applicable provisions of these regulations.
98. If an initial license to operate is denied, the Office of Child Care Licensing shall notify the applicant in writing of the reason(s) for denial and set forth the applicant's rights to appeal the decision.
99. The license shall contain the approved regulated service and display the status of the license (initial provisional, annual, provisional, or extension); effective date of the license; and expiration date of the license.

ANNUAL LICENSE

100. An Agency shall request from the Office of Child Care Licensing a license application form at least ninety (90) days before the expiration of the Agency's current license and submit the completed application at least sixty (60) days before expiration of the current license. Upon receipt of a completed application, an Office of Child Care Licensing representative shall review the application, confer with the applicant, and inspect the premises, files, policy manuals, and other relevant documentation to determine whether the applicant has complied with applicable provisions of these regulations.
101. An annual license may be issued only to the Child Placing Agency for which application is made and for the address of the Child Placing Agency's actual site when the Office of Child Care Licensing has made a thorough investigation and has determined in accordance with reasonable standards:
 - A. The good character and intention of the applicant or applicants;
 - B. The present and prospective need of the service rendered;
 - C. The employment of capable, trained and experienced workers;
 - D. Sufficient financial backing to ensure effective work;
 - E. The probability of the service being continued for a reasonable period of time;
 - F. Whether the methods used and disposition made of the children served will be to their best interests and that of society;
 - G. Whether the Regulations and requirements of the Office of Child Care Licensing are properly met;
 - H. The required criminal background checks are completed and approved; and
 - I. The Licensee is in compliance with applicable provisions of these Regulations and any other applicable local, State, Federal, and international code, regulation, law, treaty, and agreement including the Hague Convention, throughout an annual licensure period.
102. A Licensee shall be issued an annual license that is effective for one (1) year from the date of issuance, unless it is:
 - A. Modified to a provisional license or license extension;

- B. Denied;
- C. Revoked;
- D. Surrendered prior to an expiration date;
- E. Nullified; or
- F. Suspended.

103. A Licensee shall maintain compliance with applicable provisions of these Regulations and any other applicable local, State, Federal, and international code, regulation, law, treaty, and agreement including the Hague Convention, throughout an annual licensure period.
104. When a Licensee makes timely and sufficient application for renewal of an annual license, the existing license shall not expire until the Office of Child Care Licensing makes a decision on the renewal application.

PROVISIONAL LICENSE

105. A Licensee may be issued a provisional license when temporarily unable to comply with requirements of these Regulations and the Office of Child Care Licensing has determined that:
- A. There is no serious risk to the health, safety and well-being of a child;
 - B. A Licensee has agreed to fulfill and operate under conditions as stated in a written corrective action plan or agreement of understanding as developed by the Office of Child Care Licensing and the Licensee;
 - C. A Licensee demonstrates to the Office of Child Care Licensing the intent to comply with a corrective action plan or agreement of understanding; and
 - D. A Licensee demonstrates at the time of issuance and continues throughout the period of a provisional license to demonstrate a good faith effort to achieve compliance but requires additional time to achieve compliance.
106. A provisional license may be extended to a maximum of (6) months (or longer with the permission of the Office of Child Care Licensing Administrator), when the Office of Child Care Licensing determines that a Licensee has demonstrated good faith efforts to achieve compliance but requires additional time to achieve full compliance with applicable provisions of these regulations.
107. A Licensee may request a provisional license be replaced with an annual license in advance of the provisional license's expiration date through a written request to the Office of Child Care Licensing and the Licensee demonstrates that a corrective action plan or agreement of understanding is completed and the Agency is in full compliance.
108. A Provisional License shall be replaced with an annual license for the remainder of the twelve (12) month licensing period once the Licensee is in full compliance with these Regulations.

LICENSE RENEWAL

109. A Licensee shall be required to renew a license annually.
110. A Licensee shall make a request to the Office of Child Care Licensing by direct voice contact or in writing to obtain a license renewal application material at least ninety (90) calendar days before the expiration of a current license.
111. A Licensee shall submit a fully completed, signed, and notarized license application form and all required material and as specified in these Regulations to the Office of Child Care Licensing at least sixty (60) calendar days prior to the expiration of a current license.

POSTING A LICENSE

112. A Licensee shall post a license to operate in a place conspicuous to the public at the address of the Agency's actual site where services are being provided.

CHANGES AFFECTING A LICENSE

113. A Licensee shall notify the Office of Child Care Licensing in writing at least ninety (90) days calendar days prior to any of the follow planned changes:
- A. Relocation of an Agency's office in which service is provided;
 - B. Name of an Agency;
 - C. A Chief Administrator leaves;
 - D. A new Chief Administrator is appointed; and
 - E. Applicable type of regulated service authorized.

NULLIFICATION OF LICENSE

114. The license of an Agency shall immediately become null and void and be returned to the Office of Child when:
- A. An Agency is leased or sold to another corporation, partnership or person;
 - B. An Agency's office in which regulated services are provided is relocated outside of the State of Delaware or moved to another location within the State of Delaware;
 - C. Operation of an Agency is discontinued;
 - D. A license has been surrendered to the Office of Child Care Licensing;
 - E. A license has been denied;
 - F. A License has been revoked; or
 - G. A License has expired.

SUSPENSION, DENIAL, OR REVOCATION OF A LICENSE

115. An Applicant or Licensee shall have the application for a license denied or have a license suspended or revoked by the Division for reasons including but not limited to the following:
- A. Failure to comply with these Regulations and any other applicable local, State, Federal, and International code, regulation, law, treaty, and agreement, including the Hague Convention;
 - B. Violation of any term or condition of a License, corrective action plan, or agreement of understanding;
 - C. Use of fraud or misrepresentation in obtaining a License or in the subsequent operation of an Agency;
 - D. Refusal to furnish any information, file, or record to a representative of the Office of Child Care Licensing and any other local, State, Federal and International official for the purpose of determining compliance and investigating a complaint of non-conformity with these Regulations, and any other applicable local, State, Federal, and International code, regulation, law, treaty, and agreement, including the Hague Convention;
 - E. Refusal to permit access to an Agency during the hours of operation by a representative of the Office of Child Care Licensing and other local, State, Federal, and International officials with responsibility for monitoring, approving, or authorizing the use or safety of the Agency, or provides payment for service provided at the Agency;
 - F. Refusal to respond to and cooperate with a request from a representative of the Office of Child Care Licensing, and any other authorized local, State, Federal and International official and allow for an announced or unannounced inspection of any

- area or aspect of the operation of an Agency which affects or potentially affects a child or any other client of the Agency including access to unlicensed space of the Agency for the purposes of determining compliance or investigating a complaint of non-compliance with these Regulations, or any other applicable local, State, Federal, and International code, regulation, law, treaty, and agreement, including the Hague Convention, and suspected child abuse and neglect;
- G. Engagement in any activity, policy, practice or conduct that adversely affects or presents a serious or imminent danger, or risk thereof to the health, safety or well-being to a child or any other client of an Agency;
 - H. Conduct that otherwise demonstrates unfitness by a Licensee or an Agency staff member to operate an Agency; or
 - I. Operation of any activity at an Agency not permitted under these Regulations or any other applicable local, State, Federal and International code, regulation, law, treaty, and agreement, including the Hague Convention.
116. Licensee shall immediately cease operation of an Agency upon receiving a verbal or written suspension order from the Office of Child Care Licensing.
- A. A verbal suspension order will be followed by a written suspension order.
117. A Licensee shall relinquish a license to the Office of Child Care Licensing, or may request a hearing to appeal a suspension order within ten (10) business days after receiving the written suspension order.
118. A Licensee not requesting a hearing shall have an Agency remain under suspension until:
- A. Forty-five (45) days have lapsed since a written suspension order was issued;
 - B. Any term agreed upon between a Licensee, Agency and Office of Child Care Licensing in a corrective action plan or agreement of understanding has been met;
 - C. A determination has been made by the Office of Child Care Licensing that a Licensee or Agency has not engaged in an activity, policy, practice, or conduct that adversely affected or presented a serious or imminent danger, or risk to the health, safety or well-being of a child or any other client of an Agency; or
 - D. A determination has been made by the Office of Child Care Licensing to revoke a license or deny a renewal application based on a decision issued by the Secretary of the Department or his or her designee.
119. An Applicant or Licensee shall receive a notice from the Office of Child Care Licensing of intent to deny an application or revoke a license.
120. An Applicant or Licensee may make a request for a hearing to appeal the Office of Child Care Licensing's intent to deny or revoke a license within ten (10) business days after a receipt of a notice.
121. An Applicant or Licensee not making a request for a hearing shall be informed by the Office of Child Care Licensing that a denial or revocation is final thirty (30) calendar days after the receipt of a notice of intent to deny or revoke.

REGULATION VARIANCE

122. An Applicant or Licensee shall submit a written request to the Division when requesting a variance from a specific Regulation in a format set forth by the Office of Child Care Licensing.
123. An Applicant or Licensee shall, at a minimum, describe how an intent of a Regulation can be satisfactorily achieved in a manner other than originally prescribed in a Regulation and provide

an explanation how the health, safety, and well-being of any child or client of an Agency will be maintained.

124. An Applicant or Licensee shall be notified in writing of the Division's decision to grant or not grant a variance, including any specific condition required by the Division to satisfactorily meet intent of a Regulation and whether a variance is considered time-limited or indefinite.
125. A Licensee shall be required to maintain a copy of the Division's decision on file at the Agency and make it available to any person upon request.
126. A Licensee shall be monitored by the Office of Child Care Licensing for continuous compliance with any specific condition of a variance. Failure to comply will lead to enforcement action and revocation of the variance.

AUTHORITY TO INSPECT

127. A Licensee shall allow access to an Agency during the hours of operation by a representative of the Office of Child Care Licensing and other local, State, Federal and International officials with responsibility for monitoring, approving, or authorizing service, prescribing under what condition such service may be provided by the Agency, or provides payment for service provided by the Agency.
128. A Licensee shall respond to and cooperate with any request from a representative of the Office of Child Care Licensing, and other authorized local, State, Federal and International official and allow for an announced or unannounced inspection of an Agency or any aspect of the operation of the Child Placing Agency which affects or potentially affects children when clients of the Agency including access to and request for any information and requests for any information, files and records for the purposes of determining compliance and/or investigating complaints of suspected abuse and neglect, or non-conformity with applicable provisions of these Regulations, or any other applicable local, State, Federal, and International code, regulation, law, treaty, and agreement, including the Hague Convention.
129. A Licensee shall not impede and shall permit an interview of him or herself, a staff member, a child as a client, and the birth, foster and adoptive parent of the child by a representative of the Office of Child Care Licensing, and any other authorized local, State, Federal and International official for the purpose of determining compliance and investigating a complaint of non-conformity with applicable provisions of these Regulations, or any other applicable local, State, Federal, and International code, regulation, law, treaty, and agreement, including the Hague Convention.

COMPLAINT INVESTIGATION

130. A Licensee and Agency shall be investigated when the Office of Child Care Licensing receives a complaint regarding possible violations of Delacare: Regulations for Child Placing Agencies.
131. A Licensee and Agency shall be investigated by the Department's Institutional Abuse Investigation Unit for a complaint regarding the abuse or neglect of a child while a client of the Agency.
132. A Licensee and Agency shall be referred to Law Enforcement for an investigation of any complaint that may constitute a crime.
133. A Licensee and Agency shall be notified that a complaint is being investigated. This notification may be in the form of an unannounced visit to investigate the complaint. Notification and investigation by the Office of Child Care Licensing will be coordinated with the Institutional Abuse Investigation Unit and Law Enforcement pursuant to the *Memorandum of Understanding*

between the Department of Services for Children, Youth, and Their Families, Delaware Children's Advocacy Center, Department of Justice, and Delaware Police Departments.

134. A Licensee and Agency shall receive a result of the Office of Child Care Licensing's investigation in writing via a letter or email to the Agency.
135. A Licensee and Agency shall be required to correct any violation and come into compliance with these Regulations and any applicable local, State, Federal, and International code, regulation, law, treaty, and agreement, including the Hague Convention, if a complaint is substantiated or if any other violation is found as a result of an investigation.
136. A Licensee and Agency shall be referred to another local, State, Federal and International agency for investigation of a complaint under its jurisdiction or authority relating to its specific code, regulation, law, treaty, and agreement, including the Hague Convention.
 - A. A report on investigation findings from another local, State, Federal and International agency shall be requested by the Office of Child Care Licensing at the time of a referral to determine compliance with Delaware: Regulations for Child Placing Agencies.
137. A Licensee shall not discourage, inhibit, penalize or otherwise impede any staff member or volunteer from reporting any suspected or alleged incident of child abuse or neglect or cooperating with an investigation of the incident.

ADMINISTRATION AND ORGANIZATION

NOTIFICATION TO THE OFFICE OF CHILD CARE LICENSING

138. A licensee shall immediately notify the Office of Child Care Licensing by direct voice contact during the Office of Child Care Licensing's business hours of a death or attempted suicide of a child while a client of an Agency. If the event occurs after such business hours, a Licensee shall immediately call the 24-Hour Child Abuse/Neglect Hotline (currently listed as 1-800-292-9582).
139. A licensee shall notify the Office of Child Care Licensing within one (1) business day by direct voice contact during the Office of Child Care Licensing's business hours if any of the following occur:
 - A. A fire; any flood; or any other serious damage due to any natural or man-made disaster that impacts an Agency's ability to operate safely;
 - B. Injury of a child who is a client of an Agency that requires inpatient or out-patient treatment. The direct voice contact shall be followed by a written report within five (5) business days on a form provided by the Office of Child Care Licensing;
 - C. Exploitation of a child as defined in 16 Delaware Code Section 1131;
 - D. Suspected abuse or neglect of a child as defined in 10 Delaware Code, Section 901 (1) while a client of an Agency after immediately calling the 24-hour Child Abuse/Neglect Hotline (currently listed as 1-800-292-9582) to report the suspected abuse or neglect;
 - E. A subsequent charge, arrest, or conviction of a Licensee or Agency staff member;
 - F. Involvement of a Licensee or Agency staff member with the Department due to child abuse or neglect;
 - G. A breakdown of equipment at an Agency that could pose a threat to the health and safety of a client especially a child who is present at the Agency including but not limited to the lack of an operating toilet, interruption of running water, loss of telephone service, failure of smoke/fire alarm system, and failure of the heating or cooling system to provide a comfortable atmosphere such as the inability for the heating system to maintain a minimum draft-free temperature of 68° F or the inability

of the cooling system to maintain a maximum temperature of 82° F each measured at three (3) feet above floor level; and

- H. Suspension or loss of a license to provide services for children in another State or Country.

140. A licensee shall notify the Office of Child Care Licensing within five (5) business days by direct voice contact and follow-up in writing within five (5) business days to the assigned Licensing Specialist of the following:

- A. Resignation, dismissal, or hiring of a Chief Administrator; or
- B. Change in telephone number of an Agency.

141. A Licensee shall report to the Office of Child Care Licensing in writing or by direct voice contact at least sixty (60) days in advance of a change in address of an Agency. A new License shall be required at the new address prior to providing services at that new location.

142. A licensee shall notify the Office of Child Care Licensing in writing at least ninety (90) calendar days before any of the following changes:

- A. Ownership or sponsorship;
- B. Name of an Agency;
- C. Applicable type of regulated service being provided or authorized; or
- D. Anticipated closing of an Agency.

DOCUMENTATION OF AUTHORITY TO OPERATE

143. A licensee shall have on file or readily available documentary evidence of a source of authority to operate.

- A. A licensee of a privately-owned Agency shall have documents identifying the name and address of an owner.
- B. A licensee shall ensure that a corporation, partnership or association identifies the name and address of each officer and director.
- C. A licensee shall provide, when applicable, a charter, partnership agreement, constitution, articles of association and by-laws.

GOVERNING BODY

144. A licensee shall have an identifiable owner and functioning governing body with responsibility for and authority over the operation of an Agency.

- A. A corporation, partnership or association shall have, when applicable, documents identifying any member and officer of a governing body; his or her address; and term of membership;
- B. When a governing body is composed of more than one (1) person, the governing body shall hold a formal meeting at least annually.
- C. A licensee shall have written minutes of each governing body meeting.

RESPONSIBILITIES OF A GOVERNING BODY

145. A licensee shall ensure a governing body of an Agency performs the following duties:

- A. Requires a Licensee and Agency's continual compliance and conformity with the provisions of any Agency's charter;
- B. Requires a Licensee and Agency's continual compliance and conformity with these Regulations, and any applicable local, State, Federal, and International code,

regulation, law, treaty, and agreement, including the Hague Convention, governing the operation of an Agency;

- C. Requires that an Agency is adequately funded and fiscally sound;
- D. Reviews and approves an Agency's annual budget and program;
- E. Appoints a Chief Administrator of an Agency, along with the delineation of the responsibilities of the position, and delegates sufficient authority to the person to manage the Agency;
- F. Completes an annual written evaluation of a Chief Administrator based on a job description and standards of performance; and
- G. Meets with a representative of the Office of Child Care Licensing whenever required to do so.

ACCESSIBILITY OF A CHIEF ADMINISTRATOR

- 146. A licensee shall have a written description of an Agency's philosophy, purpose and program. This description shall outline all services provided by an Agency, each method of service delivery, and made available to referral sources and members of the public upon request.

PROGRAM DESCRIPTION

- 147. A licensee shall have a written description of an Agency's philosophy purpose, and program. This description shall outline all services provided by an Agency, each method of service delivery, and made available to referral sources and members of the public upon request.

LOCATION AND OFFICE

- 148. A licensee shall have a permanently staffed office located within the State of Delaware.
- 149. A licensee shall have space and equipment necessary to provide any service as described in an Agency's Program Description and to ensure privacy during a client interview.
- 150. A licensee shall have an operating telephone at each Agency location and an Agency phone number in a public telephone directory.

ACCOUNTING

- 151. A licensee shall annually develop and implement a plan of financing to ensure continued operation of any program and service, proper care for a child and fulfillment of any applicable licensing regulation.
- 152. A licensee shall obtain an annual audit of all financial accounts. A non-governmental agency audit shall be conducted by an independent certified public accountant. An Agency operated by a governmental unit shall have an audit conducted as required by statute.

RECORD MAINTENANCE

- 153. A licensee shall ensure a record is maintained as property of an Agency.
- 154. A licensee shall maintain any current or active record for clients within the State of Delaware.
- 155. A licensee shall maintain each record in a standardized order and format to facilitate efficient access to information by any authorized Agency staff member.
- 156. A licensee shall have a written policy for record security, maintenance, and disposal that addresses:

- A. Assigning the responsibility of supervising record maintenance and custody;
- B. Securing a record against loss, damage, tampering, accessibility and unauthorized use;
- C. Determining to whom a record may be released;
- D. Protecting of any tangible record such as a paper record, microfilm or microfiche from damage by storing it in locked metal files in a secure location which may be off-site storage;
- E. Protecting of any record stored on a computer by duplicating the record through an appropriate back-up system or storing a duplicate at a secure location off-site;
- F. Determining what type of record or portion of a record must be kept permanently;
- G. Creating a storage system for any permanent record that ensures certain information is protected and retained indefinitely;
- H. Determining what type of record or portion of the record may be destroyed and when disposal is appropriate; and
- I. Transferring and retaining a record in the event the Agency closes.

CONFIDENTIALITY

157. A licensee shall maintain the confidentiality of each client case record.
158. A licensee shall ensure and document that any Agency staff member and volunteer with access to client information, including any clerical and administrative personnel, is aware of a responsibility to safeguard against the disclosure of client information to an unauthorized person.
159. A licensee shall not, without the voluntary, written consent of a parent or guardian or order of the court, release any information concerning a child except to the child, his or her parent or guardian, their respective legal counsel or an authorized public official in the performance of mandated duties.
- A. A licensee shall be able to release information necessary for the purpose of adoption and foster care planning and recruitment or post-placement and post-finalization services.
160. A licensee shall, upon request, make available information in a case record of a child to the child, his or her parent or guardian and their respective legal counsel when the information being released does not contain material which violates the right of privacy of another person or material that should be withheld from release according to other laws or by order of the court.
- A. A licensee may, at its own discretion, withhold information from a child or a parent or guardian when the information is considered, in the opinion of an authorized and informed professional, potentially damaging to the child.
 - B. A licensee shall have a procedure whereby a child or a parent or guardian can appeal any decision to withhold information.
161. A licensee may use material from a case record for teaching or research purposes, development of the governing body's understanding and knowledge of the Agency's services or similar educational purposes provided that any name is deleted and other identifying information is disguised or deleted.

ADMINISTRATIVE FILE

162. A licensee shall assemble an administrative file containing the following information and documents:
- A. Governing structure including the charter, articles of incorporation;

- B. By-laws or other legal basis for its existence;
- C. An organizational chart of an Agency including the name and position of each staff member;
- D. Name and position of any person authorized to sign agreements and submit official documentation to the appropriate government agency;
- E. Board structure and composition with each member's name and address and term of membership;
- F. Proof of current liability insurance coverage or other applicable insurance; and
- G. Procedure for notifying any interested party of any change in Agency policy and program.

MISLEADING INFORMATION

163. A licensee shall not knowingly or intentionally use any document known to be false, make any statement known to be false or conceal any material fact in the process of placing a child.

FUND RAISING AND AGENCY PUBLICITY

164. A licensee shall have a written policy regarding the involvement of a child in fund raising and a public relations activity. This policy shall protect a child's rights to privacy and dignity.

- A. A photograph, videotape, film or recording which would result in a child's identification shall not be used for research or for the purpose of an Agency's fund raising or public relations without the written consent of the child's parent or guardian and notification of the child's custodian and GAL.

RESEARCH

165. A licensee shall have a written policy regarding the participation of a child in any research project. The policy shall conform to the National Institute of Mental Health Standards on Protection of Human Subjects.

INTERSTATE COMPACT

166. A licensee shall comply with the terms of the Interstate Compact for Juveniles, Interstate Compact on the Placement of Children and Interstate Compact on Adoption and Medical Assistance when accepting a child for placement who resides in another State or placing a child in another State.

MIXING LAW

167. A licensee shall comply with the Delaware Mixing Law, 10 Del. C. §1009(j) when accepting a child for placement in a foster home.

INTERNATIONAL ADOPTION

168. A licensee participating in an international adoption shall abide by any applicable local, State, Federal, and International code, regulation, law, treaty, and agreement, including the Hague Convention.

INTAKE

169. A licensee shall have a written policy including a time period for handling a foster or adoptive parent application, public inquiry and request for service. This policy shall include a procedure for documenting:

- A. Referral assistance for a person requiring a service not provided by an Agency;
- B. Request for service and reason for acceptance or denial of a service; and
- C. A foster or adoptive parent application and the disposition of the application.

FEES

170. A licensee shall ensure when a fee is charged, an Agency has a policy, clearly written in common language, describing the fee structure. This policy shall include a description of any fee for service and of any condition under which the fee is charged, reduced, waived or refunded.
- A. A licensee shall make this policy available to any person accepted for a service for which a fee is charged and to any member of the public upon request.

APPEAL PROCEDURE

171. A licensee shall have a written appeal procedure for a client such as a child, a birth parent or guardian of a child, an adoptive or foster parent applicant, or an approved foster or adoptive parent who wants to appeal a decision made by an Agency. This policy shall be provided to a client as soon as service begins and ensures that:
- A. A time period is established for each aspect of an appeal process.
 - B. A staff member who is not directly involved with a client and the decision being appealed is made available to gather factual information from the client regarding the appeal of a decision; and
 - C. The appeal process offers the opportunity to have a decision reviewed at a higher administrative level than the original decision.

PROCEDURE FOR INVESTIGATING A COMPLAINT AGAINST A FOSTER AND/OR PRE-ADOPTIVE PARENT

172. A Licensee shall ensure there is a written procedure describing a process for investigating a complaint against a foster and/or pre-adoptive parent.
173. A Licensee shall ensure an Agency staff member promptly responds to a person making a complaint through the following steps:
- A. Gathering factual information regarding the complaint;
 - B. Sharing information on the investigative process;
 - C. Advising that his or her name shall be kept confidential unless the Agency is ordered by an appropriate authority to release his or her name, or he or she authorizes such release;
 - D. Informing of the possibility to follow-up on any information provided; and
 - E. Creating a corrective action plan if needed.
174. A licensee shall ensure a Chief Administrator is informed of a receipt and nature of a complaint and a degree of risk to a child is immediately determined.
- A. The Department's Institutional Abuse Unit shall be immediately contacted whenever a complaint is received regarding suspected abuse or neglect of a child.
175. A licensee shall ensure the following time periods are implemented when investigating a complaint:
- A. Begin an investigation and notify a foster or pre-adoptive parent of a complaint by making an unannounced visit to the foster or adoptive home no later than one (1)

business day if an allegation poses an immediate or potential threat to the health, safety or well-being of a child;

- B. Contact the Division of Public Health within one (1) business day if an allegation involves a serious environmental hazard;
- C. Contact the State Fire Marshal's Office within one (1) business day if an allegation involves fire safety;
- D. Begin an investigation no later than five (5) business days if an allegation has been made that pose a potential threat to the health, safety or well-being of a child;
- E. Contact the Division's Foster Care Administrator within five (5) business days if an allegation has been made against contracted foster care;
- F. Contact the Division's Adoption Administrator within five (5) business days if an allegation has been made involving a pre-adoptive home.

176. A licensee shall ensure the following steps are used to investigate a complaint:

- A. Provide an opportunity in a private setting for a foster or pre-adoptive parent or child to thoroughly respond to an allegation;
- B. Record all information and findings obtained in the course of an investigation;
- C. Make any contact as necessary to gain appropriate information for an investigation;
- D. Report to a foster or pre-adoptive parent that a complaint investigation report will serve as a method for conveying an official finding of an investigation;
- E. Create a complaint investigation report utilizing a format provided by the Office of Child Care Licensing that documents a complaint investigation finding and any recommended corrective action stated in an improvement plan. The report shall contain:
 - 1) Identification of a foster or pre-adoptive parent and his or her complete home address;
 - 2) Summary of a complaint allegation;
 - 3) Any regulation allegedly in noncompliance;
 - 4) Method(s) used in conducting a complaint investigation including dates and persons interviewed;
 - 5) A description of any finding including condition of a child in a foster or pre-adoptive home;
 - 6) Conclusion and any improvement plan, and;
 - 7) Signature and date signed of an investigating staff member and initialed by the staff member's supervisor or Chief Administrator.
- F. Create a coding system to protect the name of complainant, witness, birth parent or guardian, foster or pre-adoptive parent, and a child from disclosure unless so ordered by an appropriate legal authority or by appropriate written consent;
 - 1) The coding sheet shall be solely for the use of a licensee and shall only be released by order of appropriate legal authority.

177. A licensee shall ensure a complaint investigation is completed no later than thirty (30) business days from the date a complaint was received and the following occur:

- A. A copy of a complaint investigation report is mailed to the assigned Licensing Specialist from the Office of Child Care Licensing assigned to an Agency;
- B. Approval of a complaint investigation report and corrective action plan or improvement plan is received from the Office of Child Care Licensing, and reviewed by an investigating staff member's supervisor or Agency's chief administrator;
- C. An approved, coded complaint investigation report (without coding sheet) is mailed to the foster or pre-adoptive parent;
- D. A filing system is created and maintained for completed investigation reports; and
- E. The foster or pre-adoptive parent is monitored by the Agency for compliance with any corrective action/recommendation of an improvement plan as stated in a complaint investigation report.

PERSONNEL POLICIES AND PRACTICES

178. A licensee shall have written personnel policies and practices and make them available to all staff and to prospective staff upon request.

GENERAL

179. A licensee shall have a written personnel policy governing an Agency's approach to recruit, screen, hire, supervise, orient, train, evaluate, promote and develop a staff member.
- A. The policy shall include a clear, written grievance procedure for a staff member and a written procedure for hiring, discipline, dismissal, suspension and lay-off of a staff member in accordance with applicable laws.
180. A licensee shall have a written job description for each position within an Agency. Each job description shall specify any responsibility, make reference to any acceptable standard of performance and detail any qualification required for the position.

GENERAL QUALIFICATIONS

181. A licensee shall obtain at least two (2) written letters of reference or a written telephone note from a reference prior to employing any person to work directly with children. The reference shall be from an adult who is familiar with, but not related to, the staff member.
- A. A written letter of reference shall verify that a prospective staff member is of good character and reputation, respects and understands children and families, and is sensitive to the individual needs of each child and his or her family.
182. A licensee shall require a prospective staff member to sign a release of employment history form provided by the Office of Child Care Licensing that permits the Agency to obtain a service letter as per 19 Del. C. §708 from a current or most recent previous employer, and any health care, child care and child welfare facility for which the staff member was employed with the past five (5) years.
- A. If a prospective staff member has no prior employment history, two (2) additional written letters of reference or a total of four (4) as specified in these Regulations shall be required.
183. A licensee shall require a staff member to be fingerprinted by the Delaware State Police prior to the first day of employment. A staff member shall be required to provide a fingerprint verification form to an Agency before beginning employment.
- A. A staff member shall have no unsupervised contact with a child until results of fingerprinting have been provided to the Agency.
184. A licensee shall obtain results of an adult abuse registry check through the Department of Health and Social Services website for a staff member as soon as he or she is hired. The results are to be printed and added to the staff member's file.
185. A licensee shall not employ or retain in any capacity any person convicted of a sexually related offense or other offenses against children, as prescribed in 31 Del. C. §309.
186. A licensee shall not employ or retain in any capacity any person whose child(ren) are currently removed from his/her custody because of abuse or neglect.

187. A licensee shall not employ or retain in any capacity a person who has any conviction involving:
- A. Physical harm against a person: Weapons, explosive devices or threat of harm:
 - B. A disregard of others, such as reckless endangering and arson:
 - C. Cruelty to animals or deviant behavior such as abusing a corpse: or
 - D. Offenses against the Uniform Controlled Substances Act.
188. A licensee may, at its own discretion, make exceptions to Regulation #187 when the licensee documents that the health, safety and well-being of a child would not be endangered except as prohibited by the Criminal Background Check law, 31 Del. C. §309.
189. OCCL adopts the guidance from Equal Opportunity Commission, Consideration of Arrest and Conviction Records in Employment Decisions under Title VII of the Civil Rights Act of 1964, 915.002, issued April 25, 2012.

HEALTH

190. A licensee shall have a written health appraisal for each staff member on file and readily available within the first month of employment. A health appraisal shall be conducted by a health care provider within one (1) year prior to the date of employment at an Agency and attest to a staff member's physical and emotional ability to work with a child.
191. A licensee shall require written evidence of freedom from communicable tuberculosis verified within one (1) year prior to the date of employment at an Agency and on file with the Agency prior to the date of initial employment. A staff member shall have further testing according to the Delaware Division of Public Health guidelines.
192. A licensee shall require a staff member with a known health problem that poses or potentially poses a risk to a child's health or safety, or affects the staff member's ability to work with a child, to provide prior to returning to work, a written follow-up from a health care provider stating the problem is resolved or no longer poses a risk and does not affect the staff member's job performance or ability to work with children.
193. A licensee shall inform a staff member that alcohol or other drug use that adversely affects an essential job function is unacceptable and the unlawful use, possession, manufacture, distribution of controlled substances or alcoholic beverages is prohibited in the workplace.

CHILD ABUSE AND NEGLECT

194. A licensee shall develop, adopt, follow and maintain on file written policies and procedures for handling any incident of suspected child abuse or neglect which occurs while a child is in or out of the Agency's care. A licensee shall provide each staff member of the Agency written instruction governing the reporting provision of the Delaware child abuse and neglect law(s) and regulations, and Agency policies and procedures for reporting and documenting suspected abuse and neglect as a part of orientation. A staff member shall have the opportunity to ask questions and obtain clarification on the policies and procedures. A copy of the written documentation of their receipt of this information shall be kept in the staff member's file.
195. A licensee shall inform a staff member of his or her legal responsibility to report any suspected or alleged incident of child abuse or neglect to the Division of Family Services through the Child Abuse Reporting Number and shall cooperate fully in an investigation of any incident.
- A. The licensee or staff person who knows or reasonably suspects child abuse or neglect shall immediately make an oral report to the toll-free Child Abuse Reporting

Hot Line, that operates 24/7 (1-800-292-9582). The licensee or staff person should also share the names and contact information for every person at the facility (entity) who has information regarding the report/incident. The Division may contact the reporter or other staff members with knowledge of the situation, to provide additional first-hand information. In addition to an oral report, a written report shall be mailed to the Report Line address on the form or faxed within 72 hours for documentation purposes. (See Appendix - Mandatory Reporting Form). If necessary, a Center designee may be assigned by the Administrator to make the oral report and complete the written report.

196. A licensee shall not discourage, inhibit, penalize or otherwise impede any staff member from reporting any suspected or alleged incident of child abuse or neglect.
197. Staff should not interview or probe a child to obtain details about the alleged abuse or neglect. A Staff member should ask questions of the child only to obtain basic information needed to make a report: such as how the child was allegedly abused or neglected (type such as physical or sexual), why the child is afraid he or she will be abused or neglected, who is the alleged perpetrator, and when the alleged abuse/neglect occurred. Also, the child should not be questioned more than once. Staff shall follow the protocol(s) of the investigating agency regarding informing the parent/guardian of a child who is the alleged subject victim that either a report has been made or that the Division or law enforcement officer is conducting an investigation of an allegation of abuse or neglect is being conducted.
198. A licensee shall develop, adopt, follow and maintain on file a written policy and procedure for handling any incident of suspected child abuse or neglect that occurs while a child is a client of an Agency. The policy and procedure shall contain provisions specifying that:
 - A. A licensee shall report an incident to the Division of Family Services, Department of Services for Children, Youth and their Families;
 - B. A licensee immediately shall take remedial action to protect a child from harm;
 - C. A licensee shall take long-term corrective action such as an internal evaluation to identify and eliminate any factor or circumstance that may have caused or may have otherwise resulted in a continuing risk of abuse or neglect to a child;
 - D. Any staff member alleged to have perpetrated an incident of child abuse or neglect shall be removed or suspended from having direct contact with any child, or shall be reassigned to other duties that do not involve contact with a child until the investigation of the incident has been completed;
 - E. A licensee shall take disciplinary action against any staff member who committed an act of child abuse or neglect; and
 - F. A licensee shall conduct an evaluation of incidents overall and create a system for identifying serious/critical patterns occurring at an Agency.
199. In cases where it is found that a licensee has failed to report suspected abuse or neglect a report will be filed with the Office of the Attorney General.

STAFF MEMBER QUALIFICATIONS

200. A staff member appointed to a job position prior to the effective date of these Regulations shall be deemed qualified for the position if the staff member's appointment to the position is in accordance with the Regulations in force at the time of an appointment. A person appointed to a position after these Regulations become effective shall meet the qualifications as required in these Regulations for the position.
201. A licensee shall have evidence that any person providing a service directly to a child is qualified, supervised, certified or licensed as appropriate to the nature of the service provided.

202. A licensee shall employ a Chief Administrator who meets the following qualifications:
- A. At least a Master's degree from an accredited program in social work or a related human services field such as child welfare, counseling, psychology, child psychology, family studies, or sociology; and
 - B. At least four (4) years post-graduate experience in human services or child welfare with at least two (2) years in administration.
203. A Chief Administrator may also function as a Casework Supervisor.
204. A licensee shall ensure that a Case Work Supervisor of an Agency has:
- A. At least a Master's degree from an accredited college/university in social work or a related human services field such as child welfare, counseling, psychology, child psychology, family studies or sociology; and
 - B. At least two (2) years of post-graduate experience in child welfare or four (4) years child welfare experience.
205. A licensee shall employ and ensure all Case Workers meet the following qualification:
- A. At least a Bachelor's degree from an accredited college/university in social work or a related human services field such as child welfare, counseling, psychology, child psychology, family studies, or sociology.

STAFFING POLICIES

206. A licensee shall have a written statement establishing and justifying a maximum caseload requirement for a Case Worker. The requirement shall be based on actual workload and shall consider:
- A. Any type of child served by a Case Worker and his or her special needs;
 - B. Any type of service to be provided;
 - C. Any distance involved in a provision of service; and
 - D. Any other required function and responsibility of a Case Worker.
207. A licensee shall employ or contract for a chief administrator and for a sufficient number of qualified staff members to meet an Agency's maximum caseload requirement, to meet applicable licensing Regulations, and to provide a program or service in the Agency's Program Description.

TRAINING

208. A licensee shall document that each new staff member receives at least eight (8) hours of orientation training during the first month of employment focusing on the staff member's job responsibilities and Agency policies and include an opportunity to ask questions and receive clarification and receive periodic updates as information is revised. Topics shall include but not be limited to:
- A. Information on any other Federal or State laws or regulations applicable to children and families who are clients of the Agency including non-discrimination;
 - B. Child abuse and neglect laws and reporting requirements and the Agency's procedures to report abuse and neglect;
 - C. Applicable licensing regulations and the location of a copy of the complete regulations which shall be made available at the Agency for Staff review whenever requested; and
 - D. Procedures for complaint investigation.

209. A licensee shall document that a Chief Administrator, each Case Work Supervisor and Case Worker receives thirty-two (32) hours of training annually, excluding orientation and an Agency's philosophy, policies, and procedures. A training session shall be within a topic or core area essential to working with a child and his or her foster, adoptive or birth family; and improving job performance in the child welfare or related human services field.
- A. A Case Work Supervisor or Case Worker working twenty-five (25) hours or less shall be required to receive sixteen (16) hours annually excluding orientation and training regarding an Agency's philosophy, policies, and procedures.
 - B. In-service training provided by an Agency staff member, a webinar, on-line training, a college/university credit course, a continuing education unit (CEU), conference, seminar, and workshop within a topic or core areas essential to working with a child and his or her foster, adoptive or birth family; and improving job performance shall be acceptable for annual training.

EVALUATION

210. A licensee shall conduct a minimum of one (1) performance evaluation conference per year with each staff member. This conference shall result in a written evaluation report signed and dated by the staff member and supervisor. A copy of the report shall be given to the staff member and a copy maintained in the staff member's personnel file.
211. A licensee shall provide an opportunity for a staff member to give feedback on his or her evaluation.

PERSONNEL FILE

212. A licensee shall have a personnel file for each staff member that contains:
- A. Name, home address, telephone number and emergency contact information;
 - B. An application for employment or resume;
 - C. At least three (3) reference letters or telephone notes on such references from adults who are familiar with but not related to the staff member;
 - D. Release of employment history form, service letters obtained and pertinent documentation;
 - E. A statement signed by a staff member stating the staff member's status relative to conviction, current indictment or involvement in any criminal activity involving violence against a person, child abuse or neglect; possession, sale or distribution of any illegal drug; sexual misconduct; gross irresponsibility or disregard for the safety of another; or serious violations of accepted standards of honesty or ethical behavior;
 - F. Verification of fingerprinting form;
 - G. Verification of orientation;
 - H. Verification of adult abuse registry check;
 - I. If transporting a child, a copy of a current driver's license and proof of car insurance;
 - J. Verification of receiving training on mandatory reporting for child abuse and neglect;
 - K. Health appraisal, tuberculosis testing result, and when applicable, written follow-up for a health problem;
 - L. Any document attesting to a qualification, education and any applicable professional credential/certification;
 - M. Copy of job description;
 - N. Documentation of training provided and any copy of a certificate of attendance, when applicable;
 - O. Documentation of periodic performance evaluation;
 - P. Personnel action, commendation, disciplinary report and any other appropriate material, report and note relating to a staff member's employment with an Agency;

- Q. Written documentation on the receipt of an Agency's policy manual including verification of client and Agency confidentiality policies and the Agency's policy on a drug-free and alcohol-free work environment; and
- R. The start and termination date of a staff member.

STAFF MEMBER COMMUNICATION

- 213. A licensee shall establish a written procedure for on-going staff communication strategies to ensure compliance with Agency policy, procedure and practice.
 - A. A staff member working with a child shall have access to and knowledge of case record material as appropriate to the function performed by the staff member.

VOLUNTEERS

- 214. A licensee that uses a volunteer shall have a written plan for an orientation, training, supervision and use of a volunteer including a differentiation between a volunteer that has direct contact with a child and those that do not.
 - A. A volunteer shall have personal and professional qualifications that correspond to tasks performed.
 - B. A volunteer shall have a written job description and evaluation.
 - C. A staff member shall be assigned to supervise a volunteer.
 - D. A volunteer who has direct access to a child and who offers unpaid service or support five (5) or more days or more than forty (40) hours in a one (1) year period shall be required to follow all Regulations pertaining to sections, GENERAL QUALIFICATIONS, HEALTH, AND CHILD ABUSE AND NEGLECT.
 - E. A volunteer who offers unpaid service or support that lasts less than five (5) days or forty (40) hours in a one (1) year period shall be under direct observation and supervision of a staff member at all times when having direct contact with a child.
 - F. A copy of an Agency's policy on confidentiality shall be given to each volunteer.

STUDENT FIELD PLACEMENT/INTERNSHIPS

- 215. A licensee that accepts a student for field placement or internship with an Agency shall have a written plan describing any task and function assigned to a student. A copy of a plan shall be provided to the student and his/her school. A plan shall include:
 - A. A Statement of Purpose of a student's involvement, the student's role, and any responsibility;
 - B. A procedure for a criminal history record check on a student;
 - C. A procedure for evaluating a student's performance;
 - D. A description of an arrangement for supervision by a paid staff member;
 - E. An arrangement for orientation and training in the philosophy of an Agency, confidentiality, needs of a child and any family served, and any method of meeting those needs; and
 - F. Provision for a student to have input into a service plan for a child and any family with whom he or she is working and to be informed of any special need or problem.
- 216. A licensee shall ensure that a student at an Agency for field placement or internship that has direct access to a child and lasts for five (5) or more days or more than forty (40) hours in a one (1) year period shall be required to follow all Regulations pertaining to sections, GENERAL QUALIFICATIONS, HEALTH, and CHILD ABUSE AND NEGLECT.
- 217. A licensee shall ensure that a student at an Agency for field placement or internship that lasts less than five (5) days or forty (40) hours in a one (1) year period and has not had a Criminal

History Record Check completed, shall be under direct observation and supervision of a staff member at all times when having direct contact with a child.

PART II FOSTER CARE

GENERAL POLICIES AND PRACTICES

THE PLACEMENT PROCESS

218. A licensee shall have a written placement policy for foster care that:

- A. Matches a child and a foster parent to ensure a child's needs are met;
- B. Addresses the needs of biological siblings to remain together;
- C. Assures a child is placed in the closest reasonable proximity to the child's birth parent or guardian's home in accordance with the goals of a family service plan; and
- D. Addresses the need of a child to preserve his or her cultural, racial, and religious identities.

PLACEMENT AGREEMENT

219. A licensee shall have a signed and dated written agreement outlining the rights and responsibilities of both the Agency and a foster parent regarding placement of a child.

PLACEMENT PREPARATION

220. A licensee shall document the preparation for each child placed in foster care, replaced, or returned home. Preparation shall be appropriate to a child's age, individual needs, the circumstances necessitating placement, and any special problem presented.

AGENCY'S LEGAL RIGHT TO PROVIDE CARE

221. A licensee shall maintain documentation of the Agency's legal right to provide care for a child in the child's case record at the time of initial placement into foster care and continuously thereafter.

INITIAL PLACEMENT OUTLINE

222. A licensee shall ensure that the following information be gathered for a child's case record within five (5) days after an initial foster care placement, or the case record contains documentation such as any progress note, email, letter, or fax showing any continuous effort made to gather any missing information:

- A. Date of custody, if applicable;
- B. Birth certificate;
- C. Name, birth date, sex, race, and other significant identifying physical information;
- D. Date of placement;
- E. Name, address, and marital status of a birth parent or name and address of a guardian;
- F. Names and whereabouts of biological siblings;
- G. Religious preference;
- H. Immediate and significant medical care need;
- I. If known, immediate and significant educational need and school;
- J. A child's physical and emotional state at time of placement;
- K. Any circumstance leading to the need for foster care;
- L. Any known previous out-of-home placement;

- M. Any immediate need of a child and birth parent or guardian and any service to be provided to meet the need;
- N. If known, AFDC/TANF eligibility status of a birth parent or guardian;
- O. SSI and SSA eligibility of a child; and
- P. Any contact person such as GAL, CASA, and Division of Family Services representative.

CARE AND TREATMENT TEAM

223. A licensee shall ensure that at the time of an initial placement, a foster parent is informed about a child in a manner consistent with being a member of a care and treatment team. The information shall include:

- A. The name of a child and any member of a care and treatment team;
- B. Any available information about a child's known psychological, behavioral, or mental health characteristic, strength, need, and educational status;
- C. Any current plan to meet a child's needs, as identified in a service plan for the child and the birth parent or guardian;
- D. If known, the name of the GAL, and date and time of court hearing; and
- E. A plan for providing routine and emergency medical care for a child being placed in foster care.

SERVICE PLANS

224. A licensee shall develop a service plan for a child and his or her birth parent or guardian.

- A. The plan shall be developed in consultation with a child, his or her birth parent or guardian, foster parent and referral source, unless participation by any of these people is not possible or is not in the child's best interest.
- B. A licensee shall document any reason for non-participation of a person or agency.
- C. Any person participating in the development of a service plan shall sign and date the completed service plan or include a statement explaining why any information is missing or not included.

CHILD'S SERVICE PLAN

225. A licensee shall ensure that prior to or within five (5) business days of placement, a service plan for a child is developed to identify the child's immediate needs and contains the following information as applicable:

- A. School registration need;
- B. Current Individual Education Plan in place and in a child's case record;
- C. Physical characteristics including a description of child that includes height, weight, hair and eye color, and any significant scar/body marking;
- D. Physical disability or chronic medical condition;
- E. Current medication;
- F. Description of the situation which led to current/pending placement - include statement explaining basis for the abuse/neglect/dependency;
- G. Identification of any immediate needs of a child;
- H. Mixing approval for placement;
- I. Financial support for placement of a child; and
- J. Signature section that includes signature, date signed, address and phone number of each party involved.

226. A licensee shall ensure that within thirty (30) business days of placement, a service plan for a child is further developed to identify the needs of the child for the next twelve (12) months and contains the following information:
- A. Physical health;
 - B. Dental need;
 - C. Educational/vocational need;
 - D. Social/emotional need;
 - E. Any behavioral issue;
 - F. Preparation for independent living, if applicable;
 - G. Any court requirement;
 - H. Any extracurricular activity;
 - I. Any effort to locate a permanent home;
 - J. Adoption recruitment, if applicable;
 - K. Support services offered to the birth parent or guardian and foster parent;
 - L. Visitation arrangement;
 - M. Any goal established for the birth parent or guardian and foster parent to help correct any condition that necessitated State intervention and removal;
 - N. Biological sibling information including location, placement (together or separated and the reason), and steps taken to maintain regular contact and reunification; and
 - O. Signature section including signature, address and phone number of each party involved.
227. A licensee shall ensure a service plan for a child is reviewed every six (6) months, or for a child in specialized foster care, every three (3) months, and contains information on the progress made in all aspects of the plan.

CHILD'S FAMILY SERVICE PLAN

228. A licensee shall ensure that a family service plan is developed by an Agency in cooperation with a child and his or her birth parent or guardian that contains the following information:
- A. Any specific goal, objective and deadline for a child's birth parent or guardian for based on resolving any problem that necessitated the placement of the child;
 - B. Any referred service; and
 - C. Visitation and reunification plans when determined to be in the best interests of a child.

FAMILY ENGAGEMENT

229. A licensee shall ensure that a foster parent develops a working relationship with a child's birth parent or guardian in accordance with a family service plan and in cooperation with an Agency staff member.
230. A licensee shall ensure that a foster parent allows a child to communicate with a birth parent or guardian and any other family member in accordance with the child's family service plan.
231. A licensee shall arrange for a visit between a child and birth parent or guardian, and any other family member in accordance with a family service plan.
232. A licensee shall keep a record of any visit or an effort made to have visitation between a child and a birth parent or guardian and any other family member.

CHILD VISITS IN THE FOSTER HOME

- 233. A licensee shall ensure that each child is personally visited in a foster home by the Case Worker assigned to the child at least once a month.
- 234. A licensee shall ensure that a foster parent keeps a record documenting whenever a child is visited in a foster home. The documentation shall include the name of the person, relationship to the child, the time, date, and duration of and reason for a visit.

LEGAL NAME OF CHILD

- 235. A licensee shall ensure a child's legal name is used by an Agency and foster parent for any document and record such as but not limited to a service plan, registering for child care, school registration, receiving medical care, and any court record.
- 236. A licensee shall ensure that a foster parent is informed to call a child by his or her legal name or familiar nickname.
- 237. A licensee shall ensure that a foster parent is informed that using or calling a child by a different name is not acceptable until an adoption is finalized unless written permission is granted by a child's birth parent or guardian and documented in the child's service plan.

HEALTH RECORD

- 238. A licensee shall maintain a health record for each child. The health record shall include:
 - A. Authorization for medical care;
 - B. A medical history and copy of any required health appraisal; and
 - C. A record of any medical care and accident requiring medical treatment and hospitalization.

AUTHORIZATION FOR MEDICATION CARE

- 239. A licensee shall obtain written authorization for both routine medical care and non-routine or emergency care immediately upon initial placement, Authorization shall be either from a birth parent, guardian, or by court order.

MEDICAL CARE

- 240. A licensee shall have a written procedure for handling a medical emergency on a 24-hour, 7-day-a-week basis. A copy of the procedure shall be routinely provided to a foster parent.
- 241. A licensee shall have on file a written report on a health appraisal of a child certified by a health care provider upon placement. A health appraisal shall have been completed within the last twelve (12) months prior to a planned placement. In a documented emergency situation requiring immediate placement, a health appraisal certified by a health care provider shall be conducted within thirty (30) days after placement.
- 242. A licensee shall ensure that a child receives a health appraisal in accordance with the standards of the American Academy of Pediatrics.
- 243. A licensee shall have a procedure to ensure that a foster parent is informed of a child's health appraisal when completed.
 - A. A health appraisal shall include a health (physical, mental and behavioral) history; a physical examination, growth and development; recommendation regarding

medication, restriction or modification of a child's activities, diet or care; medical information pertinent to treatment in case of an emergency, documentation of an immunization status with a listing of day, month and year of administration for each immunization; and documentation of any recommended or required screening or testing such as for blood-lead or tuberculosis.

244. A licensee shall ensure that a child receives timely, competent medical care when he or she is ill, receives necessary follow-up medical care and medication, treatment and therapy as directed by a health care provider.
245. A licensee shall obtain a written plan from a health care provider for bringing a child to the required level of immunization and to have a child tested or screened when the child has not received adequate immunizations as required for a child's age according to the most recent directive from the Division of Public Health or has not received recommended or required screening or testing.

DENTAL CARE

246. A licensee shall ensure that a child over three (3) years of age receives an annual dental examination in accordance with the guidelines of the Division of Public Health.
247. A licensee shall ensure that a child receives dental work as necessary to maintain or improve dental health.

ILLNESS, ACCIDENT, AND DEATH

248. A licensee shall immediately notify a child's birth parent or guardian, the Office of Child Care Licensing, and the Department of any serious illness, incident involving serious bodily injury or any severe psychiatric episode involving the child.
249. A licensee shall immediately notify a child's birth parent or guardian and the Department in the event of the death of the child.
250. A licensee shall have a written procedure to ensure a child is notified of any death or serious illness of the child's birth parent or guardian and any other known significant family member.

CARE OF INFANTS AND TODDLERS

251. A licensee shall ensure that a foster parent who cares for an infant has training on issues specific to infant care including but not limited to infant nutrition, reducing the risk of sudden infant death syndrome (SIDS), safe sleeping practices, and preventing shaken baby syndrome.
252. A licensee shall ensure that a foster parent limits the time an infant or toddler spends, while awake, in any confining equipment such as a crib, infant seat, swing, high chair, or play pen to less than one-half (1/2) hour immediately after which opportunities for freedom of movement in a sanitary area protected from foot traffic are provided.

DEVELOPMENTALLY APPROPRIATE EQUIPMENT, MATERIAL, AND INTERACTIONS

253. A licensee shall ensure that a foster parent interacts with a child and provides developmentally appropriate equipment and material such as a book, game, and toy for a variety of indoor and outdoor activities. Any activity, equipment and material shall promote a variety of experiences that support a child's social, emotional, language/literacy, intellectual, and physical development.

EDUCATION

254. A licensee shall request all necessary information and facilitate the enrollment of a school age child, as defined by State Law, into an appropriate educational program meeting State legal requirements within two (2) school days of initial placement.
255. A licensee shall inform a foster parent that home schooling is not permitted for a foster child.
256. A license shall ensure that a child's school administration is notified in writing within five (5) business days of an Agency's involvement and is given the name and contact information of the Agency contact person.
257. A licensee shall ensure the following information is documented in a child's record:
- A. Name of school;
 - B. Date the child started school;
 - C. Child's current grade placement and classification;
 - D. Type of school program such as special needs, vocational, alternative or AP/Honors; and
 - E. School report card and current IEP and IFSP, if applicable.
258. A licensee shall ensure ongoing communication and cooperation with a child's school is maintained by an Agency and a foster parent.

CHILD'S RIGHTS

259. A licensee shall ensure a child is allowed to have any right, freedom, responsibility, and restriction that is typical for a child of the same age and any specific restriction is in accordance with the child's service plan.
260. A licensee shall ensure that a case manager and any legal or court-appointed advocate are able to communicate with a child on a regular basis or as needed.
261. A licensee shall ensure that a foster parent does not subject a child to exploitation in any form.

NUTRITION

262. Infants
- A. A licensee shall ensure that a foster parent feeds an infant in accordance with any instructions from the infant's health care provider.
263. Child One (1) Year and Older
- A. A licensee shall ensure that a foster parent provides a child food based on the food groups as follows:
 - 1) Group A, Milk: fluid pasteurized cow's milk;
 - a. A child one (1) to two (2) years of age shall have whole pasteurized cow's milk when not on formula or breast milk.
 - 2) Group B, Proteins: meat, fish, poultry, yogurt, cheese, eggs, peanut butter, dried beans and peas, and nuts;
 - 3) Group C, Fruits and vegetables: include a variety of fresh fruits and vegetables, 100% unsweetened fruit juice, or 100% vegetable juice; and
 - 4) Group D, Grains: whole grains and enriched products such as breads, cereals, pastas, crackers, and rice.

264. A licensee shall ensure that a foster parent serves a child varied and nutritionally balanced, meals and snacks containing food group items as follows:
- A. Breakfast including one (1) item each from the milk (A), fruits and vegetables (C), and grain (D) food groups;
 - B. Snack including one (1) item from two (2) different food groups; and
 - C. Lunch and Dinner each including one (1) item each from the milk (A), protein (B), and grain (D) and two (2) items from the fruit and vegetable (C) food groups.
265. A licensee shall ensure that a foster parent serves a portion-size for a meal or snack based on a child's age and nutritional needs.
- A. A child's health care provider shall be consulted, or the Recommended Dietary Allowance (RDA) of the National Research Council or other nationally recognized organization shall be referenced by a foster parent if needing specific information on recommended portion sizes for a child.
266. A licensee shall ensure that a foster parent has written documentation from a child's health care provider permitting the modification of a required food group item due to a child's:
- A. Individual food preference or eating schedule;
 - B. Medical need such as food allergy or food intolerance; or
 - C. Food preference or religious belief of a foster parent.
 - D. The written documentation shall contain information on what food is disliked or unacceptable and the food being substituted that also meets the particular food group.

BEHAVIOR MANAGEMENT

267. A licensee shall have a written policy on positive behavior management that stresses a positive, developmentally appropriate method of behavior management which encourages self-control, self-direction, positive self-esteem, social responsibility and cooperation and including but not limited to the following information:
- A. Prevention of a behavioral problem shall be emphasized. Any prevention strategy shall include praise and encouragement for positive behavior, and redirection or guidance of inappropriate behavior into a more positive action, rather than relying on punishment.
 - B. A response to a child's behavior shall be appropriate to the child's level of development and understanding.
 - C. Delegation of behavior management to any other person other than a responsible adult made known to a child is prohibited.
 - D. Requiring a child to remain silent, locking a child in a room, isolating a child for a long period of time or the inappropriate use of "time-out" is prohibited.
 - E. "Time-out", if used, shall be employed as a supplement to, not a substitute for, another developmentally appropriate, positive method of behavior management. "Time-out" shall be limited to a brief period of no more than one (1) minute for each year of a child's age. Before using "time-out", a foster parent shall discuss the reason for a "time-out" in language appropriate to a child's level of development and understanding.
 - F. Corporal punishment inflicted in any way on a child's body such as shaking, hair-pulling, biting, pinching, slapping, spanking, hitting, or throwing a child is prohibited.

- G. A child shall not be physically or chemically restrained (such as tied, taped, chained, or caged) or placed in mechanical restraints as a consequence of inappropriate behavior or in play.
- H. Requiring or forcing a child to take a painfully uncomfortable position, such as squatting or bending, or requiring or forcing a child to repeat a physical movement when used solely as a means of punishment is prohibited.
- I. Assignment of physically strenuous exercise or work solely as punishment is prohibited.
- J. A child shall not be humiliated, frightened or verbally, physically or sexually abused.
- K. Extensive withholding of emotional response or stimulation is prohibited.
- L. Any disparaging comment about a child's appearance, ability, disability, ethnicity, family and other personal characteristics is prohibited.
- M. Denial of any element of a service plan is prohibited.
- N. Any threat of removal from a foster home is prohibited.
- O. Denial of any visiting or communication privilege with a birth parent or guardian or any other family member solely as a means of punishment is prohibited.
- P. Denial of shelter, clothing or bedding is prohibited.
- Q. A child shall not be deprived of food, sleep, or toilet use as a consequence of inappropriate behavior.
- R. No punitive action shall be taken with a child for not going to sleep, a toileting accident or failure to eat all or part of food, or failure to complete a prescribed activity.

268. A licensee shall provide documentation that the Agency's positive behavior management policy has been given to a foster parent and require adherence to the policy.

RELIGION

269. A licensee shall have a written policy on religious participation and education of a child that states a foster parent shall:

- A. Provide a child a regular opportunity to practice his or her faith or denomination such as enabling him or her to regularly participate in a religious activity such as a service, ceremony, rite, ritual, or receive a sacrament;
- B. Seek written permission from a child's birth parent or guardian prior to having the child enroll in a religious or faith-based school and participate in a religious activity such as service, ceremony, rite, ritual, or receive a sacrament that is based on a different faith or denomination other than the one practiced by the child or his or her birth parent or guardian;
- C. Not require or coerce a child into participating in a religious activity;
- D. Not discipline, discriminate against, or deny a privilege to a child who chooses not to participate in a religious activity; and
- E. Not reward a child as a means to influence his or her participation in a religious activity.

SLEEPING AND BATHING ARRANGEMENTS

270. A licensee shall ensure that an infant naps and sleeps in a crib by him or herself in the foster home.

271. A licensee shall ensure a foster parent uses safe sleep practices and places an infant on his or her back when putting him or her down to nap or sleep.

272. A licensee shall ensure a foster parent has written documentation from an infant's health care provider explaining a medical or physical condition that necessitates not placing the infant on his or her back for napping or sleeping and what other position the infant needs to nap or sleep in and what other accommodation needs to be made for the infant.

273. A licensee shall ensure that a child one (1) year and older does not share a bedroom with an adult or has written documentation from the child's health care provider explaining a medical or physical condition that necessitates having an adult sleep in the same room.
274. A licensee shall ensure a separate crib or bed is provided for each child in the foster home.
- A. Cribs must meet the current standards of the U.S. Consumer Product Safety Commission or other safety authority recognized by the Office of Child Care Licensing. Crib mattresses shall be firm and tight-fitting. Soft surfaces such as soft mattresses, pillows, sofas, and water beds are prohibited as infant and toddler sleeping surfaces. Sheets shall be tight-fitting and all pillows, bumper pads, quilts, blankets, comforters, sheepskins, stuffed toys, and any other soft products shall be removed from cribs while an infant is in the crib. Toys or objects hung over an infant in a crib are prohibited.
 - B. A child under the age of three (3) years may sleep in a crib as long as he or she fits comfortably; and
 - C. Protective bed rails shall be used for a child transitioning out of a crib into a bed.
275. A licensee shall ensure that a child over the age of three (3) years may share a bedroom only with a child of the same sex.
- A. Siblings of the same sex and under the age of five (5) years may temporarily share a bed that comfortably accommodates each child.
 - B. A licensee shall ensure that a foster parent has a plan approved by the Agency for supervision of children sharing a room or bed to prevent inappropriate physical contact between the children.
276. A licensee shall ensure there is a supply of clean mattress covers, sheets, seasonably appropriate blankets, pillows, pillow cases and towels for each person living in the foster home.
277. A licensee shall ensure each child has privacy in a foster home as appropriate to his or her age and development when changing his or her clothes, bathing, and toileting.
278. A licensee shall ensure a child has his or her own toothbrush and comb and/or hair brush.

PERSONAL BELONGINGS

279. A licensee shall ensure that a child is allowed to bring, possess and acquire personal belongings while in foster care.
- A. A personal belonging shall include any item that a child owns.
280. A licensee shall ensure that a record of a child's personal belongings, brought with the child and acquired by the child while at the foster home, is kept by an Agency and a foster parent.
- A. A record of personal belongings shall be reviewed as determined in a child's service plan to ensure items are accounted for and remain in the child's possession.
281. A licensee shall ensure that a gift given to a child while in foster care shall be considered a personal belonging.
282. A licensee shall ensure that a child is provided storage space that accommodates his or her personal belongings and enables him or her to keep items identified by the child as "special" such as but not limited to a life book, any physical memory, keepsake, photograph, and letter/note in a manner that allows the child to personally control/limit access to these items.

283. A licensee shall ensure that when a child leaves a foster home, all of the child's personal belongings are given to the child upon leaving or transferred to the child's new location no later than five (5) business days.

- A. If a foster parent fails to give a child all of his or her personal belongings within five (5) business days, a foster care payment may be withheld until all the personal belongings are in the child's possession.

CLOTHING

284. A licensee shall ensure that a child is provided with properly-fitting, clean clothing in good repair appropriate to the season and to the child's age, sex, activities, and individual needs.

- A. Clothing brought with a child or acquired while at a foster home shall be considered the child's personal belongings and not shared with or given to another child.

285. A licensee shall have and follow a written policy approved by the Agency regarding replacing and retaining a child's clothing.

HOUSEHOLD TASKS

286. A licensee shall ensure that a foster parent only requires a child to perform household tasks which are within the child's abilities and are similar to those expected of any other household member of a comparable age.

287. A licensee shall ensure that a foster parent teaches a child skills required and shares knowledge needed to eventually live independently in a community.

ALLOWANCE

288. A licensee shall have a written policy on a child's allowance, provide the policy to a foster parent, and require adherence to the policy.

- A. If an allowance is given, a policy shall address any method of paying and accounting for the allowance.

RE-PLACEMENT

289. A licensee shall make every effort to maintain a stable placement for each child placed in foster care. When a child is re-placed other than to a birth parent, guardian, or any other family member, the licensee shall document:

- A. Explanation of re-placement;
- B. Evaluation of the appropriateness of continued foster care;
- C. Re-placement preparation appropriate to a child's capacity to understand;
- D. Notification to a birth parent or guardian and referral source of the re-placement;
- E. Information about a child shared with a new foster parent including any case plan; and
- F. Placement history of a child while a client of an Agency that includes foster parent's name, any date of care, and reason for re-placement.

290. A licensee shall maintain a cumulative list of each child who is re-placed.

DISCHARGE SUMMARY

291. A licensee shall create a written discharge summary in a child's record within thirty (30) days of the child being discharged that includes all of the following information:

- A. The reason for termination of the foster care and current location of a child;
 - B. A summary of any service provided during care including dates of admission and discharge;
 - C. An assessment of a child's and the birth parent's or guardian's needs which remain to be met;
 - D. A statement that a termination plan or plan to continue to stay at a foster home has been explained to a child in a manner consistent with the child's capacity to understand;
 - E. Provisions for any follow-up service, if any; and
 - F. Name and signature of person preparing discharge summary and date signed.
292. A licensee shall ensure that a child's service plan includes any specific service aimed at locating an adoptive placement for the child who is legally free and available for adoption.
293. A licensee shall ensure that a child who is nearing his or her eighteenth (18th) birthday and plans to exit foster care has received information, service, and preparation for independent living.
294. A licensee shall ensure that a young adult who is approaching eighteen (18) years of age receives the following documentation and information when discharged from foster care:
- A. Birth certificate;
 - B. Social security card;
 - C. Educational record;
 - D. Medical information and history and information on how to execute a health care proxy;
 - E. Listing of community service or other agency that can provide assistance;
 - F. An understanding of the use and misuse of handling credit and credit cards; and
 - G. If applicable, obtaining a driver's license or state identification card and completion of selective service registration.

FOSTER PARENT APPLICANT

295. Foster Care Recruitment

- A. A licensee shall have a written plan describing a strategy for recruiting a foster parent. A plan shall be flexible in considering the type of foster care provided, the age, developmental needs, and racial identity of a child, biological sibling relationships, and special needs.

296. Foster Parent Applicant Information Session

- A. A licensee shall have a written plan for providing basic information to a foster parent applicant and have written verification that this information was received. The informational session shall include the following:
 - 1) Role of a foster parent as a team member charged with responsibility for a child's care, education, and legal rights;
 - 2) Review of an accompanying placement packet/materials for a child;
 - 3) Involvement of a birth parent or guardian and any other family member in a child's life;
 - 4) Review of safety procedures including the need for first aid and CPR training, proper installation and safe use of a car seat and use of fire extinguisher training prior to approval;

- 5) Explanation of the Regulations regarding the physical environment of a foster home and steps necessary for compliance;
- 6) Policy on religious participation and education;
- 7) Cultural competence and diversity awareness;
- 8) Positive behavior management policy;
- 9) Confidentiality and all applicable Federal and State laws;
- 10) Child and adolescent development;
- 11) Health care and sanitation procedures including standard precautions, proper hand washing, and diapering;
- 12) Emergency planning and procedures and crisis management and intervention;
- 13) Nutrition and food safety;
- 14) Foster care payment procedure; and
- 15) Agency contact person.

APPLICATION

297. A licensee shall use a standardized form for a foster care application.

EVALUATION OF APPLICATION

298. At the time of initial inquiry, a licensee shall have a written policy on the evaluation of a foster care application. This policy shall be provided to a foster parent applicant and state:

- A. An approach to involvement of a foster parent applicant in a self-evaluation of strengths and weaknesses;
- B. Information on a complete consecutive history of any care provided in the past such as foster care, elder care, and child care, including in other States, and any reason for discontinuing care;
- C. Selection criteria for a foster parent applicant including any criteria an Agency uses for rejection of an application;
- D. Standardized approach to processing an application including a timeline for notifying an applicant of a decision regarding the application; and
- E. A written procedure on an appeal process provided to a foster parent applicant whose application has been denied explaining the appeal process, how and when an appeal can be heard, and when a denial decision is final.

299. A licensee shall ensure that a person who has been substantiated for abuse and neglect under Delaware Code is prohibited from being a foster parent while on the Child Protection Registry.

300. A licensee shall ensure that a foster parent applicant and any other household member eighteen (18) years of age or older is fingerprinted for processing by the Delaware State Police prior to approval. A foster parent applicant and any other household member eighteen (18) years of age or older shall be required to provide to an Agency the fingerprint verification form as proof of being fingerprinted.

301. A licensee shall ensure that a foster parent applicant and any other adult household member shall obtain a child abuse and neglect check from any State(s) in which he or she resided over the past five (5) years in accordance with the Adam Walsh Child Protection Safety Act of 2006 as amended.

302. A licensee shall ensure that a foster parent applicant and any other household member eighteen (18) years of age or older is free of a conviction, indictment, or substantial evidence of involvement in any criminal activity involving violence against a person, child abuse or neglect, sexual misconduct, possession, sale or distribution of any illegal drug, gross irresponsibility or

disregard for the safety of another, or any serious violation of accepted standard of honesty or ethical conduct.

303. A licensee may make exceptions to Sections 89.1 through 89.4 when the licensee documents that the health, safety, and well-being of a child would not be endangered except as prohibited by the Criminal History Record Check law as defined in 31 Del. C. §309 and The Adoption and Safe Families Act of 1997.
304. A licensee shall ensure that a foster parent applicant is informed of the requirement to report to an Agency any subsequent arrest or criminal charge and any child abuse and neglect allegations and substantiations of him or herself and any other household member while approved for foster care and of the need for a household member turning eighteen (18) years of age to be fingerprinted by Delaware State Police within five (5) business days of reaching this age.

REFERENCES

305. A licensee shall have four (4) written references or telephone notes on such references for each foster parent applicant. At least three (3) of these references shall be from persons not related to a foster parent applicant by blood or marriage/civil union. The information gathered shall cover the following issues:
- A. Explanation of how long, how well and under what circumstances (i.e. neighbor, co-worker) a person knows a foster parent applicant;
 - B. Observations on a foster parent applicant's interactions with a child;
 - C. Description of the foster parent applicant's character;
 - D. Indications of any risk factors (i.e. substance abuse, anger issues, poor judgment);
 - E. Any concerns about any household member that will also be involved with the care or have an effect on the care of a child; and
 - F. Explanation of why foster care should or should not be recommended.

HEALTH

306. A licensee shall ensure that a foster parent applicant and any other household member provides a written health appraisal from a health care provider conducted within one (1) year prior to the initial application approval date containing evidence of lack of any communicable disease, specific illness, or disability which would either interfere with the ability to provide care for a child or pose a threat to the health, safety or well-being of a child and information on any prescribed medication.
307. A licensee shall ensure that a foster parent applicant is informed of the requirement to provide an Agency with the following while providing foster care:
- A. A health appraisal for him or herself and any other household member conducted every two (2) years based on the date of the first health appraisal provided to an Agency; and
 - B. Written documentation from a health care provider of any subsequent health problem of him/herself and any other household member explaining how the health problem affects the foster parent or any other household member's ability to care for a child and does or does not pose a threat to the health, safety, or well-being of a child.
308. A licensee shall ensure that a foster parent applicant and any other household member provides written evidence of freedom from communicable tuberculosis verified within in one (1) year prior to the time of initial approval date, with further screening or testing required according to the Delaware Division of Public Health guidelines.

309. A licensee shall ensure that a disability of a foster parent applicant and any other household member is only considered as it affects the ability to care for a child.

INFORMED CONSENT OF HOUSEHOLD

310. A licensee shall ensure that a foster parent applicant and any other adult household member is in agreement with, and aware of, a decision to provide foster care.
- A. Exceptions to the above Regulation shall be made at the discretion of a licensee when the household member involved is incapable of communication or informed decision making and poses no threat to the health, safety, or well-being of a child.

PERSONAL CHARACTERISTICS OF A FOSTER PARENT APPLICANT

311. A licensee shall ensure that a foster parent applicant demonstrates emotional stability, good character, a responsible adult lifestyle, freedom from abuse of alcohol or medications, or use of any illegal drug, and has the ability to provide nurturing care, supervision, reasonable positive behavior management, and a home-like environment that is free from domestic violence for a child.
312. A licensee shall ensure that a foster parent applicant demonstrates a capacity for setting realistic expectations for behavior and performance based on the age, ability, and special needs of a child.
313. A licensee shall ensure that a foster parent applicant demonstrates a willingness and ability to discuss and deal appropriately with his or her own feelings of anger, frustration, sorrow, conflict, and affection and those of others.

EVIDENCE OF STABILITY

314. A licensee shall require that a foster parent applicant or approved foster parent shows evidence of a stable living arrangement for at least one (1) year. Evidence may include length of relationship, any community connection, and support system.

AGE

315. A licensee shall require that a foster parent applicant or approved foster parent is at least twenty-one (21) years of age.
- A. A licensee may, at his or her own discretion, make exceptions to the above Regulation when the licensee documents that the health, safety and well-being of a child would not be endangered.

INCOME

316. A licensee shall document that a foster parent applicant or approved foster parent has income to meet the needs of a household and ensure the security and stability of the household independent of foster care maintenance payments.

CHILD CARE PLANS

317. A licensee shall ensure that a foster parent applicant or approved foster parent who works outside the foster home obtains approval for a plan to care for a child while working.

HOME BUSINESS

318. A licensee shall ensure that a foster parent applicant or approved foster parent obtains approval from an Agency for a business conducted in a foster home, demonstrating any activity related to the business will not interfere with the care of a child.

DUAL SERVICE AGREEMENT – FOSTER CARE AND LICENSED FAMILY CHILD CARE

319. A licensee shall ensure that a foster parent applicant or approved foster parent that also has a family child care or large family child care license shows proof of approval to provide both foster care and child care by obtaining a written dual service agreement as follows:
- A. The Department, Child Care Licensing Specialist, and Agency shall create a written recommendation stating that a foster parent applicant or approved foster parent has the ability to meet the simultaneous needs of children present or living in the home for foster care, child care, and as household members;
 - B. The recommendation shall be used to create a dual service agreement which includes a limit on the number and ages of children to be cared in each service in accordance with Delacare Regulations and Rules pertaining to providing foster care and child care;
 - C. The Office of Child Care Licensing's Administrator shall approve a dual service agreement; and
 - D. A dual service agreement shall be reviewed by the Department, Child Care Licensing Specialist, and Agency at least annually or whenever there is a complaint involving either foster care or child care; and re-approved by the Office of Child Care Licensing's Administrator.

CONDITION OF HOME AND SAFETY

320. A licensee shall visit a home of a foster parent applicant or approved foster parent and inspect all rooms and the grounds to observe if the home is maintained in such a manner that it does not present a threat to the health and safety of any occupant.
- A. A licensee may require that a foster parent applicant or approved foster parent provides written verification that a home is in compliance with any local, State and Federal code, regulation, law, standard, and ordinance for residential use.
321. A licensee shall ensure the walls, floor and ceilings of a foster home are intact and there is no exposed wiring, falling plaster or dangerous holes.
322. A licensee shall ensure that any container of poisonous, toxic, or hazardous material in a foster home is stored out of access to a child, prominently and distinctly marked or labeled for easy identification as to any content, and used only in such manner and under such condition as it will not contaminate food or constitute a hazard to a child.
323. A licensee shall ensure any painted surface in a foster home is intact and not peeling.
324. A licensee shall ensure that garbage is kept in containers in an area of the foster home inaccessible to a child and securely covered.
- A. Garbage and rubbish shall be removed daily from any room occupied by a child.
 - B. Garbage and rubbish shall be removed from the premises of a foster home on a regular basis but not less than once a week.
325. A licensee shall ensure a foster home is free of rodent and insect infestation.

326. A licensee shall ensure that a protective cover is installed on any electrical receptacle in any area of a foster home accessible to a child.
327. A licensee shall ensure that any cord especially in a child's bedroom or play area such as those that are part of a drapery, blind, shade, appliance, and telephone is inaccessible to a child or of a short length that reduces the risk of entanglement and strangulation.
328. A licensee shall ensure that heating and cooling equipment in a foster home, including any portable appliance, is stable, properly installed, cleaned and maintained to operate efficiently and effectively, and is safely shielded to prevent the injury of a child.
 - A. A fireplace shall be securely screened or equipped with a protective guard while in use.
329. A licensee shall ensure that room temperature in rooms of the foster home used by a child provide a comfortable atmosphere and are maintained at a minimum draft-free temperature of at least 68° F and a maximum of 82° F measured at three (3) feet above floor level unless there is a conflict with Federal and State energy laws.
330. A licensee shall ensure that a foster home has a working carbon monoxide detector if any heating equipment burns fuel with a flame or the home has an attached garage.
331. A licensee shall ensure that a foster home has a safe drinkable water supply and the plumbing is kept in good working condition.
332. A licensee shall ensure that a foster home has an indoor bathroom with a working toilet, sink, and tub or shower.
333. A licensee shall ensure there is a hot water heater in a foster home that is in good working condition and the water temperature does not exceed 120° F.
334. A licensee shall ensure all windows and outside doorways that are used for ventilation have screens in good repair.
335. A licensee shall ensure that any exit in a foster home is accessible and unblocked.
336. A licensee shall ensure a foster home has two (2) or more exits from any area used for sleeping or play including in a basement.
337. A licensee shall ensure a foster home as closable doors for each bedroom and bathroom.
 - A. When a lock is on a bedroom or bathroom door, the lock shall be of the type that can be easily unlatched by a foster parent from the outside of the door.
338. A licensee shall ensure each open stairwell in a foster home is lighted and has a railing when there are four (4) or more steps or risers.
339. A licensee shall ensure a safety guard (barrier or gate) approved by the American Society for Testing and Materials (ASTM) is used in a foster home for a stairway with four (4) or more steps or risers when a child under the age of three (3) years is in foster care.
340. A licensee shall ensure a foster home has lighting for safety and comfort.
341. A licensee shall ensure a foster home has an operable telephone.

KITCHEN AND FOOD PREPARATION

342. A licensee shall ensure that a kitchen and all food preparation, storage and serving areas, and utensil are kept clean.
343. A licensee shall ensure that food in a foster home is clean, wholesome, and free from spoilage and adulteration, and safe for human consumption.
344. A licensee shall ensure a foster home has a refrigerator and stove in good working condition.
345. A licensee shall ensure the dining area in a foster home is furnished to accommodate all persons living in the foster home at mealtime with seating at a table or counter designed for meal service.

OUTDOOR AREA AND PLAY SPACE

346. A licensee shall ensure a foster home has outdoor space for play where a child is protected from traffic and free of any hazard such as, but not limited to, broken glass, animal excrement, trash, toxic plants, lawn mower, cooking grill, an open or running vehicle (car, van, or truck), and any tool.
 - A. A surface of an outdoor play area is to be made of material that does not present a safety or choking hazard, is free of any unsafe contaminant such as steel wire, and any unhealthy residue from deterioration of any material used.
347. A licensee shall ensure any outdoor play equipment is in safe condition, sturdy, clean, free from any rough edge, sharp corner, pinch and crush point, splinter, and exposed bolt.
 - A. Large outdoor play equipment shall be anchored firmly and not located on a concrete or asphalt surface.
 - B. An outdoor sandbox shall be covered when not in use.
 - C. A bicycle, tricycle, scooter, and any other riding toy shall be of a size appropriate to the child using the toy, in good condition, and free of any sharp edge or protrusion that may injure the child.
 - D. A child shall wear an approved safety helmet while riding outside on a bicycle or tricycle with foot pedals according to State Law.
 - 1) A helmet shall not be shared unless the helmet is made with a nonporous interior lining and easily cleanable strap.
 - 2) All interior and exterior surfaces of a helmet shall be wiped clean between users.
 - 3) A helmet shall be removed before allowing a child to use playground equipment unless a helmet has been medically prescribed by a health care provider for the safety of a particular child.
348. A licensee shall ensure the outside stairs of a foster home have railings when there are four (4) or more steps or risers.
349. A licensee shall ensure an outside stairwell of a foster home is inaccessible to a child under five (5) years of age.
350. A licensee shall ensure a fence, sidewalk, and outside steps are in safe condition.

POOL AND WATER SAFETY

351. A Licensee shall ensure that when a foster home has a permanent or built-in swimming pool, the pool shall be fenced in compliance with any local, State and Federal code, regulation, law, standard, and ordinance and inaccessible to a child when not being used.

- A. Water in a pool shall be treated, cleaned, and maintained in accordance with any health practice and regulation as determined by the Division of Public Health.
 - B. A pool structure and associated equipment shall be maintained in a safe manner and free of any hazard.
352. A licensee shall ensure that a foster parent thoroughly cleans and disinfects a small portable wading pool after each use.
353. A licensee shall ensure that a foster parent requires a child who is wading or swimming in a pool or body of water to be under the direct observation and supervision of an adult while wading or swimming.
354. A licensee shall ensure that a foster parent requires a child who is under three (3) years of age or does not know how to swim to be within arm's length of an adult while wading or swimming.
355. A licensee shall ensure that a foster parent owning a firearm has a current permit and valid registration as required by Law.
- A. A firearm shall be stored unloaded in a locked cabinet that is inaccessible to a child; and
 - B. Any ammunition for a firearm shall be kept separate from the firearm and stored in another locked cabinet that is also inaccessible to a child.

SMOKING PROHIBITED

356. A licensee shall ensure that smoking is prohibited in the presence of a child, in a vehicle used to transport children, and in a foster care home.

FIRE SAFETY

357. A licensee shall ensure that a foster home is free from any fire hazard.
- A. At the request of an Agency, a licensee shall ensure that a foster parent applicant submits to a home inspection by a fire safety expert.
358. A Licensee shall ensure that a foster home is equipped with a tagged, portable dry chemical fire extinguisher with a rating approved by the State Fire Marshal (currently 3A:40B:C) located in the kitchen and also near a functional fireplace, wood stove or kerosene heater.
- A. Prior to approval, a foster parent applicant shall provide proof of training by a certified trainer from an organization such as a local fire department or licensed firm specializing in fire extinguishers on the use of a fire extinguisher.
 - B. The extinguisher shall be stored out of the manufacturer's container from which it was purchased and used and maintained in accordance with the manufacturer's instructions including receiving any recommended routine maintenance certification by a licensed firm specializing in fire extinguishers.
359. A licensee shall ensure that a foster home has a hard-wired smoke detection system or working battery operated smoke alarm that is listed by a nationally recognized testing laboratory and properly installed as per the product's instructions.
360. A licensee shall ensure a smoke detection system or any smoke detector is tested monthly and documented in a log. Any smoke detector battery shall be replaced at least every six (6) months.

EVACUATION DRILL AND EMERGENCY PLANNING

361. A licensee shall ensure that a foster parent applicant develops an evacuation plan that includes showing a child, as appropriate to his or her age and developmental level, how to evacuate from a foster home in the event of a fire or emergency situation and conducts a practice drill at least twice a year.
- A. Each drill shall be documented and include information on the date and time of day of the drill, names of the persons who participated, and the total amount of time necessary to evacuate a foster home.
362. A licensee shall ensure that a foster parent applicant creates and uses an emergency plan that includes:
- A. A procedure for contacting any appropriate emergency response agency such as fire, police, and emergency medical assistance that includes a list of emergency phone numbers that is kept near a telephone;
 - B. Information from a reliable source such as local, State or Federal emergency management agencies regarding safety and survival during various natural and man-made disasters and emergency situations;
 - 1) A reliable source may include an agency such as American Red Cross, United States Department of Homeland Security, and Delaware Emergency Management Agency.
 - 2) Emergency supplies for an extended stay in a foster home due to a disaster or emergency situation. At a minimum, the supplies shall consist of enough food, water and equipment as described below to sustain a household for at least three (3) days or seventy-two (72) hours; and
 - 3) Food consisting of canned goods and non-perishable food items;
 - 4) Water consisting of one (1) gallon of water per day per person for drinking and hygiene (washing and toileting). Water may come from sources such as bottled water, water remaining in a hot water heater, or clean water stored in a tub or sink; and
 - 5) Equipment consisting of a battery or crank radio, working flashlight, extra batteries, manual can opener, blankets and/or sleeping bags, and first aid kit.
 - 6) If relocating due to disaster or emergency situation, a process to notify an Agency of a child's whereabouts as soon as such communication is established.

FIRST AID KITS

363. A licensee shall ensure that a foster home has and uses a first aid kit that contains, but not limited to, the following items:
- A. Disposable nonporous gloves;
 - B. Scissors;
 - C. Tweezers;
 - D. A non-glass thermometer to measure a child's temperature;
 - E. Bandage tape;
 - F. Sterile gauze pads;
 - G. Flexible roller gauze;
 - H. Triangular bandage or sling;
 - I. Safety pins;
 - J. Eye dressing;
 - K. Pen/pencil and note pad;
 - L. Instant cold pack;

- M. Current American Academy of Pediatrics (AAP) standard first aid chart or equivalent first aid guide;
- N. Small plastic or metal splints;
- O. Non-medicated adhesive strip bandages; and
- P. Plastic bags for cloths, gauze, and other materials used in handling blood.

MEDICATION

364. A licensee shall ensure that a foster parent applicant creates and uses a plan regarding giving medication to a child that includes the following procedures:
- A. All medication in a foster home is stored in a secure manner and inaccessible to a child;
 - B. Medication requiring refrigeration is kept in closed containers separate from food;
 - C. Prescription medication in its original container with the original label indicating directions for its administration as authorized by a child's health care provider;
 - D. Prescription medication is only given to a child whose name appears on a prescription and only in a dosage and time as directed on a label of a container;
 - E. A child's non-prescription medication is kept in its original container and properly labeled with directions for its administration;
 - F. Any deviations from a labeled instruction of a non-prescription medication requires a written authorization from a child's health care provider;
 - G. Information on possible side effects or adverse reactions to a medication is obtained and available for quick reference;
 - H. A record of any medication given to a child is kept including medication dosage, time given, who gave the medication, and any side effect or adverse reaction observed;
 - I. Side effects or adverse reactions to any medication are immediately reported to a child's health care provider;
 - J. Any medication that has expired is not given to a child; and.
 - K. A written plan to ensure that any time a child is placed for respite care or any other type of visit or re-placement that medication is sent in its original container with instructions for dispensing the medication.

HYGIENE AND SANITATION

365. A licensee shall ensure that a foster parent applicant receives information on and is required to follow proper hygiene and sanitation procedures such as hand washing, standard (universal) precautions and diapering techniques for a child.

PETS

366. A licensee shall ensure that a foster home pet is cared for in a safe and sanitary manner and that proof of vaccination as prescribed by State Law is maintained.
367. Poisonous or aggressive animals or animals that are known to be carriers of illnesses or are sick with a disease(s) that can be spread to humans may not be kept or brought into the foster care home.

TRANSPORTATION

368. A licensee shall ensure that a foster parent applicant or approved foster parent who plans to transport a child in a vehicle has a valid driver's license and effective vehicle insurance coverage.
369. A licensee shall ensure that a foster parent applicant or approved foster parent is informed of and follows the requirement to secure a child in an individual safety restraint system appropriate

to the age, weight, and height of the child at all times while a vehicle, other than a school bus, is in motion. A safety restraint shall be federally approved and so labeled according to the current applicable Federal Motor Vehicle Safety Standard. A child safety restraint shall be installed and used in accordance with the manufacturer's and vehicle's instructions and maintained in a safe working condition and free of any recall.

- A. A foster parent applicant or approved foster parent shall be informed of and comply with all applicable provisions of any Federal and State laws or regulations regarding transportation.

FIRST AID AND CPR TRAINING

370. A licensee shall ensure that a foster parent applicant or approved foster parent has proof of completing a current First Aid course (such as a card or certificate with an expiration date) and receives current certification in cardiopulmonary resuscitation (CPR) before approval.

- A. A foster parent applicant or approved foster parent who plans to care for a child eight (8) years of age or younger shall have proof of completing a current First Aid course applicable to an infant and a child and receive current certification in CPR for an infant and a child.
- B. A foster parent applicant or approved foster parent who plans to care for a child nine (9) years of age or older shall have proof of completing a current First Aid course applicable to a child and an adult and receive current certification in CPR for an adult.
- C. To remain approved as a foster parent, certification in CPR and training in First Aid shall be kept current and renewed before an expiration date or every three (3) years if there is no expiration date listed.

PRE-APPROVAL FOSTER HOME VISITS

371. A licensee shall meet in a home of a foster parent applicant at least two (2) times with one (1) of these meetings including face-to-face interviews with each household member.

- A. A visit shall not be considered training for a foster parent applicant.

HOME STUDY

372. A licensee shall conduct a home study on a foster parent applicant and any other household member providing a written evaluation which addresses the following issues:

- A. Motivation to provide foster care;
- B. Willingness and ability to work cooperatively with an Agency in the best interest of a child;
- C. A plan to integrate a child into the household, and a plan for discussing foster care with the child;
- D. Description of the attitude of each household member and any other significant person involved with a foster parent applicant toward accepting a child;
- E. Description of a foster parent applicant's attitude toward a birth parent or guardian of a child;
- F. Description of a foster parent applicant's attitude toward and a plan for a child's visitation with a birth parent or guardian, biological sibling, and any other family member if in the best interests of the child;
- G. Emotional strengths and weaknesses of a foster parent applicant and how he or she sees him or herself and any other household member;
- H. Philosophy on child rearing, positive behavior management, parental role, and experience with a child;

- I. Communication and problem-solving skills including willingness to seek help and resources;
- J. Proof of income;
- K. State of marital and family relationships;
- L. Family history including a description of early home life;
- M. Description and documentation of any private custody arrangement/order and any involvement in Family Court regarding custody issues;
- N. Information on any medical condition including physical and mental health issues which might affect a foster parent applicant's ability to care for a child;
- O. Adjustments of a child, if any, already living within the home of a foster parent applicant;
- P. Description of a child care plan when the foster parent works inside or outside his or her home;
- Q. Description of a home including an assessment of the home's physical environment;
- R. Type of child sought for foster care;
- S. Determination of the type of child a foster parent applicant and any other household member is able and willing to accommodate such as a certain age group (infant, toddler, preschool-age, school-age, and teenager), biological siblings in foster care together, or a child with special needs including the accessibility of a home;
- T. If applicable, experience in coping with special needs;
- U. If applicable, a foster parent applicant's motivation to care for a child who is of a different race, dealing with the child's possible transitions to a new lifestyle and culture, and efforts to preserve the child's heritage;
- V. Recommendations concerning the type of child suitable or not suitable for placement with a foster parent applicant;
- W. Assessment of training needs and documentation of training received; and
- X. Documentation of any home visit and interview with a foster parent applicant and any other household member.

INITIAL APPROVAL

373. A licensee shall provide an initial approval letter or certificate of approval that is effective for no more than one (1) year stating a foster parent applicant has met the requirements for foster care established in these Regulations, received a satisfactory evaluation based on a home study conducted by an Agency licensed to perform foster care home studies, and is approved for foster care throughout a certain time period as indicated by a start and end date on the letter/certificate.

ANNUAL COMPLIANCE REVIEW

374. A licensee shall ensure that a foster parent has an annual compliance review with an Agency staff member to determine continued approval by assessing compliance with requirements for foster care established in these Regulations. The review shall also:
- A. Involve any other household member;
 - B. Evaluate strengths and weaknesses;
 - C. Determine any training need;
 - D. Assess the relationship between a foster parent, any other household member, a child and Agency staff member that affects the child in care;
 - E. Include a written plan addressing any reason for continued approval; and
 - F. Include any corrective action with a target date and goal to come into compliance and to improve service and relationship with an Agency.

ANNUAL APPROVAL

375. A licensee shall ensure that upon successful completion of each annual compliance review, a foster parent is provided written documentation of approval that is effective for no more than one (1) year.

ANNUAL TRAINING

376. A licensee shall ensure that each person involved in a parenting role in a foster care home receives at least twelve (12) hours of training annually as accepted or approved by the Office of Child Care Licensing. Training shall be in at least three (3) different core areas based on the needs of children served.
- A. Child development such as typical and atypical physical, social/emotional development, cognitive (learning ability) development, and language development based on the age and developmental level of a child;
 - B. Positive behavior management such as problem solving skills, relationship building, peer pressure, anger management, self-control, and positive self-esteem;
 - C. Child life issue such as effects of trauma, child abuse and neglect, prenatal substance abuse exposure, and stress
 - D. Nutrition such as food safety, eating properly, healthy recipes, dieting issues, and preventing obesity;
 - E. Health such as wellness strategies such as staying healthy and preventing illness, reducing the spread of germs, medication administration, caring for a sick child, illness signs and symptoms, First Aid, CPR, physical activity, exercise, and sports;
 - F. Safety such as childproofing (creating a safe home environment), pets, emergency planning, and reducing the risk of sudden infant death syndrome including information on back to sleep for infants;
 - G. Communication such as creating an open, supportive and positive relationship, good listening skills, grief and loss, bonding and attachment, and any counseling need;
 - H. Education such as strengthening literacy skills by reading books, preparing a child for school success, homework help/tutoring, strategies to stay in school, and developing a creative interest, talent, or hobby in areas such as music, dance, and fine arts;
 - I. Special needs such as meeting the needs of a child with a disability, specifically diagnosed condition/illness, and respite care; and
 - J. Any family/community issue such as a child's visitation with a birth parent or guardian and any other family member, transition and adjustment, separation issues, and respecting and preserving the tradition and culture of the child.

RECORDS

377. A licensee shall maintain a foster care record containing the following information:
- A. Application and evaluation of application, as required in these Regulations;
 - B. Home study final evaluation report, addendum, or update as required by these Regulations;
 - C. References as required by these Regulations;
 - D. Verification form from the Delaware State Police that fingerprinting was completed and the Consent to Release Criminal History and Child Protection Registry Information form for all adult household members;
 - E. Verification of completed criminal history record, child protection registry checks, and adult abuse registry checks;
 - F. Health appraisal, test and screening, as required by these Regulations;
 - G. Any commendation and complaint record as referred to in these Regulations and documentation of any disciplinary action and history;
 - H. Report on annual compliance review, as required by these Regulations;

- I. History of care provided by a foster parent including the name and age of each child served, who made the placement, date of placement, and date and reason for removal;
- J. A copy of any dual service agreement and documentation of annual review by the Office of Child Care Licensing; and
- K. Termination summary when foster care is no longer provided and reason for ending foster care.

378. A licensee shall obtain the written permission from a foster parent prior to releasing his or her foster care record to any person not employed by an Agency except when such record is released to authorized personnel or pursuant to court order.

FOSTER CARE PAYMENT SCHEDULE

379. A licensee shall have a current written payment schedule for foster care service. A current schedule shall be provided to each foster parent.

RELATIONSHIP WITH THE CHILD PLACING AGENCY

380. A licensee shall ensure that a foster parent as a member of a child's treatment team is consulted by an Agency when planning, implementing, evaluating, and modifying, if necessary, the total care and service provided to the child.

381. A licensee shall ensure that a foster parent is interviewed by an Agency on a regularly scheduled basis to gain information on a child's progress or problems.

382. A Licensee shall ensure that a foster parent and any other household member is made aware of the requirement to cooperate with and the consequence of not cooperating with an Agency staff member or any other authorized local and State official when requesting information; and grants access to any part of the foster home, structure on the foster home's property, any other household member and child as related to compliance with these Regulations during the following:

- A. Evaluation;
- B. On-going supervision;
- C. Inspection; and
- D. Investigation.

383. A licensee shall ensure a foster parent treats any personal information about a child or the child's family in a confidential manner.

NOTIFICATION TO AN AGENCY

384. A licensee shall ensure that a foster parent notifies an Agency prior to allowing any person to visit in a foster home for more than forty-eight (48) hours consecutive hours or take up residence in the foster home.

- A. The licensee shall document that a foster parent notifies an Agency and applies any requirement applicable to a household member to the new household member.

385. A licensee shall provide a foster parent with information on a procedure to contact an Agency after business hours for emergency situations requiring immediate notification of the Agency.

386. A licensee shall require a foster parent to immediately notify an Agency of any of the following circumstances involving a child in care:

- A. Death of the child;
- B. Serious injury or illness involving inpatient or outpatient treatment of the child;
- C. Unknown whereabouts of the child;
- D. Removal or an attempt to remove the child from the foster home by any person or other agency without proper authority or authorization; and
- E. Involvement of the child with law enforcement authorities.

387. A licensee shall ensure a foster parent notifies an Agency within twenty-four (24) hours of any of the following circumstances that affects or involves a child in care:

- A. Serious incident, illness or death in a household;
- B. Departure of a household member that impacts the child;
- C. Breakdown of equipment, or loss of utilities in a foster home such as, but not limited to, the lack of heat, water, or electricity that lasts long enough to pose a threat to the health, safety, and well-being of the child; and
- D. Damage to a home due to an emergency event such as, but not limited to, a fire, flood, storm, or other natural or man-made disaster that impacts the ability to stay or live safely in the foster home.

388. A licensee shall ensure a foster parent notifies an Agency at least four (4) weeks prior to a planned move from the foster home.

RESPITE CARE

389. A licensee shall ensure that a foster parent has an opportunity for respite from the responsibility for caring for a child.

390. A licensee shall ensure a foster parent notifies an Agency in advance of using respite care and receives approval from the Agency for any person or place providing the respite care.

FOSTER CARE COMMENDATIONS

391. A licensee shall create and maintain a system for commending a foster parent who consistently maintains compliance with these Regulations, and goes beyond the baseline requirements of these Regulations and provides a superior level of foster care.

PART III ADOPTION

GENERAL POLICIES AND PRACTICES

392. Services for a relinquishing birth parent or guardian and child including alternatives

- A. A licensee shall provide documentation that a relinquishing birth parent or guardian has been provided the following information regarding terminating parental rights:
 - 1) Assistance with reaching an informed decision regarding termination of parental or guardian rights such as counseling in arriving at a plan that is best for him or herself and the child including available alternative plans;
 - 2) The legal results of relinquishing a child;
 - 3) Procedures involved in relinquishing a child for adoption;
 - 4) Counseling in resolving any problems relating to the relinquishment of a child;
 - 5) Referral for hospitalization, maternity home care, or any other community resource, as needed; and
 - 6) If appropriate, preparation of a child and relinquishing birth parent or guardian for the separation.

- 7) Search service for both a relinquishing birth parent or guardian and a child as provided by Law.

RELINQUISHING BIRTH PARENT'S OR GUARDIAN'S RIGHT TO REQUEST INFORMATION

393. A licensee shall inform a relinquishing birth parent or guardian of his or her right to receive, on request, the following information prior to relinquishment:
 - A. A description of an Agency's criteria used in selecting an adoptive parent applicant if not already identified; and
 - B. Non-identifying background information on an adoptive parent applicant if already identified.
394. A licensee shall, prior to the placement of a child, have documentation on the physical, emotional, and social developmental and educational factors relevant to the child's background and current situation to the extent the information has been made available. This documentation shall include:
 - A. Full name, age, address, telephone number and Social Security number, as appropriate, of a relinquishing birth parent or guardian;
 - B. Attitudes of relinquishing birth parent or guardian and child, if appropriate, toward adoption;
 - C. Reasons for relinquishing a child;
 - D. Name, age, and address of any sibling and any other known family member;
 - E. Social, physical and mental history of a birth parent, and any other known family member;
 - F. Name, birth date, sex, religion, race, nationality, height, weight, hair color, eye color, and identifying marks of a child;
 - G. Social Security number of the child;
 - H. Physical, medical, mental, and educational history of a child; and
 - I. A written health appraisal of a child performed within eight (8) weeks prior to placement.
395. A licensee shall ensure that any service, including financial, provided to or for a relinquishing birth parent or guardian is not contingent upon a decision to place a child for adoption.

RECORD FOR RELINQUISHING BIRTH PARENT OR GUARDIAN AND CHILD

396. A Licensee shall maintain a record for a relinquishing birth parent or guardian and child that includes:
 - A. Information, as required by these Regulations;
 - B. Updated information, if available, on the whereabouts of the child; and
 - C. Summary of any services provided.

CONTINUING CONTACT WITH AN AGENCY

397. A licensee shall inform a relinquishing birth parent or guardian of his or her right and responsibility to maintain current information on how he or she may be contacted and to report to an Agency any hereditary or other medical condition which may affect a child's health.

INTERIM CARE

398. An Agency shall have an interim care arrangement with an approved foster parent to ensure care for a child between the time of relinquishment and the time of placement.

ADOPTIVE PARENT APPLICANT RECRUITMENT

399. A licensee shall have a written plan describing strategies for recruiting an adoptive parent applicant.

ADOPTION INFORMATIONAL SESSION

400. A licensee shall have a written plan for providing basic information to an adoptive parent applicant at an informational or orientation session. The adoption process shall include a training for adoptive parent applicants that contains but is not limited to the following:
- A. How the adoption process works;
 - B. Children available for adoption;
 - C. Issues specific to the type of adoption planned and child sought;
 - D. Abuse and neglect;
 - E. Prenatal substance abuse exposure;
 - F. Adoption resources;
 - G. Grief and loss;
 - H. Attachment and bonding;
 - I. Child development;
 - J. Positive behavior management;
 - K. Birth parent or former guardian; and
 - L. Lifelong adoptions issues.

APPLICATION

401. A licensee shall use a standardized application form for an adoptive parent applicant.

EVALUATION

402. At the time of initial inquiry, a licensee shall have a written policy on the evaluation of adoption applications. This policy shall be provided to an adoptive parent applicant and state:
- A. An approach to involvement of an adoptive parent applicant in a self-evaluation of strengths and weaknesses;
 - B. Selection criteria for an adoptive parent applicant including any criteria an Agency uses for rejection of an application;
 - C. Standardized approach to processing an application including a timeline for notifying an adoptive parent applicant of a decision regarding the application; and
 - D. A written procedure on an appeal process provided to an adoptive parent applicant whose application has been denied explaining the appeal process including when an appeal is possible, how and when an appeal can be heard, and when a denial decision is final.

CRIMINAL HISTORY RECORD CHECK

403. A licensee shall ensure that a person whose child has been removed from his or her custody because of substantiated abuse or neglect is prohibited as an adoptive parent.
404. A licensee shall ensure that an adoptive parent applicant and any other household member eighteen (18) years of age or older be fingerprinted for processing by the Delaware State Police prior to approval. An adoptive parent applicant and any other household member eighteen (18) years of age or older shall be required to provide to an Agency a fingerprint verification form as proof of being fingerprinted.

- A. Any adoptive family applicant household member turning eighteen (18) years of age or any individual who is eighteen (18) years of age or older becoming a new household member must be fingerprinted by the Delaware State Police. The fingerprint verification form must be provided to an Agency as proof of being fingerprinted within five (5) business days of an individual turning eighteen (18) years of age or becoming a new household member.
405. A licensee shall ensure that an adoptive parent applicant and any other adult household member shall obtain a child abuse and neglect check from any State(s) in which he or she resided over the past five (5) years in accordance with the Adam Walsh Child Protection Safety Act of 2006, as amended.
406. A licensee shall ensure that an adoptive parent applicant and any other household member eighteen (18) years of age or older is free of conviction, indictment or substantial evidence of involvement in any criminal activity involving violence against a person, child abuse or neglect, sexual misconduct, possession, sale or distribution of any illegal drug, gross irresponsibility or disregard for the safety of another or serious violations of accepted standard of honesty or ethical conduct.
407. A licensee may make exceptions to the above Regulation when the licensee documents that the health, safety, and well-being of a child would not be endangered except as prohibited by the Criminal History Record Check law as defined in 31 Del. C. §309 and The Adoption and Safe Families Act of 1997.
408. A licensee shall ensure that an adoptive parent applicant is informed of the requirement to report to an Agency any subsequent arrest or criminal charge and any child abuse and neglect allegations and substantiations of him or herself and any other household member throughout an adoption process.

REFERENCES

409. A licensee shall have four (4) written references or telephone notes on such references for an adoptive parent applicant. At least three (3) of these references shall be from a person not related to the adoptive parent applicant by blood or marriage/civil union. The information gathered shall cover the following issues:
- A. Explanation of how long and how well the person knows an adoptive parent applicant, under what circumstance (i.e. neighbor, co-worker) the reference knows the adoptive parent applicant;
 - B. Observations on an adoptive parent applicant's interactions with a child;
 - C. Description of the quality of an adoptive parent applicant's character;
 - D. Indications of any risk factors (i.e. substance abuse, anger issues, poor judgment);
 - E. Any concerns about any other household member that will also be involved with the care or have an effect on the care of a child; and
 - F. Explanation of why adoption should or should not be recommended.

HEALTH

410. A licensee shall ensure that an adoptive parent applicant and any other household member provide a written health appraisal from a health care provider conducted within one (1) year prior to the initial application approval date containing evidence of lack of any communicable disease, specific illness, or disability which would either interfere with the ability to provide care for a child or pose a threat to the health, safety or well-being of a child, and information on any prescribed medication.

- A. Written documentation from a health care provider of any subsequent health problem of the adoptive parent applicant and any other household member explaining how the health problem affects the adoptive parent applicant or any other household member's ability to care for a child and does or does not pose a threat to the health, safety, or well-being of a child.

411. A licensee shall ensure that an adoptive parent applicant and any other household member provides written evidence of freedom from communicable tuberculosis verified within one (1) year prior to the time of initial approval date, with further screening or testing required according to the Delaware Division of Public Health guidelines.

412. A licensee shall ensure that a disability of an adoptive parent applicant and any other household member is only considered as it affects the ability to care for a child.

INFORMED CONSENT OF HOUSEHOLD

413. A licensee shall ensure that an adoptive parent applicant and any other household member are in agreement with, and are aware of, a decision to adopt.

- A. Exceptions to the above Regulation shall be made, at the discretion of the licensee, when a household member involved is incapable of communication or informed decision-making and poses no threat to the health, safety or well-being of a child.

PERSONAL CHARACTERISTICS OF ADOPTIVE PARENT APPLICANT(S)

414. A licensee shall ensure that an adoptive parent applicant demonstrates emotional stability, good character, a responsible adult lifestyle, freedom from abuse of alcohol or any legal drug, or use of any illegal drug, and has an ability to provide nurturing care, supervision, reasonable positive behavior management, and a home-like environment that is free from domestic violence.

415. A licensee shall ensure that an adoptive parent applicant demonstrates a capacity for setting a realistic expectation for behavior and performance based on the age, abilities, and special needs of a child.

416. A licensee shall ensure that an adoptive parent applicant demonstrates a willingness and ability to discuss and deal appropriately with his or her own feelings of anger, frustration, sorrow, conflict, and affection and those of others.

EVIDENCE OF STABILITY

417. A licensee shall require that an adoptive parent applicant shows evidence of a stable living arrangement for at least one (1) year. Evidence may include length of a relationship, community connection, and support system.

INCOME

418. A licensee shall document that an adoptive parent applicant has income to meet the needs of a household.

CHILD CARE PLAN

419. A licensee shall require that an adoptive parent applicant who works inside or outside his or her home obtains approval from the Agency for a plan to care for a child while working.

HOME BUSINESS

420. A licensee shall ensure that an adoptive parent applicant obtains approval from an Agency for a business conducted in his or her home demonstrating any activity related to the business will not interfere with the care of a child.

CONDITION OF HOME'S PHYSICAL ENVIRONMENT

421. A licensee shall visit an adoptive parent applicant's home and inspect all rooms and the grounds to observe if the home is maintained in such a manner that it does not present a threat to the health and safety of all occupants.

- A. The licensee may require that an adoptive parent applicant to provide written verification that his or her home is in compliance with any local, State and Federal code, regulation, law, standard, and ordinance for residential use.

MEETINGS, HOME VISIT, AND INTERVIEWS

422. A licensee shall meet with an adoptive parent applicant at least three (3) times. The location of the meetings shall include:

- A. At least one (1) meeting in a home of an adoptive parent applicant that includes meeting with any other household member; and
B. Two (2) more meetings at an Agency or a location where an adoptive parent applicant can be provided the space to be privately and individually interviewed.

HOME STUDY

423. A licensee shall conduct a home study of an adoptive parent applicant and all other household members that includes a written evaluation which addresses the following:

- A. Motivation for adoption;
B. Willingness and ability to work cooperatively with an Agency in the best interests of a child;
C. A plan for an adoptive parent applicant to help integrate a child into a household, and plan for discussing adoption with the child;
D. Description of attitudes of any household member and significant other person involved with the adoptive parent applicant toward accepting a child;
E. Description of feelings about a birth parent or guardian relinquishing of a child for adoption;
F. Description of feelings about the possible contact between a child and a biological sibling, relinquishing birth parent, or guardian;
G. Emotional strengths and weaknesses of an adoptive parent applicant, how he or she sees him or herself and any other household member;
H. Any philosophy on child rearing, positive behavior management, parental role, and experience with a child;
I. Communication and problem-solving skills including willingness to seek help and resources;
J. Proof of income;
K. State of marital and family relationships;
L. Family history including a description of early home life;
M. Description and documentation of any private custody arrangement/order and any involvement in Family Court regarding a custody issue;
N. Information on any medical condition including physical and mental health issues which might affect an adoptive parent applicant's ability to care for a child;

- O. Guardianship plan for a child in the event of an adoptive parent applicant's incapacitation or untimely death;
 - P. Adjustment of any child already living within a home of an adoptive parent applicant;
 - Q. Description of a child care plan when the adoptive parent applicant works inside or outside his or her home;
 - R. Description of an adoptive parent applicant's home including an assessment of the home's physical environment;
 - S. Nature of request: description of an adoptive parent applicant's thoughts on type of child initially sought for adoption;
 - T. Determination of the type of child an adoptive parent applicant and any other household member are able and willing to adopt such as of a certain age group (infant, toddler, preschool-age, school-age, teenager), biological siblings, or a child with special needs including the accessibility of a home;
 - U. If applicable, experience in caring for a child with special needs;
 - V. If applicable, an adoptive parent applicant's motivation to adopt a child who is of a different race or from a different country (international adoption), dealing with the child's possible transitions to a new lifestyle and culture, and any effort to preserve the child's heritage;
 - W. A recommendation concerning the type of child suitable or not suitable for adoption by the an adoptive parent applicant;
 - X. Assessment of any training needed and documentation of training received; and
 - Y. Documentation of each visit to the adoptive applicant's home and interview with an adoptive parent applicant and any other household member.
424. A licensee shall ensure a copy of a home study, addendum, or update as applicable is signed and dated, and provided by an Agency to an adoptive parent applicant.
425. A licensee shall ensure a written explanation is provided to an adoptive parent applicant describing how an Agency made a decision of approval or denial for adoption as based on the information gathered from a home study and meeting or not meeting any other requirements for adoption established in these Regulations.
426. A licensee shall ensure an Agency provides a certificate of approval to an adoptive parent applicant who is approved for adoption stating the approval is valid for no more than thirty-six (36) months as indicated by a start and end date on the certificate.
- A. The home study must be updated prior to the end of year one (1) and year two (2).
 - B. A new home study must be completed prior to the end of year three (3).
427. A licensee shall ensure that a home study contains all required items and is kept current and accurate. A licensee shall prepare an update when there is a significant change and no less frequently than one (1) year from the date the home study was approved.
428. A licensee shall create an addendum to a home study during an approval period if there is a change in family circumstance such as a marital separation, divorce, change of household composition, loss of job, serious illness, or death.
429. A licensee shall ensure a home study update has been conducted within one (1) year prior to a date of placement.

RECORD FOR ADOPTIVE PARENT APPLICANT

430. A licensee shall maintain a record for an adoptive parent applicant containing the following information:
- A. Application and evaluation of application, as required by these Regulations;

- B. Home study final evaluation report, as required by these Regulations;
- C. References as required by these Regulations;
- D. Verification form from the Delaware State Police that fingerprinting was completed for all adult household members;
- E. Verification of completed criminal history record check, child protection registry check, and adult abuse registry check;
- F. Health appraisal, testing, and screening, as required by these Regulations;
- G. Written evaluation of a home's physical environment;
- H. Summary of any service, visit, and contact;
- I. Any legal document obtained during an adoption process; and
- J. Information provided about a child based on these Regulations.

THE PLACEMENT PROCESS

431. A licensee shall have a written placement policy that:

- A. Matches a child with an adoptive parent applicant to ensure the child's needs are met;
- B. Addresses the need of siblings to remain together; and
- C. Addresses the need of a child to preserve his or her cultural, racial, and religious identities.

432. A licensee shall ensure that an adoptive parent applicant is aware that any personal information about a child or the child's birth parent or guardian, or any other family member shall be held in a confidential manner except as authorized by Law.

PREPARATION FOR ADOPTION

433. A licensee shall have a written description of how an Agency prepares a child in its care or supervision for adoption.

INFORMATION GIVEN TO AN ADOPTIVE PARENT APPLICANT

434. A licensee shall provide an adoptive parent applicant with all available information about a child when selected for adoption. The information shall include, but not be limited to, the following, as applicable.

- A. Date of custody;
- B. Name, birth date, sex, race, and other significant identifying physical information;
- C. Any photograph, videotape, or other media representation of a child;
- D. Any date of placement, current caretaker, and current living condition;
- E. Existence of and information about a birth parent, former guardian, any other family member and significant other, and nature of a relationship, as permitted by Law;
- F. Religious preference;
- G. Immediate and significant medical care need;
- H. Immediate and significant educational need;
- I. A child's physical and emotional state;
- J. The circumstance leading to availability for adoption;
- K. Any physical and emotional trauma experienced by a child;
- L. Any known previous out-of-home placement;
- M. For a child with special needs, an assessment of the child's long term need, adoption subsidy information, and community resources;
- N. 4E, SSI, and SSA eligibility of a child;
- O. Current international adoption situation;
- P. Adoption requirements of a country of origin;
- Q. Health issues of a country of origin;

- R. Any institutional disorder such as those relevant to a child in an orphanage including any possible developmental delay;
 - S. Attachment issue;
 - T. Adoption risk especially pertaining to international adoption;
 - U. Travel information and assistance in a country of origin;
 - V. Available cultural support system, and
 - W. Finalization information.
435. A licensee shall keep written documentation on a process of how an Agency has gathered or has made an effort to gather any information required while preparing for an adoption.
436. A licensee shall readily share adoption preparation information with an adoptive parent applicant as it is made available, or explain any difficulty or failure to obtain information and provide a record of efforts made to obtain such information.
437. A licensee shall promptly disclose to an adoptive parent applicant any information that affects the adoption placement, including but not limited, to any suspension of an adoption program.
438. A licensee shall provide an adoptive parent applicant with any policy governing a refund when an adoption service that has been promised has not been rendered or when a situation may prevent or disrupt an adoption.
439. A licensee participating in international adoption placements where the United States is the country of origin shall document that the following process has occurred before a child leaves Delaware:
- A. There has been a termination of parental rights pursuant to statute;
 - B. There has been a determination of legal responsibility for a child in a new country; and
 - C. There has been validation that all the requirements for an adoption to occur in a foreign country can be satisfied.
440. A licensee shall require an adoptive parent applicant to comply with foster care requirements until an adoption is final.

POST-PLACEMENT SERVICES

441. A licensee shall assist a pre-adoptive parent during the post-placement period until finalization as follows:
- A. Assign a case worker who is responsible for providing direct services to a pre-adoptive parent;
 - B. Offer assistance with any step toward integrating a child into a new family;
 - C. Provide help with any problem that may occur including referrals for any service outside of an Agency's capability; and
 - D. If applicable, provide information on adoption subsidies.
442. A licensee shall maintain in-person (face-to-face) contact with a pre-adoptive parent during the post-placement period until finalization as follows:
- A. The first in-person contact shall occur within two (2) weeks of placement or within a term required by the Interstate Compact on the Placement of Children;
 - 1) For an international adoption, the first in-person contact shall occur within four (4) weeks of placement.
 - B. After the first contact, an in-person contact shall be required every month until finalization;

- C. At least one (1) in-person contact shall be made in a home of a pre-adoptive parent; and
- D. Each household member shall be interviewed in-person at least once during the post-placement period.

443. A licensee providing an international adoption service shall retain documentation that information about post-placement supervision as required by a country of origin and the licensee has been provided to a pre-adoptive parent except in a case where the licensee is only providing post-placement supervision.

FINALIZATION

444. A licensee providing an international adoption service shall provide to a pre-adoptive parent, any legal document pertaining to a child that has been obtained from the child's country of origin.

445. A licensee shall explain the right of a pre-adoptive parent to engage an attorney of his or her choice for a finalization of an adoption, when applicable.

446. A licensee shall provide any required documentation for an appropriate State office or agency when finalizing an adoption.

447. A licensee shall ensure that for interstate adoption placement where Delaware is the state of origin, the requirements for any service following an adoptive placement shall be met by fulfilling the requirements of a finalizing state.

POST-FINALIZATION SERVICES FOR ADOPTIVE PARENT AND ADOPTED CHILD

448. A licensee shall have a written plan describing how the Agency will provide or refer an adoptive parent and an adopted child to post-finalization services for six (6) months after an adoption has been finalized if requested and as required by law.