DELACARE

Regulations for Child Placing Agencies

State of Delaware
Department of Education
Office of Child Care Licensing

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Table of Contents

NOTICE of Rescission and Promulgation
FOREWARD 4
INTRODUCTION 5
1. Legal Base and Laws 6
2. Purpose 6
PART I – GENERAL PROVISIONS 6
3. Definition of Regulated Service 6
4. Definitions 6
5. Child Placing Agency Licensure 12
6. Authority to Inspect 13
7. License Requirements 13
8. Procedures for Initial Licensure 13
- Required Application Information 14
- Items to be Submitted 14
9. License Renewal 15
10. Regulation Variance 16
11. Complaints 16
12. Enforcement Actions 16
- Reasons for Denial or Revocation 19
ADMINISTRATION AND ORGANIZATION 20
13. Notification to OCCL 20
- Call OCCL within One Business Day 20
14. Governing Body 21
- Governing Body Duties 21
15. Program, Location, and Records 21
16. Policies and Procedures 22
- Policy for Record Security, Maintenance, and Disposal Includes 23
17. Interstate Compact and Laws 25
18. Complaints Against a Foster or Pre-Adoptive Parent 25
- Complaint Report Requirements 26
19. General Qualifications of Staff Members 26
20. Personnel and Long-Term Volunteer Files 27
- Personnel File Requirements 28
21. Child Abuse and Neglect Reporting Requirements 29
22. Staff Member Qualifications 29
23. Annual Training 30
24. Short-Term Volunteers 31
25. Student Field Placement/Internships 31
PART II – FOSTER CARE 31
26. General Policies and Practices 31
- Positive Behavior Management Techniques to Use 33
- Prohibited Actions 33
27. Initial Placement Outline 35
- Case Record Requirements 35
28. Care and Treatment Team 36
- Initial Placement Information 36
29. Service Plans 36
- Five-Day Service Plan Requirements 37

- 30-Day Service Plan Requirements 37

30. Child's Records 38
    - Health Appraisal Requirements 38
    - Required School Information 39
    - Discharge Summary Requirements 39
    - Discharge Document Requirements 40
31. Family Engagement 40
32. Re-Placement 40
    - Documentation Requirements for Replacement 40
33. Developmentally Appropriate Interactions, Materials and Chores 41
34. Education 41
35. Sleeping Arrangements 41
36. Personal Belongings 42
37. Foster Parent Recruitment and Training 42
    - Foster Parent Training Requirements 42
38. Foster Parent Application Process 43
39. Evaluation of Application 44
40. Foster Home Transportation Requirements 46
41. Pre-Approval Visits and Home Study 48
    - Foster Care Home Study Requirements 48
42. Initial Foster Care Approval 49
43. Updates as Needed 50
44. Annual Requirements 50
45. Foster Parent Records 51
    - Foster Parent Record Requirements 51
46. Notification to an Agency 52

PART III – ADOPTION 53

47. General Policies and Practices 53
    - Pre-Placement Requirements 54
48. Adoptive Parent Recruitment and Training 55
    - Adoptive Parent Training Requirements 55
49. Adoptive Parent Application Process 56
50. Evaluation of Application 56
51. Home Environment, Pre-Approval Visits, and Home Study 58
    - Adoptive Home Study Requirements 58
52. Adoptive Parent Approval 59
53. Home Study Updates 60
54. Adoptive Parent Records 60
55. Information Given to a Pre-Adoptive Parent 60
    - Information for Adoptive Parent 60
56. Post-Placement Services 62
57. Finalization 63

APPENDECIES 64

Appendix 1: Child Placing Agency - Initial License Application 64
Appendix 2: Child Placing Agency - Renewal/Relocation License Application 68
Appendix 3: Recommended Immunizations for Children 72
Appendix 4: The Delaware Child Care Act 74
Appendix 5: Child Abuse Reporting Law 78

INDEX 82

NOTICE OF RESCISSION AND PROMULGATION

The Department of Education's Office of Child Care Licensing adopts and promulgates the following regulations for child placing agencies as authorized in 14 **Delaware Code**, §§3001A-3005A also known as "The Delaware Child Care Act." On September 10, 2020, these regulations shall take effect and all previous requirements and regulations pertaining to such facilities shall become void.

The actions hereinabove referred to were taken by the Secretary pursuant to 14 **Del.C.** §122 on August 17, 2020. The effective date of this Order shall be ten (10) days from the date this Order is published in the *Delaware Register of Regulations.*

IT IS SO ORDERED the 17th day of August 2020.

Department of Education

Susan S. Bunting, Ed.D., Secretary of Education

Approved this 17th day of August 2020

FOREWORD

The need for protecting children receiving care outside their own homes was recognized by the Delaware General Assembly as early as 1915. Since 1953, Delaware has required child placing agencies to be licensed as authorized in 14 **Delaware Code**, §§3001A-3005A, also known as "The Delaware Child Care Act." The licensing law defines the types of facilities that are to be regulated by the State, gives the authority to "prescribe, by regulation or otherwise, any reasonable standards for the conduct of such facilities," and gives the authority to license such facilities to the Office of Child Care Licensing (OCCL). The purpose of the law is to protect the health, safety, and well-being of the children who receive out-of-home care. Licensing these facilities is a preventive measure to ensure compliance with regulations that must be met in order for a facility to operate.

OCCL sought the advice and assistance of knowledgeable representatives in the field of child welfare and those whose interests are affected by the regulations. These new regulations, *DELACARE: Regulations for Child Placing Agencies*, were primarily created from other Delaware facility regulations concerning the care of children; the licensing rules of other states; current research in child welfare, education, and health and safety issues related to children in care; and national professional accreditation standards.

These regulations are divided into three distinct parts: general provisions, foster care, and adoption. The first part contains regulations that must be met by all child placing agencies in order to be licensed. The remaining parts contain additional regulations for those providing only foster care, adoption, or both. Through this design, OCCL has attempted to define specific regulations rather than broad standards so that compliance can be measured more accurately and consistently.

OCCL sincerely appreciates the contribution and efforts of all the individuals involved in the development of *DELACARE: Regulations for Child Placing Agencies* and asks for their continued support in working together to provide better services to children in care. The following individuals participated in the task force:

- Cindy Knapp and Meg Garey - A Better Chance for Our Children
- Bonnie Mulshenock - Child, Inc.
- Adrienne Phelps, Theresa Broome, and Laura Storck - Children & Families First
- Danielle Goodman – Adoptions from the Heart
- Keith Zirkle, Kim Warren, and Vera Greenplate - Division of Family Services
- Kareylynn Thompson and Maggie Phillips – Children's Choice
- Nate Spieker and Shayne Ahmad – Cayuga Centers
- Diana Bramble and Laura Taylor - Madison Adoption Associates
- Ann Ryan, Debra Helman, and Mary Catka - Office of Child Care Licensing
- ChaTanya Lankford – Pressley Ridge
- Ann C. Fisher - Governor's Advisory Council for Exceptional Citizens
- J. Todd Webb - State Council for Persons with Disabilities
- Anne Pedrick - Child Death Review Commission
- R. T. Leicht - Delaware State Fire Marshal's Office

The task force was coordinated by Kelly McDowell, Resource and Development Administrator, Office of Child Care Licensing.

INTRODUCTION

1. Legal Base and Laws

A. The legal base for DELACARE: Regulations for Child Placing Agencies is in 14 **Del. C.** §§3001A-3005A.
B. The laws pertaining to a child's placement in foster care or for adoption are found in 13 **Del.C.** §§901-956; 13 **Del.C.** §§1101-1115; 31 **Del.C.** §§351-356; and 31 **Del.C.** §§381-389.

2. Purpose

The purpose of these regulations is to protect the rights of children in foster care, those in the process of being adopted, and children's birth parents or guardians. These regulations establish minimum standards set by the Office of Child Care Licensing (OCCL) to approve a foster or adoptive parent, foster or adoptive family household members, and a foster or adoptive home. They also ensure effective foster care and adoption services resulting in humane placement for each child.

PART I GENERAL PROVISIONS

3. Definition of Regulated Service

A child placing agency or "agency" means an organization established to provide or arrange for a child's placement in the home of an approved foster or adoptive parent. Licensed agencies shall meet the general provisions of Part I.

A. Foster Care – An agency shall meet Part II regulations when placing a child in a foster home; assisting the child's birth parent or guardian; and approving a foster parent, household members, and a foster home.
B. Adoption – An agency shall meet Part III regulations when placing a child in a private home for adoption; assisting the child's relinquishing birth parent or guardian; and approving an adoptive parent, household members, and an adoptive home.

4. Definitions

The following words and terms, when used in these regulations, have the following meaning unless the context clearly indicates otherwise.

"**Adoption**" means termination of previously held parental rights over a child and the creation and finalization of a new legal parent-child relationship.

"**Adoptive home**" means a private residence where an adoptive parent lives and meets the requirements of these regulations to accept a child for adoption.

“**Adoptive parent**” means a person approved by an agency to adopt a child and create a new legal parent-child relationship.

“**Adult**” means a person who has reached the age of 18.

“**Agreement of understanding**” means a document that is part of a corrective action plan or used when necessary to ensure regulation compliance.

“**Agency**” means a child placing agency.

“**Applicant**” means a person, agency, corporation, partnership, or entity applying for a license through OCCL to provide foster care or adoption services. In the foster care section, the applicant refers to a foster parent applicant. In the adoption section, the applicant refers to an adoptive parent applicant.

"**Background check**" means a State of Delaware and federal (national) fingerprinted report of a person’s entire criminal history and a Department of Services for Children, Youth and Their Families child protection registry check. In addition to the previously mentioned report and check, background checks for applicants for foster care and adoption include a search of state child abuse and neglect registries, repositories, or databases in the state where the applicant resides, and in each state in which the applicant resided during the past five years**.**

“**Birth parent**” means the child’s biological mother or father.

“**Business day**” means a weekday Monday through Friday not including State of Delaware legal holidays.

“**Caseworker**” means an agency staff member who works directly with a child, his or her birth parent or guardian, foster or adoptive parent, and other relevant person. This person is primarily responsible for the development, implementation, and review of a service plan for a child and his or her birth parent or guardian. This person performs a placement or home-finding service for a child, conducts an assessment study for a foster or adoptive parent, and meets the qualifications as specified in these regulations.

“**Caseworker supervisor**” means an agency staff member with responsibility for the supervision of caseworkers and meets the qualifications specified in these regulations.

“**Chief administrator**” means an agency staff member designated by a licensee or governing body as having day-to-day responsibilities for the overall

administration and operation of an agency. This person assures the care, treatment, safety, and protection of child clients and meets the qualifications specified in these regulations.

"**Child**" means a person who has not reached the age of 18.

"**Child abuse**" or **"abuse"** means to cause or inflict sexual abuse on a child; or an act by a person that has care, custody, or control of a child that causes or inflicts physical injury through unjustified force, emotional abuse, torture, exploitation, maltreatment, or mistreatment as defined in 10 **Delaware Code**, Section 901.

"**Child care licensing specialist**" or "**specialist**" means an OCCL employee responsible for performing regulatory activities, including monitoring child care facilities, investigating complaints, monitoring the need for enforcement actions, and making recommendations for licensure as set forth in Delaware Code and these regulations.

"**Child care licensing supervisor**" or "**supervisor**" means an OCCL employee who is responsible for supervising child care licensing specialists. This person may perform regulatory actions and ensures licensing specialists are performing regulatory activities. This person approves complaint investigations, enforcement actions, and licenses.

"**Child neglect**" or **"neglect"** means the failure to provide, by those responsible for the care, custody, and control of the child, the proper or necessary education, as required by law; nutrition; or medical, surgical, or any other care necessary for the child's well-being as defined in 10 **Delaware Code**, Section 901.

"**Child sexual abuse**" means an act against a child that is described as a sexual offense or child exploitation as defined in 11 **Delaware Code,** Section 8550(2).

"**Complaint investigation**" means the process followed by OCCL, the Department of Services for Children, Youth and Their Families, or an agency to investigate accusations that a licensee does not comply with these regulations or applicable laws.

"**Conference**" means a meeting between OCCL and a licensee to discuss non-compliance of a serious or repeated nature or to discuss the denial of a variance request.

"**Corrective action plan**" means a document listing the non-compliance a licensee must correct, how it must be corrected, and the date OCCL requires the

corrections to be completed. This document serves as written notice of non-compliance with these regulations.

"**Court appointed special advocate**" or "**CASA**" means a person appointed by the court to represent the best interests of a child whether or not that reflects the child's wishes. This person shall be a party to child welfare proceedings. The CASA is charged with obtaining a clear understanding of the situation and child's needs and making recommendations to the court as to what is in the child's best interests.

"**Denial**" means the process of refusing to grant a license after OCCL receives an application. This constitutes refusal of permission to operate.

"**Department**" means the Delaware Department of Education.

"**Developmentally appropriate**" means offering a child an opportunity for learning that is suitable to his or her developmental age and stage. This opportunity is consistent with the child's special needs and encourages development to the next stage.

"**Disability**" means a physical, intellectual, emotional, developmental or chronic medical condition.

"**Division**" means the Division of Family Services within the Department of Services for Children, Youth and Their Families.

"**Enforcement action**" means an action taken by OCCL to encourage compliance, such as warning of probation, probation, suspension, revocation, or denial.

"**Family**" means biological or adoptive father, mother, brother, and sister, but may be interpreted 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 has responsibility for or legal custody of a child.

"**Family service plan**" means a comprehensive individualized action plan developed by the agency in cooperation with a child, his or her birth parent or guardian, and other family members. The plan establishes goals, objectives, and deadlines based on resolving any problem that resulted in the child's placement. The plan includes needed services and, if applicable, a visitation and reunification plan.

"**Foster care**" means the temporary care of a child placed in an agency-approved foster home.

"**Foster home**" means a private residence where a foster parent lives and meets the requirements of these regulations for foster care.

“**Foster parent**” means an agency-approved person who can provide foster care for a child.

“**Governing body**” means a group of people with the ultimate responsibility for and authority over the operation of an agency, for example, a board of directors.

“**Guardian**” means a person appointed by a court of appropriate jurisdiction.

“**Guardian ad litem**” or “**GAL**” means a person appointed by the court to represent the best interests of a child whether or not that reflects the child’s wishes. This person shall be a party to child welfare proceedings. The GAL is charged with obtaining a clear understanding of the situation and child’s needs and making recommendations to the court as to what is in the child’s best interests.

“**Health care provider**” means a professional certified by the appropriate licensing body who practices medicine with or without supervision. The most common types of health care providers include physicians, advance practice nurses or nurse practitioners, and physician assistants.

"**Hearing**" means the hearing provided to a licensee or applicant when requesting an appeal of OCCL's decision to place the facility on an enforcement action. The licensee or applicant may provide evidence to dispute the action.

“**Home study**” means an assessment of a foster or adoptive parent applicant, household members, and the applicant’s home to determine suitability as a foster or adoptive parent. The agency must update a home study at least yearly and whenever a significant change occurs in the household.

“**Home study update**” or “**addendum**” means at least an annual review of a home study to ensure all information is accurate and updated. When a significant change occurs or new information is provided, the agency must update the home study.

“**Household member**” means a person living in a home with a foster or adoptive parent applicant or approved foster or adoptive parent for more than 30 days within a year.

“**Infant**” means a child less than one year old.

“**International adoption**” means the adoption of a child who resides in another country or resides in the United States and is being adopted by a person from another country.

“**License**” means a document issued by OCCL allowing a person to operate an agency after demonstrating compliance with these regulations and other applicable codes, regulations, laws, treaties, and agreements.

“**Licensee**” means a person or entity legally responsible for a licensed agency.

“**Licensure**” means OCCL issued a license after the applicant showed compliance with these regulations.

“**Medical care**” means a child’s medical, dental, or behavioral health care, including treatment, prescribed medication, and immunization. Behavioral health includes mental and chemical dependency care.

"**OCCL's** administrator means a staff member responsible for the supervision and administration of OCCL.

“**Office of Child Care Licensing**” or “**OCCL**” means the agency within the department authorized under 14 **Del.C.** §§3001A-3005A to promulgate and enforce regulations for child care, to license child care facilities, and to develop and implement policies and procedures.

“**Parent**” means a birth or adoptive mother or father, a guardian, or a person named in a sworn statement or consent who has responsibility for or legal custody of a child.

“**Personal belongings**” means items, including clothing, toys, photos, or mementos brought with a foster child into the foster or adoptive home or accumulated by the child during placement.

“**Post-finalization services**” means services provided after an adoption is completed.

“**Post-placement services**” means services provided after a child is placed for adoption or before the adoption is completed.

“**Pre-adoptive**” means a child is placed but the adoption is not final.

“**Preschool-age child**” means a child age three through five not yet attending kindergarten. If a child is older than age five and not attending kindergarten or a higher grade, OCCL considers that child in the preschool-age group.

“**Probation**” means an enforcement action initiated by OCCL because of non-compliance with these regulations.

“**Provisional license**” means a license issued for a maximum period of three months when the licensee is temporarily unable to comply with these regulations. There can be no serious risk to the health, safety, and well-being of an agency’s client. The licensee operates under a corrective action plan. An extension beyond this time requires the OCCL’s administrator’s approval.

“**Regulation**” means a minimum standard required for a specific part of child welfare established by OCCL and known as *DELACARE: Regulations for Child Placing Agencies*.

“**Respite care**” means alternate care provided for 14 days or less for a foster child placed by an agency.

“**Revocation**” means the process of rescinding a license during the license’s effective dates and withdrawing permission to operate.

“**School-age child**” means a child who attends or has attended kindergarten or a higher grade.

“**Secretary**” means the Secretary of the Department of Education.

“**Service plan**” means a comprehensive action plan for the child and his or her family developed by the agency in cooperation with the child, biological family, foster parents, and referral source to establish specific goals and objectives, and deadlines for meeting these goals and objectives. The plan is based on the child's age, functioning level, perception of time, and on the family's ability to understand and participate.

“**Special needs**” means a diagnosed physical disability, chronic disease requiring medical attention, or mental, educational, or emotional condition requiring treatment or accommodations.

“**Staff member**” means an agency employee, contractor, or volunteer working more than five days or 40 hours a year. A foster parent is not considered a staff member.

“**Suspension order**” means a letter sent by OCCL informing the licensee to stop providing services as of a specific date. While the license is suspended, the licensee cannot provide services.

“**Toddler**” means a child over 12 months old and under 36 months old.

“**Training**” means an organized learning activity designed to develop or improve the abilities of a staff member or a foster or adoptive parent to provide services to children.

“**Variance**” means OCCL’s approval for a licensee to meet the intent of a specific licensing regulation in a way that is different from the way the regulation specifies. OCCL will only give this approval when the change will not endanger the health, safety, or well-being of an agency’s client.

“**Volunteer**” means a person who provides an unpaid service or support to an agency.

“**Warning of probation**” means an enforcement action initiated by OCCL because of non-compliance with these regulations.

5. Child Placing Agency Licensure

A person, agency, corporation, partnership, or entity shall not operate or provide foster care or adoption services as defined in these regulations unless OCCL issues a child placing agency license to do so. Anyone who operates a child placing agency without a license violates 14 **Del.C.** §§3001A-3005A, The Delaware Child Care Act, and shall be fined not more than $100 or imprisoned not more than three months, or both.

6. Authority to Inspect

A. The licensee shall allow access to the agency during the hours of operation to OCCL officials and other local, state, federal, and international officials with responsibility for monitoring, approving, or authorizing services. The agency must also grant access to officials who provide payment for the services provided by the agency.
B. The licensee shall cooperate with requests by these officials and allow for an announced or unannounced inspection of the agency. The licensee shall grant access to information, files, and records for the purposes of determining compliance or investigating complaints of suspected abuse and neglect, or non-compliance with applicable provisions of these regulations and other applicable codes, regulations, laws, treaties, and agreements.
C. The licensee shall allow and not prevent the interviewing of himself or herself; a staff member; a child client; or the child's birth, foster, or adoptive parent by officials from OCCL or other State and local agencies. Interviews will occur to determine compliance with these regulations and other applicable codes, regulations, or laws. Provide the policy and procedures manuals for staff and clients.
D. The licensee may request a conference to dispute citations of regulation non-compliance. These citations may have occurred during a compliance review, complaint investigation, or monitoring visit.

7. License Requirements

A. A license remains the property of OCCL and is not transferable or subject to sale.
B. A licensee shall post the license where it is visible to the public.
C. When an agency is sold, closes, relocates, or when the license has been suspended or revoked, the license immediately becomes not valid.
D. A separate application must be made for each agency’s address. A separate license is not required for an agency that operates in two or more buildings at the same address.

8. Procedures for Initial Licensure

A. An applicant shall complete the following steps for OCCL to issue a license:

1. Contact OCCL to set up a meeting to receive information on DELACARE: Regulations for Child Placing Agencies and the licensure process.
2. Submit a completed application (see Appendix I) to OCCL, which includes:

Required Application Information:
• Applicant's name, address, email, and phone numbers;
• Applicant's references: for corporations, contact information for officers; for LLCs, contact information for managing member; for public and private schools, contact information for the superintendent or equivalent officer;
• Previous licensure information, if applicable;
• Program information (including ages of children to be served);
• Staffing information (including names of proposed employees); and

• Certifications that include:
  ○ Agreement to comply with federal and State laws and regulations;
  ○ Statement that information supplied is true and correct; and
  ○ Acknowledgment that OCCL is required to make a thorough investigation of the applicant.

3. Submit the following documents to OCCL:

Items to be Submitted:
• Release of employment form that allows OCCL to collect service letters as per **19 Del.C. §708**. The form will list the applicant's current or most recent employer and all health care and child care facilities where the applicant worked within the past five years. If an applicant has no former employer, the applicant shall provide information for two more references;
• Business plan;
• Zoning approval;
• State business license unless the agency is a non-profit;
• Fingerprinted background check receipt;
• Lease or deed for office space in Delaware;
• Policy and procedures manuals for staff and clients;
• Qualifications of chief administrator and other required staff members;

• Documents showing authority to operate; and
  ○ An applicant of a privately owned agency shall provide documents identifying the name and address of the owner.
  ○ An applicant shall provide the name and address of each officer and director for a corporation, partnership, or association.
  ○ An applicant shall provide, when applicable, a charter, partnership agreement, constitution, articles of association, and by-laws.

• Certificate of liability insurance due by pre-licensing visit.

4. Demonstrate to the satisfaction of OCCL that the agency complies with these regulations and other applicable codes, regulations, laws, treaties, and agreements.

B. Upon receipt of the completed application and required information, a licensing specialist will:

1. Review the application and information, and inspect the premises to determine whether the applicant complies with these regulations;
2. Make a recommendation for licensure. If a license is granted, it will be a six-month initial provisional license; and
3. Notify the applicant as stated in subsection 12.D if an initial provisional license to operate is denied.

C. A licensing specialist shall conduct a compliance review at the agency before the expiration of the initial provisional license. Once this review is completed, OCCL will issue a provisional or annual license depending upon whether full compliance is obtained. This license will be valid for six months.

9. License Renewal

A. A licensee shall submit a completed license renewal application (see Appendix II) to OCCL at least 60 days before the current license expires that includes the following:

1. Completed Title VI Assurance of Compliance form;
2. Copy of annual audit, including sources of funding; and
3. A copy of the current State business license.

B. Applications received less than 60 days before the license expiration will be cited as late on the compliance review.

C. When a licensee submits an application on time, the existing license will not expire until OCCL makes a decision on the renewal application.

D. When a licensee submits an application after the license expires, if approved, the new license will start the date OCCL received the application.

E. A licensing specialist or licensing supervisor shall verify during an announced annual compliance review that the licensee complies with these regulations by reviewing files, policy manuals, and other relevant documentation.

1. A licensee found to be noncompliant with the regulations will be cited and given a corrective action plan.
2. Within five business days of the citation, a licensee may request a conference with a licensing supervisor to dispute citations. A licensee may provide evidence that the facility was wrongly cited.

F. OCCL will issue one of the following types of licenses:

1. An annual license for 12 months when the licensee is in full compliance with the regulations;
2. A provisional license when the licensee is unable to achieve full compliance before the current license expires and the licensee agrees to comply with the corrective action plan; or
3. A license extension when compliance has not been determined through no fault of the licensee.

10. Regulation Variance

The licensee must comply with all regulations unless the licensee requests a variance from OCCL and receives approval. The written variance request must describe how the licensee will meet the intent of a specific regulation in a way that is different from the way the regulation states. The change shall not endanger the health, safety, or well-being of agency children or clients. The licensee shall keep the variance approval and make it available on request. A variance is valid only for this licensee. If the licensee fails to comply with the variance, OCCL shall cancel the variance and require the site to comply as the regulation states.

11. Complaints

A. OCCL shall conduct an investigation when a complaint is received regarding a possible violation of these regulations by the agency.
B. OCCL shall notify the licensee or a staff member that a complaint is being investigated.
C. OCCL shall report the results of the investigation in writing.
D. If the complaint is substantiated or if other violations are found during the investigation, a licensee shall correct the violations and come into compliance with these regulations.

   1. Within five business days of receiving the complaint investigation report, a licensee may request a conference with a licensing supervisor to dispute citations or findings.
   2. A licensee may provide evidence that the facility was wrongly cited.

E. Complaints relating specifically to laws, rules, or regulations of other governmental entities including but not limited to the Americans with Disabilities Act and Delaware Equal Accommodations Law will be referred to the appropriate entity charged with enforcement authority for investigation. OCCL shall assist the complaining party with the referral process or make the referral itself, as appropriate. OCCL shall request a report of the findings at the conclusion of the investigation. These findings may be used as the basis for an OCCL enforcement action.
F. An investigation by the Department of Services for Children, Youth and Their Families' Institutional Abuse Unit will be made if a complaint is received regarding the abuse or neglect of a child at the foster home as defined in 10 **Del.C.** §901.

12. Enforcement Actions

A. To maintain licensure, a licensee shall follow these regulations and applicable federal, State, and local laws and regulations. Failure to do so will result in a corrective action plan and possibly an enforcement action.

   1. An enforcement action, such as warning of probation, probation, suspension, revocation, or denial of a license application, may be initiated by OCCL when a licensee fails to comply with a corrective

action plan or agreement of understanding, or has been cited for serious non-compliance.

2. A licensee may appeal an enforcement action by requesting a hearing within 10 business days of notification of OCCL's decision to impose the action.

    a. This appeal request may be written or verbal for warning of probation or probation. All other appeal requests must be provided by the applicant or licensee in writing.
    b. A licensee may provide evidence that the facility was wrongly cited.

B. License Suspension

1. OCCL may immediately suspend a license if the health, safety, or well-being of children receiving services is in serious or imminent danger.

    a. A suspension order may be verbal or written and the licensee shall stop providing services.
    b. OCCL will hand-deliver written follow-up to a verbal suspension order by 9 AM the following business day.
    c. A written suspension order shall state the reason or reasons for the enforcement action.

2. Within 10 business days after the issuance of the written order, the licensee must choose to close permanently, remain suspended until the licensee corrects the reason for the suspension, or remain suspended and request a hearing.
3. The hearing shall be scheduled and held within 10 business days of the licensee's request for a hearing.

    a. The associate secretary of early childhood support will assign a hearing officer with no previous involvement in the matter.
    b. The hearing officer may allow delays only for good cause.
    c. After a hearing officer makes a recommendation, the secretary determines whether to adopt the recommendation and issues a final decision.
    d. The licensee will be notified in writing of the decision of the secretary. The decision will become final 10 business days after it is mailed or delivered to the licensee.

4. A licensee dissatisfied with the department's decision for suspension may file an appeal within 30 business days after the mailing or delivery of the decision notice.

    a. A licensee appeals to the Delaware Superior Court in the county where the agency is located, by filing the appeal in the Office of the Prothonotary for the Superior Court.
    b. A licensee shall supply a copy of the appeal to the department.

c. A licensee pays any costs for this appeal that Superior Court rules require to be paid by the filing party.
d. The final decision of the secretary will remain in place during the appeal process unless otherwise ordered by the court pursuant to 29 **Del.C.** §10144.

C. Warning of Probation or Probation

1. OCCL may place an agency on warning of probation or probation when serious non-compliance is cited.

    a. OCCL shall notify the licensee in writing of the reasons it intends to place the agency on warning of probation or probation.
    b. This letter will describe how a licensee may appeal the decision by requesting a hearing to present information that the cited violations are not valid.

2. Within 10 business days of receiving the written notice, the licensee shall request a hearing or accept the enforcement action.
3. A hearing must be held within 30 calendar days of the hearing request.

    a. The department will assign a hearing officer with no previous involvement in the matter.
    b. A hearing officer may allow delays in the hearing only for good cause.

4. After a hearing officer makes a recommendation regarding probation, the associate secretary of early childhood support determines whether to adopt the recommendation and makes a final decision. After a hearing officer makes a recommendation regarding warning of probation, OCCL's administrator determines whether to adopt the recommendation and makes a final decision. OCCL shall notify the licensee in writing of the decision.
5. A licensing specialist shall conduct unannounced visits during the enforcement period to ensure compliance with these regulations is maintained.

    a. The findings will be reported to the licensee in writing.
    b. The licensee found to be noncompliant with the regulations will be cited and given a corrective action plan.

        1. Within five business days of the citation, a licensee may request a conference with a licensing supervisor to dispute citations.
        2. A licensee may provide evidence that the facility was wrongly cited.

6. Failure to comply with licensing regulations while on warning of probation or probation may result in having the enforcement action extended or heightened.

7. A licensee may not receive a new license at an additional site while on an enforcement action or when issued a notice regarding OCCL's intent to place the agency on an enforcement action.

D. Denial of a License Application or Revocation

1. OCCL may deny a license application or revoke a license for good cause, including but not limited to the following:

Reasons for Denial or Revocation:
• Failure to comply with applicable provisions of federal, State, or local laws or these regulations;
• Violation of the terms or conditions of its license;
• Fraud or misrepresentation in obtaining a license or in the subsequent operation of the agency;
• Refusal to furnish OCCL with files, reports, or records as required by law;
• Refusal to permit an authorized representative of OCCL to gain admission to the agency during operating hours;
• Engaging in any activity, policy, practice, or conduct by the licensee or staff member that adversely affects or is deemed by OCCL to be detrimental to the education, health, safety, or well-being of children; or
• Conduct that otherwise demonstrates unfitness by the licensee to operate an agency.

2. OCCL shall notify the applicant or licensee in writing of the reasons it intends to deny a license application or revoke a license. This letter will describe how an applicant or licensee may appeal the decision by requesting a hearing to present information that the cited violations or reasons for the denial are not valid.

   a. Within 10 business days of receiving the written notice, the applicant or licensee shall request a hearing in writing or accept the denial or revocation and close within the time stated in the notice.
   b. If an applicant or licensee does not make a timely request for a hearing as stated in subsection 12.D.2.a, the denial or revocation will take effect 30 business days after receiving the written notice from OCCL.

3. A hearing will be held within 30 calendar days of the hearing request.

   a. The department will assign a hearing officer with no previous involvement in the matter.
   b. A hearing officer may allow delays in the hearing only for good cause.

4. If an applicant or licensee requests a hearing in a timely manner, its existing license will be valid until the department provides a written

decision after the hearing. However, OCCL may suspend a license immediately whenever the health, safety, or well-being of children in care is in serious or imminent danger.

5. After a hearing officer makes a recommendation, the secretary determines whether to adopt the recommendation and issues a final decision. The applicant or licensee will be notified in writing of the decision. The decision will become final 10 business days after it is mailed or delivered to the applicant or licensee.
6. An applicant or licensee who is dissatisfied with the department's decision regarding revocation or denial may file an appeal within 30 business days after the mailing or delivery of the decision notice.

    a. The applicant or licensee appeals to the Delaware Superior Court in the county where the agency is located, by filing the appeal in the Office of the Prothonotary for the Superior Court.
    b. The applicant or licensee shall supply a copy of the appeal to the department.
    c. The applicant or licensee pays any costs for this appeal that Superior Court rules require to be paid by the filing party.
    d. The final decision of the secretary will remain in place during the appeal process unless otherwise ordered by the court pursuant to 29 **Del.C.** §10144.

ADMINISTRATION AND ORGANIZATION

13. Notification to OCCL

A. The licensee shall immediately call OCCL and speak to someone Monday-Friday between 8:00 AM and 4:30 PM if a child dies or attempts suicide while a client of an agency. Leaving a message is not acceptable. If the death or suicide attempt occurs after business hours, the licensee shall immediately call the 24-Hour Child Abuse Report Line, currently 1-800-292-9582.

B. The licensee shall call OCCL and speak to someone within one business day during business hours (leaving a message is not acceptable) and follow this call with the division's reportable event report within three business days when any of the following things happen:

Call OCCL within One Business Day in the Event of:
• A fire, flood, or other disaster causes damage so the agency is unable to operate safely;
• Suspected abuse or neglect of a child while a client (after reporting the suspicion to the 24-Hour Child Abuse Report Line);
• Suspected child abuse or neglect being investigated by the Department of Services for Children, Youth and Their Families or law enforcement involving the licensee or a staff member;
• Known new charges, arrests, or convictions of the licensee or staff member;
• A child is abducted; or
• Suspension or loss of a license to provide services for children in another state or country.

C. The licensee shall submit a reportable event report to the division within

three business days when a child client is absent without permission, runs away, has a serious injury or illness that needs medical/dental treatment, or is involved with law enforcement.

D. The licensee shall ensure OCCL is notified within five business days when the chief administrator resigns, is dismissed, or is hired.

E. The licensee shall ensure OCCL is notified within one business day when the agency's phone number changes.

F. The licensee shall ensure OCCL is notified in writing at least 60 days before the agency's address, name, ownership, or type of regulated service offered changes. The licensee shall also ensure OCCL is notified within 60 days when the agency plans on closing.

14. Governing Body

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

1. A corporation, partnership or association shall have, when applicable, documents identifying governing body members and officers, their addresses, and their terms of membership.
2. When a governing body consists of more than three people, a meeting of the governing body shall be held at least twice a year.
3. A licensee shall keep minutes of each meeting for at least three years.

B. A licensee shall ensure a governing body of an agency performs the following duties:

Governing Body Duties:
• Requires agency's compliance with the agency's charter;
• Requires agency's compliance with these regulations, and applicable local, State, federal, and international codes, regulations, laws, treaties, and agreements governing the operation of an agency;
• Requires that an agency is adequately funded and fiscally sound;
• Reviews and approves an agency's annual budget and program;
• Appoints a chief administrator of an agency, provides a job description, including the position's responsibilities, and gives sufficient authority to this person to manage the agency;
• Completes an annual evaluation of a chief administrator based on a job description and standards of performance; and
• Meets with an OCCL representative whenever required to do so.

15. Program, Location, and Records

A. A licensee shall have a description of an agency's philosophy, purpose, and program. This description shall outline services provided by an agency and each method of service delivery. This description shall be available to referral sources and the public upon request.

B. A licensee shall have a permanently staffed office in Delaware. The office shall have space and equipment necessary to provide the services listed in

an agency's program description and to ensure privacy during a client interview.

C. A licensee shall have a working phone at each agency location and a publicly listed phone number.

D. A licensee shall annually develop and implement a financial plan to ensure the program and services continue, the children receive proper care, and the agency complies with these regulations.

E. A licensee shall obtain an annual audit of all financial accounts. A privately operated agency shall have an audit conducted by an independent certified public accountant. A government-operated agency shall have an audit conducted as required by statute.

F. A licensee shall keep records as property of an agency.

G. A licensee shall keep current or active client records in Delaware.

H. A licensee shall maintain each record in a consistent order and layout to help authorized staff members locate information.

I. A licensee shall maintain the confidentiality of each client's case record. A licensee shall document that each staff member and volunteer with access to client information must keep the client's information private.

J. A licensee shall not release a child's information without the voluntary written consent of a birth parent or guardian or court order, except to the child, his or her birth parent or guardian, their respective legal counsel, or an authorized public official in the performance of mandated duties. A licensee shall be able to release information necessary for the purpose of adoption and foster care planning, recruitment, post-placement, and post-finalization services.

K. Upon request, a licensee shall make available information in a child's case record to the child, his or her birth parent or guardian, and their respective legal counsel when the requested information does not contain material that violates the privacy rights of another person or the material should be withheld according to other laws or by court order.

   1. A licensee may withhold information from a child or a birth parent or guardian when the information is considered, in the opinion of an authorized and informed professional, potentially damaging to the child.
   2. A licensee shall have a procedure for a child or a birth parent or guardian to appeal decisions to withhold information.

L. A licensee may use material from a case record after removing all identifying information for teaching or research purposes. A licensee may also use this material to develop the governing body's understanding and knowledge of the agency's services.

M. A licensee shall not intentionally use documents known to be false, make statements known to be false, or conceal facts in the process of placing a child.

16. Policies and Procedures

A. A licensee shall have a written policy for record security, maintenance, and disposal that addresses:

Policy for Record Security, Maintenance , and Disposal Includes:
• Assigning the responsibility of supervising record maintenance and custody;
• Securing a record against loss, damage, tampering, accessibility, and unauthorized use;
• Determining to whom a record may be released;
• Determining what type of record or portion of a record may be destroyed and what must be kept permanently;
• Creating a storage system for permanent records that ensures information is protected and kept according to the agency's policies; and
• Transferring and keeping records in the event the agency closes.

B. A licensee shall have a written policy regarding a child's involvement in fund raising and public relations activities. This policy shall protect a child's rights to privacy and dignity. A photo, videotape, film, or recording that reveals a child's identity shall not be used for research, fund raising, or public relations without the written consent of the child's birth parent or guardian and notification of the child's custodian and GAL/CASA.

C. A licensee shall have a written policy regarding a child's participation in research projects. The policy shall conform to the National Institute of Mental Health Standards on Protection of Human Subjects.

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

1. Referrals to another agency when a person requires a service not provided by the agency;
2. Requests for service and reasons for acceptance or denial; and
3. Receipt of a foster or adoptive parent application and the disposition of the application.

E. A licensee shall ensure when a fee is charged, an agency has a clearly written policy describing the service fees, and describing when fees are charged, reduced, waived, or refunded. This policy shall be available to people receiving a service that has a fee and to the public upon request.

F. A licensee shall have written personnel policies and make them available to staff and to potential staff upon request.

G. 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. The policy shall include a clear, written grievance procedure for a staff member. A licensee shall have written procedures for hiring, discipline, dismissal, suspension, and lay-off of a staff member according to applicable laws.

H. A licensee shall have a written appeal procedure for a client such as a child, a birth parent or guardian, an adoptive or foster parent applicant, or an approved foster or adoptive parent who wants to appeal a decision made by the agency. The agency shall provide this policy to a client as soon as service begins and ensure that:

1. A time frame is established for the appeal process;
2. A staff member who is not directly involved with a client and the decision being appealed gathers factual information from the client regarding the decision;
3. The decision is reviewed at a higher administrative level than the original decision. This decision will be the final agency decision.
4 The written appeal process for decisions regarding a child awaiting adoption shall inform a birth parent and proposed adoptive parent of their right, pursuant to 13 **Del.C.** §905, to appeal to Family Court a final agency decision to refuse or terminate an adoptive placement.

I. A licensee shall ensure there is a written procedure describing a process for investigating a complaint against a foster or pre-adoptive parent.

J. A licensee shall develop, follow, and maintain on file a written policy and procedure including notifying the child abuse and neglect report line for handling an 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:

1. A licensee shall report an incident to the division;
2. A licensee immediately shall take corrective action to protect a child from harm;
3. A licensee shall take long-term corrective action such as an internal evaluation to identify and eliminate factors or circumstances that may have caused or may have otherwise resulted in a continuing risk of abuse or neglect to a child;
4. A staff member alleged to have perpetrated an incident of child abuse or neglect shall be suspended or removed from having direct contact with any child, or shall be reassigned to other duties that do not involve contact with a child until the incident's investigation has been completed;
5. A licensee shall take disciplinary action against a staff member who committed an act of child abuse or neglect; and
6. A licensee shall conduct an evaluation of incidents overall and create a system for identifying serious/critical patterns occurring at an agency.

K. A licensee shall have a written policy that establishes and explains a maximum caseload requirement for a caseworker. The agency shall base the requirement on actual workload and shall consider:

1. Type of child, including special needs served by a caseworker;
2. Type of service to be provided;
3. Travel distance involved in providing the service; and
4. Other required caseworker duties or responsibilities.

L. A licensee shall establish a written procedure for ongoing staff communication strategies to ensure compliance with agency policies, procedures, and practices.

17. Interstate Compact and Laws

A. A licensee shall comply with the terms of the Interstate Compact for Juveniles, Interstate Compact on the Placement of Children (ICPC), 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.
B. A licensee shall comply with the Delaware Mixing Law, 10 **Delaware Code**, Section 1009(j) when accepting a child for placement in a foster home.
C. A licensee participating in an international adoption shall abide by applicable local, State, federal, and international codes, regulations, laws, treaties, and agreements, including the Hague Convention.
D. A licensee shall ensure when ICPC services are terminated because an adoption is finalized; the child reaches 18 or becomes self-supporting; or the child dies, is discharged from custody, or leaves the state, a short summary explaining the reason for termination shall be sent to the Interstate Office by the caseworker.

18. Complaints Against a Foster or Pre-Adoptive Parent

A. A licensee shall ensure that a chief administrator is informed of the receipt and the nature of a complaint and that the degree of risk to a child is immediately determined. A staff member shall immediately contact the 24-Hour Child Abuse Report Line when receiving a complaint regarding suspected child abuse or neglect.
B. A licensee shall ensure staff members use the following time frames when investigating a complaint:

1. 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 business day if an allegation poses an immediate threat to the child's health, safety, or well-being;
2. Contact the Division of Public Health (DPH) within one business day if an allegation involves a serious environmental hazard;
3. Contact the State Fire Marshal's Office within one business day if an allegation involves fire safety;
4. Begin an investigation no later than five business days if an allegation poses a potential threat to the child's health, safety, or well-being;
5. Contact the division's foster care administrator within five business days if an allegation involves contracted foster care; and
6. Contact the division's adoption administrator within five business days if an allegation involves a pre-adoptive home.

C. A licensee shall ensure staff members use the following steps to investigate a complaint:

1. Provide an opportunity in a private setting for a foster or pre-adoptive parent or child to respond to an allegation;
2. Record all information and findings received in the course of an investigation;

3. Make contact as necessary to gain appropriate information for an investigation;
4. Report to a foster or pre-adoptive parent that a complaint investigation report will serve as the method for conveying an official finding of an investigation;
5. Create a complaint investigation report using a format provided by OCCL that documents a complaint investigation finding and a corrective action plan, if applicable. The report shall contain:

Complaint Report Requirements:
• Coded name of a foster or pre-adoptive parent and his or her complete home address;
• Summary of a complaint allegation;
• Regulations allegedly in non-compliance;
• Methods used in conducting a complaint investigation, including dates and persons interviewed;
• A description of any finding, including the child's condition in a foster or pre-adoptive home;
• Conclusion and a corrective action plan, if applicable; and
• Signature of the investigating staff member, date of completion, and reviewed and initialed by the staff member's supervisor or chief administrator.

6. Create a coding system to protect the name of reporter, witness, birth parent, guardian, foster or pre-adoptive parent, and a child from disclosure. The coding sheet shall be for the agency's use and shall only be released by order of appropriate legal authority or by appropriate written consent.

D. A licensee shall ensure an agency completes a complaint investigation report no later than 30 business days from the date of receipt and ensures the following:

1. A copy of a report is emailed to the appropriate division designee, currently the foster care administrator, with a copy sent to DSCYF_FC-Reportable Events mailbox, and the assigned licensing specialist;
2. The division designee, currently the foster care administrator, approves the report and corrective action plan, if applicable, and the investigating staff member's supervisor or chief administrator reviews this approval;
3. Notification stating the findings of founded or unfounded is mailed to the foster or pre-adoptive parent;
4. A filing system is created and maintained for completed reports; and
5. If applicable, the agency monitors the foster or pre-adoptive parent for compliance with the corrective action plan stated in a report.

19. General Qualifications of Staff Members

A. When known, the licensee shall not employ or keep in any capacity any person with direct access to children whose child or children are currently

removed from his or her custody because of abuse, neglect, or dependency. A person who has given up or otherwise lost custody of his or her children for reasons other than abuse, neglect, or dependency shall present documentation to OCCL regarding the circumstances of this event, so OCCL can determine whether this individual can work at the agency.

B. The licensee shall not employ or keep in any capacity any person convicted of any offense defined as child sexual abuse in 11 **Delaware Code**, Section 8550.

C. The licensee shall ensure a staff member, volunteer, or student intern is not alone with children until the Criminal History Unit in the Department of Services for Children, Youth and Their Families completes the results of all background checks, determines eligibility, and approves the staff member.

D. The licensee shall ensure a staff member provides documentation from a health care provider for the follow-up of known health conditions that pose a direct threat to the health and safety of children or others and any reasonable accommodations that may be required. This documentation shall be provided to OCCL for the purposes of determining whether the health condition creates a significant risk to children.

E. The licensee shall ensure a staff member diagnosed or treated for mental illness that might create a significant risk of harm to children does not work with children until the staff member provides documentation from a health care provider stating children are not at significant risk of harm and whether any reasonable accommodations are required. The licensee shall provide to OCCL a copy of the health care provider documentation.

F. A licensee shall not employ or retain in any capacity any person with direct access to children receiving care or provide services directly to a child or children if:

    1. Convicted of a prohibited offense, for the time indicated in 31 **Delaware Code**, Section 309;
    2. Determined ineligible under the DELACARE Regulations – Background Checks for Child Serving Entities; or
    3. Active on the Delaware Child Protection Registry for a Level III or Level IV substantiation.

G. In cases where a person is determined ineligible or prohibited under the DELACARE Regulations-Background Checks for Child Serving Entities, the person is entitled to an administrative review for reconsideration. The licensee and the person shall be bound by the final decision of the administrative review, which is made by the person conducting the review.

20. Personnel and Long-Term Volunteer Files

A licensee shall have a personnel file for each staff member and any volunteer working more than five days or 40 hours a year. This file must be either paper or electronic and available upon request. Except as noted, all file contents are required at the start of employment or volunteering and shall include the following:

Personnel File Requirements:
• Completed application or résumé containing the person's name, date of birth, home address, and phone number;
• Work or volunteer start date, and end date, if applicable;
• Two references from adults not related to the person who can verify the person is of good character, and respects and understands the needs of children and their families. These references can be letters or written notes gathered by calling the reference. Phone references require the reference's name, phone number, date called, information about the staff member's character and if the reference has knowledge about how the person works with children and families, and the name of person receiving the reference;
• Release of employment history form and received Service Letters, or documentation showing requests and follow-up for Service Letters has been made. If the staff member has not worked or if unable to get at least one completed service letter, two additional reference letters or phone references are required;
• Proof of qualifications, education, and applicable professional credential/certification;
• Health appraisal on file within the first 30 days of employment or volunteering, conducted within one year before the start date. The appraisal shall confirm the individual's health and document medical or physical conditions that may limit the person's ability to perform child care or have direct access to children and any reasonable accommodations that may be required;
• TB test or medical professional risk assessment on file within the first 30 days of employment or volunteering conducted within one year before the start date, with further testing if a health care professional has concerns regarding the staff member's health or according to DPH's website.
• A statement signed by the person stating his or her status regarding all previous convictions; current indictment or involvement in criminal activity involving violence against a person; child abuse or neglect; possession, sale, or distribution of illegal drugs; sexual offense; gross irresponsibility or disregard for the safety of others; serious violations of accepted standards of honesty or ethical behavior; or a case of child abuse or neglect substantiated by the Department of Services for Children, Youth and Their Families or the respective responsible entity in another state or country;
• Documentation of a fingerprinted background check appointment conducted before the start of employment/volunteering. A person shall have no unsupervised contact with a child until the agency receives the eligibility determination notice;
• Adult abuse registry check through the Division of Health and Social Services website, currently http://dhss.delaware.gov/dhss/dltcrp/default.aspx;
• Documentation acknowledging the person is aware that the use of alcohol or a drug that could negatively affect essential job functions; unlawful possession, manufacture, or distribution of alcohol or drugs; or possession while working of a controlled substance other than by the person for whom it was prescribed is prohibited;
• Documentation informing the person of the child abuse and neglect mandated reporting law and reporting procedures;

Personnel File Requirements:
• If transporting children, a copy of the current driver's license and proof of vehicle insurance;
• Copy of job description;

• Orientation form that includes documentation of an orientation completed during the first 30 days of employment that focuses on the person's job duties and the agency's policies. This orientation must include an opportunity to ask questions and receive clarification. The topics shall include:
  o Information on other federal or State laws or regulations applicable to children and families who are clients of the agency, including non-discrimination;
  o Child abuse and neglect laws and reporting requirements and the agency's procedures to report abuse and neglect;
  o Applicable licensing regulations and the location of the regulations at the agency for review; and
  o Procedures for complaint investigation;

• Record of annual training hours, including certificates and transcripts, if applicable; and
• Annual performance evaluation signed and dated by the staff and supervisor.

21. Child Abuse and Neglect Reporting Requirements

A. 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 using the 24-Hour Child Abuse Report Line, currently 1-800-292-9582, and shall fully cooperate in an investigation.

B. When making a report, the licensee or staff person shall also share the names and contact information for every person who has information regarding the incident. The division may contact the reporter or others with knowledge of the situation to provide additional information. In addition to an oral report, a reportable event summary form shall be emailed or faxed to the Report Line within 72 hours.

C. Staff may not interview or probe a child to obtain details about the alleged abuse or neglect. A staff member may question the child only to gain basic information needed to make a report. Staff shall follow the investigating agency's protocols regarding informing the alleged child victim's birth parent or guardian that a report has been made or that the division or law enforcement officer is conducting an investigation of an allegation of child abuse or neglect.

D. A licensee shall not discourage, inhibit, penalize, or otherwise impede any staff member from reporting a suspected or alleged incident of child abuse or neglect.

22. Staff Member Qualifications

A. A licensee shall have evidence that a person providing a service directly to a child is qualified, supervised, certified, or licensed as appropriate to the service provided.

B. A licensee shall employ a chief administrator, caseworker supervisor, and caseworkers. A chief administrator may also serve as a caseworker supervisor.
C. An agency shall employ or contract a sufficient number of qualified staff members to meet an agency's maximum caseload requirement.
D. A licensee shall employ a chief administrator who has the following qualifications:

    1. At least a master's degree from an accredited program in social work or the related human services fields of child welfare, counseling, psychology, child psychology, family studies, or sociology and at least two years post-graduate experience in human services or child welfare with at least one year in administration; or
    2. At least a bachelor's degree from an accredited program in social work or the related human services fields of child welfare, counseling, psychology, child psychology, family studies, or sociology; and at least six years post-degree experience in human services or child welfare with at least two years in administration.

E. Unless the chief administrator also serves as the caseworker supervisor, a licensee shall employ a caseworker supervisor who has the following qualifications:

    1. At least a master's degree from an accredited college/university in social work or the related human services fields of child welfare, counseling, psychology, child psychology, family studies or sociology; and at least one year of post-graduate experience in child welfare or two years of experience in child welfare; or
    2. At least a bachelor's degree from an accredited program in social work or the related human services fields of child welfare, counseling, psychology, child psychology, family studies, or sociology; and at least two years post-degree experience or four years of experience in child welfare.

F. A licensee shall employ and ensure caseworkers have at least a bachelor's degree from an accredited college/university in social work or the related human services fields of child welfare, counseling, psychology, child psychology, family studies, or sociology.

23. Annual Training

A licensee shall document that the chief administrator, caseworker supervisors, and caseworkers receive 24 hours of training annually from date of hire, excluding orientation training and an agency's philosophy, policies, and procedures.

A. A caseworker supervisor or caseworker working less than 30 hours per week shall be required to receive 12 hours annually from date of hire, excluding orientation and training regarding an agency's philosophy, policies, and procedures.

B. In-service training provided by a staff member, a webinar, on-line training, a college/university credit course, a continuing education unit or CEU, a conference, a seminar, and a workshop within topic 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.

24. Short-Term Volunteers

A licensee that uses short-term volunteers for fewer than five days or 40 hours a year shall have a written plan for the orientation, supervision, and use of this volunteer. The plan shall include different requirements for volunteers who have direct contact with a child and those who do not. A short-term volunteer shall:

A. Have qualifications that relate to tasks performed;
B. Be supervised by a staff member;
C. Be given a copy of the agency's policy on confidentiality; and
D. Be under direct observation of a staff member when having direct contact with a child.

25. Student Field Placement/Internships

A licensee that accepts a student for field placement or internship with an agency shall have a written plan describing tasks and functions assigned to a student. An agency shall provide a copy of this plan to the student and his or her school. This plan shall include:

A. The student’s roles, duties, and any responsibilities;
B. A procedure for conducting a background check and adult abuse registry check on a student working more than five days or 40 hours a year;
C. A procedure for ensuring a staff member supervises and directly observes a student who has not had a background check and has direct access to children;
D. A procedure for evaluating the student's performance;
E. A description of the student’s supervision by a paid staff member;
F. An arrangement for an orientation on the philosophy of an agency, confidentiality, child abuse and neglect reporting requirements, drug and alcohol prohibition, needs of children and families served, and methods of meeting those needs;
G. If transporting children, a copy of the driver’s license and proof of vehicle insurance; and
H. A statement that a student may have input into a child’s or family’s service plan with whom the student is working and to be informed of special needs or problems.

PART II FOSTER CARE

26. General Policies and Practices

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

1. Matches a child and a foster parent to ensure the child's needs are met;
2. Addresses the needs of biological siblings to remain together;
3. Assures a child is placed in reasonable proximity to the child's birth parent/family/guardian's home according to the goals of a family service plan; and
4. Addresses the child's need to preserve his or her cultural, racial, and religious identities and that the foster parent is able to communicate with the child with or without the assistance of communication aids, non-verbal communication, or other accommodations.

B. A licensee shall have a signed and dated placement agreement outlining the rights and responsibilities of both the agency and a foster parent regarding the child's placement.
C. A licensee shall document the preparation for each child placed in foster care, re-placed, or returned home. Preparation shall be appropriate to a child's age, individual needs, reasons the placement was necessary, and any special concern presented.
D. A licensee shall maintain documentation of the agency's legal right to provide care for a child at the time of initial placement into foster care in the child's case record.
E. A licensee shall have a policy to ensure an agency and a foster parent use a child's legal name for documents and records such as, but not limited to a service plan, child care registration, school registration, medical care paperwork, and any court record.
F. A licensee shall have a policy to ensure a foster parent is required to call a child by his or her legal name or familiar nickname.
G. A licensee shall have a policy to 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 service plan.
H. A licensee shall have a written procedure for handling a medical emergency at all times. An agency shall provide a copy of the procedure to a foster parent.
I. A licensee shall have a procedure to ensure a foster parent is informed when a child's health appraisal was completed.
J. A licensee shall have a written procedure to ensure a child is notified of the death or serious illness of the child's birth parent or guardian and other known significant family member.
K. A licensee shall have a procedure to notify a child's birth parent or guardian within one day, of a serious injury or illness that required medical/dental treatment or any severe psychiatric episode involving the child.
L. A licensee shall have a procedure to immediately notify a child's birth parent or guardian and the Department of Services for Children, Youth and Their Families in the event of the child's death.
M. A licensee shall have a written policy to ensure a child is allowed to have any right, freedom, and responsibility that is typical for a child of the same age.
N. A licensee shall have a written policy to ensure that a caseworker and legal or court-appointed advocate are able to communicate with a child on a regular basis and as needed.

O. A licensee shall have a policy to ensure that a foster parent does not subject a child to abuse or neglect.

P. The licensee shall have a written policy on behavior management that encourages children to control their own behavior, cooperate with others, and solve problems by talking things out. Foster parents shall use the following techniques such as:

Positive Behavior Management Techniques to use:
• Recognize, praise, and encourage acceptable behavior;
• Supervise with an attitude of understanding and firmness;
• Give clear directions and provide guidance at the child's level of understanding;
• Intervene quickly to ensure the safety of others;
• Redirect children by suggesting other acceptable behaviors rather than use punishment;
• Speak so children understand their feelings are acceptable, but the behavior is not;
• "Time-out", if used, shall be used in addition to other positive techniques to help the child gain control of behavior and feelings; and
• "Time-out" shall be limited to brief periods of no more than one minute for each year of a child's age.

Q. The written policy on behavior management shall prohibit the following acts:

Prohibited Actions:
• Delegation of behavior management to someone other than a responsible adult known to a child;
• 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";
• Roughly handling a child or physical punishment inflicted on a child's body, including but not limited to shaking, striking, plucking, hair-pulling, throwing, biting, pinching, slapping, hitting, kicking, or spanking;
• Physical restraint of a child, without training and prior written approval of the child's health care provider and the agency;
• 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;
• Assignment of physically strenuous exercise or work solely as punishment;
• Humiliating, frightening or verbally, physically, or sexually abusing a child;
• Extensive withholding of emotional response or stimulation;
• Making negative comments about a child's looks, ability, ethnicity, family, or other personal traits;
• Denying of an element of a service plan;
• Threatening removal from a foster home;
• Denying of a visit or communication privilege with a birth parent or guardian or other family member solely as a means of punishment;

Prohibited Actions:
• Denying shelter, clothing or bedding;
• Denying of food, sleep, or toilet use as a consequence of inappropriate behavior; and
• Punishing a child for a toileting accident or failing to fall asleep, to eat all or part of food, or to complete an activity.

R. A licensee shall have a written policy on a child's religious participation and education that states a foster parent shall:

1. Provide a child with 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;
2. Seek written permission from a child's birth parent or guardian before having the child enroll in a religious or faith-based school or 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;
3. Not require or coerce a child into participating in a religious activity;
4. Not discipline, discriminate against, or deny a privilege to a child who chooses not to participate in a religious activity; and
5. Not reward a child as a means to influence his or her participation in a religious activity.

S. A licensee shall have and follow a written policy regarding foster children placed without extra clothing to ensure their needs are met.

T. A licensee shall have a written policy to provide an allowance for each child that is not dependent on the child completing chores. The agency shall provide the policy to a foster parent and require the parent to follow the policy. The policy shall address methods of paying and accounting for allowance.

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

1. An approach to involve an applicant in a self-evaluation of strengths and weaknesses;
2. Information will be requested from the division, other licensed Delaware child placing agencies, and OCCL as applicable, on a complete history of care provided and reason for discontinuing care;
3. Selection criteria for an applicant, including criteria an agency uses for rejection of an application;
4. How applications are processed, including a timeline for notifying an applicant of a decision regarding the application; and
5. A written appeal procedure explaining the process to appeal an application that has been denied, how and when an appeal can be heard, and when a denial decision is final.

V. A licensee shall have a written policy that is provided to a foster parent to ensure he or she has an opportunity for respite from the responsibility for caring for a child.

W. A licensee shall have a written policy that limits the total number of children in foster care in a foster home to six children. Exceptions may be made for the following reasons:

1. To allow a parenting youth in foster care to remain with his or her child;
2. To allow siblings to remain together;
3. To allow a child with an established meaningful relationship with the family to remain with the family; or
4. To allow a family with special training or skills to provide care to a child who has a severe disability.

X. A licensee shall have a policy to ensure an applicant is able to communicate with agency representatives, health care providers, and other service providers.

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

27. Initial Placement Outline

A licensee shall ensure the agency gathers information for a child's case record within five days after an initial foster care placement. If information is missing, the licensee shall ensure the case record contains documentation such as a progress note, email, letter, or fax showing the continued effort made to gather any missing information. The case record must include:

Case Record Requirements:
• Date of custody, if applicable;
• Birth certificate;
• Name, birth date, sex, race, language spoken, and other significant identifying physical information;
• Placement date;
• Name, address, and marital status of a birth parent or name and address of a guardian;
• Names and locations of biological siblings;
• Religious preference;
• Immediate and significant medical care need;
• If known, immediate and significant educational need and school;
• The child's physical and emotional state at time of placement;
• Any circumstance leading to the need for foster care;
• Any known previous out-of-home placement;
• Any immediate need of the child and birth parent or guardian and any service to be provided to meet the need; and
• Any contact person such as GAL/CASA, and division representative.

28. Care and Treatment Team

A. 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:

Initial Placement Information:
• The name of a child and members of the care and treatment team;
• Available information about a child's known emotional, behavioral, or mental health strengths, needs, and educational status;
• Current plans to meet a child's needs, as identified in a service plan;
• If known, the name of the GAL/CASA and date and time of court hearing; and
• A plan for providing routine and emergency medical care for a child being placed in foster care.

B. A licensee shall ensure an agency consults a foster parent when planning, implementing, evaluating, and modifying, if necessary, the total care and service provided to the child.

C. A licensee shall ensure an agency interviews a foster parent regularly to gain information on a child's progress or problems.

D. A licensee shall ensure a foster parent and other household members are made aware of the requirement to cooperate with and the consequence of not cooperating with a staff member or any other authorized local and State official when requesting information. A foster parent and household members must grant access to any part of the foster home, structure on the foster home's property, other household members, and the child as related to determining compliance with these regulations, or during an evaluation, ongoing supervision, inspection, or investigation.

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

29. Service Plans

A. A licensee shall develop a service plan for a child.

1. 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 these people is not possible or is not in the child's best interest.
2. A licensee shall document the reasons for non-participation of a person or agency.
3. People participating in the service plan’s development shall sign and date the completed service plan.
4. The plan shall include a statement explaining why missing information is not included. If information is missing, the licensee shall ensure the case record contains documentation such as a progress note, email,

letter, or fax showing the continued effort made to gather any missing information.

B. A licensee shall ensure that before or within five business days of placement, a service plan is developed. The plan shall contain the following information as applicable:

Five-Day Service Plan Requirements:
• School registration needs;
• Current individualized education program (IEP), individualized family service plan (IFSP), or Section 504 plan;
• Physical disability or chronic medical condition;
• Current medication;
• Description of the situation which led to current/pending placement, including a statement explaining the basis for the abuse/neglect/dependency;
• Identification of a child's immediate needs; and
• Signature section, including date signed.

C. A licensee shall ensure within 30 business days of placement, a service plan is further developed to identify the child's needs for the next 12 months and contains the following information:

30-Day Service Plan Requirements:
• Physical health;
• Dental needs;
• Educational/vocational needs and extracurricular activities;
• Social/emotional needs;
• Behavioral issues;
• Preparation for independent living, if applicable;
• Court requirements;
• Efforts to locate a permanent home and adoption recruitment, if applicable;
• Support services offered to the birth parent or guardian and foster parent;
• Visitation arrangement and maintaining family connections;
• Child's permanency goal;
• Biological sibling information, including location, placement (together or separated and the reason), and steps taken to maintain regular contact and reunification; and
• Signature section, including date of signature.

D. A licensee shall ensure a service plan is reviewed every six months and contains information on the progress made in all aspects of the plan. The plan shall be signed and dated by the people on the care and treatment team, as appropriate, during the review process.

E. A licensee shall ensure the agency follows a family service plan developed by the division in cooperation with a child and his or her birth parent or guardian and contains the following information:

1. Specific goals, objectives, and deadlines for a child's birth parent or guardian to resolve any problem that required the child's placement;
2. Referred services; and
3. Visitation and reunification plans when determined to be in the child's best interests.

F. A licensee shall ensure a service plan includes a specific service aimed at locating an adoptive placement for a child who is legally free and available for adoption.

30. Child's Records

A licensee shall maintain a paper or electronic record for each child. The record shall include the following:

A. Legal basis for placement, consent for placement, or court custody order;
B. Written authorization for both routine medical care and emergency care immediately upon initial placement. Authorization shall be either from a birth parent, guardian, or by court order;
C. Service plan as stated in Section 29;
D. Physical characteristics, including a description of child that includes height, weight, hair and eye color, and significant scar/body marking;
E. Picture of the child;
F. Documentation showing the child's caseworker visited a child in a foster home at least once a month;
G. Within one month of placement, a health appraisal that includes an immunization record conducted by a health care provider within the last 12 months according to the American Academy of Pediatrics' standards that includes:

Health Appraisal Requirements:
• A health history;
• Physical examination;
• Growth and development;
• Immunizations;
• Recommendations regarding required medication, restrictions, or modifications of the child's activities, diet, or care; and
• Medical information for treatment in case of emergency.

H. An annually updated health appraisal as stated above;
I. Documentation that a child receives timely, competent medical care when he or she is ill, receives necessary follow-up medical care, medication, treatment, and therapy as directed by a health care provider;

J. A plan from a health care provider for bringing a child to the required level of immunization and to have a child tested or screened, in cases where a child has not been properly immunized according to the child's age and DPH's guidelines or has not received recommended or required screening or testing;

K. An annual dental examination for children age three and older;

L. Documentation showing a child received dental work as necessary to maintain or improve dental health;

M. Documentation of school information including:

Required School Information:
• Name of school;
• Date the child started school;
• Child's current grade placement and classification;
• Type of school program such as special needs, vocational, alternative, or AP/Honors;
• School report card and current IEP, IFSP, or Section 504 plan, if applicable;
• Ongoing communication and cooperation with a child's school that is maintained by an agency and a foster parent; and
• Written notification to school regarding agency's involvement.

N. If information is missing, the licensee shall ensure the case record contains documentation such as a progress note, email, letter, or fax showing the continued effort made to gather any missing information.

O. A discharge summary within 30 days of the child's discharge that includes the following information:

Discharge Summary Requirements:
• The reason for termination of foster care and current location of child;
• A summary of services provided during care, including dates of admission and discharge;
• An assessment of a child's and birth parent's or guardian's needs which remain to be met;
• A statement that a termination plan has been explained to a child in a manner consistent with the child's ability to understand;
• Provisions or any follow-up service, if any; and
• Name and signature of person preparing discharge summary and date signed.

P. Documentation showing a child who is nearing age 18 and plans to exit foster care has received information, services, and preparation for independent living; and

Q. Documentation showing a child who turned 18 years of age receives the following documentation and information when discharged from foster care:

Discharge Document Requirements:
• Certified copy of birth certificate;
• Social security card;
• Educational record;
• Medical history and information on how to find a health care alternative;
• Listing of community service or other agency that can provide assistance;
• Independent Living brochure;
• If applicable, obtaining a driver's license or state identification card and completion of selective service registration.

31. Family Engagement

A. A licensee shall ensure a foster parent develops a working relationship with a child's birth parent or guardian according to a family service plan and in cooperation with a staff member.
B. A licensee shall ensure a foster parent meets a child's parent or guardian within 10 days to be introduced to one another by agency staff and document efforts made when not possible.
C. A licensee shall ensure a foster parent allows a child to communicate with birth parents or guardians and other family members according to the family service plan.
D. A licensee shall arrange for a visit between a child and birth parent or guardian, and other family members according to the family service plan.
E. A licensee shall keep a record of visits or efforts made to have a visit between a child and a birth parent or guardian and other family members.

32. Re-Placement

A. 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 other family member, the licensee shall document:

Documentation Requirements for Replacement:
• Reason for re-placement;
• Evaluation of the appropriateness of continued foster care;
• Re-placement preparation appropriate to a child's capacity to understand;
• Notification to birth parents or guardians of the re-placement;
• Notification to referral source of the re-placement;
• Information about a child shared with a new foster parent, including a case plan; and
• Child's placement history, while a client of an agency that includes a foster parent's name, all dates of care, and reason for re-placement.

B. A licensee shall maintain a list of each child who is re-placed.
C. A licensee shall update the five and 30-day service plans according to Section 29.

33. Developmentally Appropriate Interactions, Equipment, Materials, and Chores

A. A licensee shall ensure a foster parent interacts with a child and provides developmentally appropriate equipment and materials such as books, games, and toys for a variety of indoor and outdoor activities. Activities, equipment, and materials shall promote a variety of experiences that support a child's social, emotional, language/literacy, intellectual, and physical development.
B. A licensee shall ensure a foster parent provides regular and ongoing opportunities for a child in care to engage in age and developmentally appropriate activities.
C. A licensee shall ensure a foster parent only requires a child to perform household chores that are within the child's abilities. These chores shall be similar to those expected of other household members in the same age range.
D. A licensee shall ensure a foster parent teaches a child skills required and shares knowledge needed to live independently in a community.
E. A licensee shall ensure each child over age 14 has opportunities to gain skills and participate in plans for transition into adulthood.

34. Education

A. Within five school days of the division’s meeting with the school of origin and school of residence to determine school placement, a licensee shall request documentation that the child is enrolled or in the process of being enrolled into the appropriate educational program that meets State legal requirements as determined by the meeting.
B. A licensee shall inform a foster parent that a foster child cannot be home-schooled by the foster parent. However, a foster child may receive Homebound Instruction by the school district.
C. A licensee shall ensure an agency notifies a child's school administration in writing within five business days of an agency's involvement and provides the caseworker’s name and contact information.

35. Sleeping Arrangements

A. A licensee shall ensure an infant naps and sleeps alone in a crib in the foster home.
B. A licensee shall ensure a foster parent uses safe sleep practices as stated by the American Academy of Pediatrics and places an infant on his or her back when putting the infant down to nap or sleep. Written documentation from the child’s health care provider is needed to use a different sleep position.
C. A licensee shall ensure each child has and sleeps in his or her own age-appropriate crib or bed that has a mattress covered with a clean fitted sheet.

A licensee shall ensure pillows, top sheets, and blankets are provided for children over the age of 12 months sleeping in beds.

D. Children of the opposite sex under age five may share a bedroom. Children of the same sex may share a bedroom.

E. A licensee shall ensure that a child over age one does not share a bedroom with an adult unless documentation from the child's health care provider states the child should share the room with an adult.

36. Personal Belongings

A. A licensee shall ensure children can bring, keep, and acquire personal belongings, including gifts and clothing, while in foster care.

B. A licensee shall ensure an agency and foster parent keep a record of a child's personal belongings. A record of personal belongings shall be reviewed when the child leaves the foster home to ensure items are accounted for and remain with the child.

C. A licensee shall ensure a foster home provides accessible storage space for children's personal belongings to allow the child to control or limit access to special items such as letters, photos, and life book.

D. A licensee shall ensure a child is provided with clean clothing in good repair that is appropriate to the season and to the child's age, sex, height, weight, activities, and needs.

E. 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 within five business days.

37. Foster Parent Recruitment and Training

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

B. A licensee shall hold foster parent training to provide basic information to foster parent applicants. The agency shall document that the applicant attended and received training on the following topics:

Foster Parent Training Requirements:
• Foster parent's role, responsibilities, and expectations as a member of a team charged with responsibility for a child's care, education, and legal rights;
• Review of a placement packet/materials for a child;
• Involvement of a birth parent or guardian and other family member in a child's life;
• Safety procedures, including certification for first aid and CPR that includes a "hands-on" skills demonstration applicable to the ages of children in placement and the need for proper installation and safe use of a car seat;

Foster Parent Training Requirements:
• Regulations regarding a foster home's physical environment and steps necessary for compliance
• Policies on religious participation and education;
• Cultural competence and diversity awareness;
• Positive behavior management policy;
• Confidentiality policy;
• Applicable federal and State laws, including Prudent Parenting Standards;
• Child and adolescent development;
• Abuse and neglect including impact of trauma on child's development;
• Child nutrition;
• Health care;
• Universal precautions;
• Signs of human trafficking;
• Impact of childhood trauma;
• Administration of Medication;
• Respite care;
• Background check requirements;
• Emergency planning and procedures and crisis management and intervention;
• Foster care payment procedure; and
• Agency's structure, purpose, policies, services, and contact person.

38. Foster Parent Application Process

A licensee shall ensure an applicant completes the following steps to be approved as a foster parent:

A. Attend a foster parent training as described in Subsection 37B;
B. Complete a foster care application;
C. Submit a copy of a valid driver's license, State or federal identification, or birth certificate;
D. Submit the names, addresses, phone numbers, and email addresses for four references. At least three of these references shall be from people not related to the applicant;
E. Complete and submit documentation of fingerprinted background checks for the applicant and all adult household members;
F. Provide a list of all the states the applicant and adult household members have lived in during the past five years;
G. Provide health appraisals for the applicant and each household member, completed within one year before the application date, that includes a tuberculosis (TB) test or risk assessment. This form shall confirm the individual's health and document medical, mental, or physical conditions that may limit the person's ability to care for a child or have direct access to children and any reasonable accommodations that may be required. A

licensee shall ensure all household children are up to date on immunizations as described in Appendix III, consistent with the recommendations of the American Academy of Pediatrics, the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention, and the American Academy of Family Physicians, unless the immunization is contrary to the child's health as documented by a licensed health care professional or is contrary to the parent or guardian's religious beliefs as documented by a notarized statement;

H. Submit current certifications in cardiopulmonary resuscitation (CPR) and first aid applicable to the ages of the children the applicant chooses to serve. If planning to care for a child under the age of eight, a foster parent must complete infant/child CPR. If planning to care for a child age nine and older, a foster parent must complete adult CPR. If caring for children in both of these categories, a foster parent must complete infant/child and adult CPR; and

I. Agree to comply with the roles and responsibilities regarding being a foster parent once a child is placed in the home including the following:

1. Not using any illegal substances;
2. Not abusing alcohol by consuming it in excess amounts;
3. Not abusing legal prescription and/or nonprescription drugs by consuming them in excess amounts or misusing them;
4. Not smoking in the foster home, in any vehicle used to transport a foster child, or in the presence of a child in foster care; and
5. Not allowing guests to smoke in the foster home, in any vehicle used to transport a foster child, or in the presence of a child in foster care.

39. Evaluation of Application

A. A licensee shall contact the applicant's references to gather the following information:

1. Explanation of how long, how well, and under what circumstances (i.e. neighbor, co-worker) a person knows the applicant;
2. Observations of the applicant's interactions with children;
3. Description of the applicant's character;
4. Signs of risk factors (i.e. substance abuse, anger issues, poor judgment);
5. Concerns about any household member that will also be involved with the care or may have an effect on the child's care; and
6. Reason why foster care should or should not be recommended.

B. A licensee shall ensure an applicant and adult household members are free of a conviction, current indictment, or substantial evidence of involvement in any criminal activity involving violence against a person; child abuse or neglect; sexual offense; possession, sale or distribution of any illegal drug; gross irresponsibility or disregard for the safety of another; or any serious violation of accepted standards of honesty or ethical conduct.

C. A licensee shall ensure an applicant and adult household members obtain child abuse and neglect checks from states in which they lived during the

past five years according to the Adam Walsh Child Protection Safety Act of 2006.

D. A licensee shall ensure a person who is active on the Delaware child protection registry at a Level III or Level IV is prohibited from being a foster parent while on the child protection registry.

E. A licensee shall ensure an applicant and adult household members agree to and are aware of a decision to provide foster care. The licensee may make exceptions when the household member involved is incapable of communication or informed decision-making and poses no threat to the child's health, safety, or well-being.

F. A licensee shall ensure an applicant's or household member's disability is only considered as it affects the ability to care for a child.

G. A licensee shall ensure an applicant demonstrates emotional stability, good character, a responsible adult lifestyle, and freedom from abuse of alcohol or medications and freedom from use of any illegal drug. A licensee shall ensure an applicant and household members disclose substance abuse issues including any history of drug or alcohol abuse or treatment. A disclosure of previous drug or alcohol abuse does not disqualify an applicant on its own.

H. A licensee shall ensure an applicant has the ability to provide nurturing care, supervision, reasonable positive behavior management, and a home-like environment that is free from domestic violence to a child.

I. A licensee shall ensure an applicant has the capacity for setting realistic expectations for a child's behavior and performance based on the age, ability, and child's special needs.

J. A licensee shall ensure an applicant has 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.

K. A licensee shall require an applicant to show evidence of a stable living arrangement for at least one year. Evidence may include length of relationship, a community connection, and support system.

L. A licensee shall require an applicant to be at least 21 years old. The licensee may make exceptions after documenting that a younger applicant would not endanger a child's health, safety, or well-being.

M. A licensee shall document that an applicant has income to meet the household's needs and ensure the household's security and stability without the foster care payments.

N. A licensee shall ensure that an applicant who works outside the foster home provides a child care plan to the agency.

O. A licensee shall ensure that an applicant receives approval from an agency for a business conducted in a foster home. Business activities shall not interfere with the child's care.

P. A licensee shall ensure an applicant has developed an emergency preparedness plan.

Q. A licensee shall ensure that an applicant who also has a family child care or large family child care license receives written approval from OCCL to be a dual service provider. The dual service agreement shall be created after both OCCL and the licensee agree that an applicant has the ability to meet the needs of all children present or living in the home for foster care, child care, and as household members. The agreement shall include a limit on

the number and ages of foster care children. An agreement shall be reviewed by OCCL and the agency at least annually or whenever there is a complaint involving either foster care or child care. After review, it must be re-approved by OCCL's administrator.

R. A licensee shall ensure documentation is provided to an applicant explaining why the applicant was approved or denied as a foster parent based on the information gathered from the home study, application review, and home's inspection.

S. A licensee shall ensure an applicant has functional literacy which means the ability to read and understand information to perform daily parenting activities, including the ability to read medication labels.

40. Foster Home and Transportation Requirements

During the application process and annually, the licensee shall ensure the foster parent meets the requirements of Section 40.

A. A licensee shall visit the home of an applicant or approved foster parent and inspect all rooms and the grounds to ensure the home is clean, maintained and does not present a threat to the occupants' health or safety. A licensee may require an applicant or approved foster parent to provide documentation that a home complies with State or local laws, codes, regulations, and ordinances.

B. A licensee shall ensure the home's walls, floors, and ceilings are intact and there is no exposed wiring, falling plaster, or dangerous holes. A licensee shall ensure all windows and outside doorways that are used for ventilation have screens in good repair. A licensee shall ensure the home has proper trash and recycling disposal.

C. A licensee shall ensure all flammable and hazardous materials, including matches, lighters, medicines, drugs, alcohol, cleaning products, detergents, aerosol cans, and other similar items, are stored safely in areas out of children's reach or are locked up both inside and outside the home. Hazardous liquids and powders must be labeled with the contents.

D. A licensee shall ensure foster homes serving child under age five keep plastic bags and cords and strings from window blinds out of children's reach.

E. A licensee shall ensure a foster home is free of rodent and insect infestation.

F. A licensee shall ensure all electrical outlets in a foster home that children can reach are covered, including power strips. Foster homes serving school-age children only are exempt from this requirement.

G. A licensee shall ensure all heating and cooling equipment prevents injury to children by having safety shielding.

H. A licensee shall ensure a foster home has at least one working hard-wired smoke detector or battery operated smoke alarm on each level of occupancy of the home and at least one near all sleeping areas. The smoke detector or smoke alarm must be-listed by a nationally recognized testing laboratory and properly installed per the product's instructions. A licensee shall ensure a foster home has a working carbon monoxide detector or carbon monoxide alarm on each level of occupancy of the home and at least

one near all sleeping areas if the home has a fossil-fuel burning heater or appliance, a fireplace, or an attached garage.

I. A licensee shall ensure a foster home has a safe drinkable water supply and the plumbing is kept in good working condition.

J. A licensee shall ensure a foster home has a bathroom with a working toilet, sink, and tub or shower. The sink and tub or shower must be able to provide both hot and cold water. The water temperature may not exceed 120° F. Hot tubs and spas must have safety covers that are locked when not in use.

K. A licensee shall ensure a foster home with large outdoor play equipment has it anchored.

L. A licensee shall ensure a foster home is free from any fire hazard and any exit in a foster home is accessible and unblocked.

M. A licensee shall prohibit smoking or vaping in the foster home, in any vehicle used to transport children, and in the presence of children.

N. A licensee shall ensure a kitchen and all food preparation, storage and serving areas, and utensils are kept clean.

O. A licensee shall ensure a foster home has an adequate supply of food.

P. A licensee shall ensure a foster home has a refrigerator, stove, and sink in good working condition. The sink must supply hot and cold water.

Q. A licensee shall ensure that when a foster home has a permanent or built-in swimming pool, the pool is fenced in compliance with State or local laws, codes, regulations, or ordinances. A licensee shall ensure the pool is inaccessible to a child when not being used by ensuring the pool's fencing is equipped with a safety device, such as a bolt lock. A licensee shall ensure a swimming pool is equipped with a life saving device, such as a ring buoy. A licensee shall ensure the pool has a working pump and filtering system.

R. A licensee shall ensure a foster parent owning a firearm has a current permit and valid registration as required by law. A firearm shall be stored unloaded in a locked cabinet that is inaccessible to a child. Ammunition shall be stored separately from the firearm in another locked cabinet.

S. A licensee shall ensure a foster home has a stocked first aid kit.

T. A licensee shall ensure a gate approved by the American Society for Testing and Materials (ASTM) is used in a foster home for a stairway with four or more steps when a child under age three is in foster care.

U. A licensee shall ensure a foster home has an easily accessible, charged portable dry chemical fire extinguisher rated 2A 10BC or higher in the kitchen.

V. A licensee shall ensure a foster home has a posted written evacuation plan that includes showing a child, as appropriate to his or her age and developmental level, how to evacuate the foster home in a fire or emergency. Practice drills shall be conducted at least twice a year.

W. A licensee shall ensure pets kept by the foster home are cared for in a safe and sanitary way. A licensee shall keep proof of vaccinations required by State law, currently rabies vaccinations for dogs and cats. Poisonous or aggressive animals, such as snakes and alligators, or animals that are known carriers of illnesses or are sick with a disease that can be spread to humans may not be kept or brought into the foster home.

X. A licensee shall ensure a foster home has a working phone available at all times.

Y. A licensee shall ensure a foster home has a posted list of emergency phone numbers including poison control and the foster parent's number. A licensee shall ensure the list is posted in a noticeable place.

Z. A licensee shall ensure a foster home has adequate lighting for children to be able to see their surroundings, participate in activities, and complete their homework as required.

AA. A licensee shall ensure an applicant has reliable and safe transportation with safety restraints, as appropriate for the child. Reliable transportation includes a properly maintained vehicle access to reliable public transportation, or safe transportation arrangements with family friends, case workers, or teen household members.

1. A licensee shall ensure an applicant who plans to transport a child in a vehicle has a valid driver's license and current vehicle insurance coverage.
2. A licensee shall ensure an applicant is instructed to and secures a child in an individual safety restraint system appropriate to the child's age, weight, and height at all times while a vehicle is in motion. A child safety restraint shall be installed and used according to the manufacturer and vehicle's instructions and kept in a safe working condition, is not recalled, or expired.
3. A licensee shall inform an applicant that a child may only be transported with proper safety restraints in a vehicle by a driver with a valid driver's license and current vehicle insurance coverage.

41. Pre-Approval Visits and Home Study

A. A licensee shall meet in the applicant's home at least two times, with one of these meetings including interviews with each household member.

B. A licensee shall conduct a home study on an applicant and other household members and provide a written evaluation addressing the following issues:

Foster Care Home Study Requirements:
• Motivation to provide foster care;
• Willingness and ability to work cooperatively with an agency for the child's best interests;
• Plan to integrate a child into the household, and a plan for discussing foster care with the child;
• Attitude of each household member and other significant person involved with the applicant toward accepting a child;
• Applicant's attitude toward a birth parent or guardian of a child;
• Applicant's attitude toward and a plan for a child's visitation with a birth parent or guardian, biological sibling, and other family members if in the child's best interests;
• Emotional strengths and weaknesses of an applicant and how the applicant sees himself or herself and all other household members;
• Philosophy on child-rearing, positive behavior management, parental role, and experience with children;

Foster Care Home Study Requirements:
• Communication and problem-solving skills, including willingness to seek help and resources;
• Proof of income to show an applicant can make timely payments for shelter, food, utility costs, clothing, and other household expenses before adding a foster child or foster children to the home;
• State of marital and family relationships;
• Family history, including a description of early home life;
• Documentation of any private custody arrangement/order and any involvement in family court regarding custody issues;
• Information on medical conditions, including physical and mental health issues including any history of drug or alcohol abuse or treatment which might affect an applicant's ability to care for a child;
• Adjustments of any child already living in the applicant's home;
• Child care plan when the applicant works;
• Description of the applicant's home, including an assessment of the home's physical environment, neighborhood, and school district;
• Type of child sought for foster care;
• Determination of the type of child an applicant and other household members are able and willing to accommodate such as a certain age group (infant, toddler, preschool-age, school-age, or teenager), biological siblings, or a child with special needs, including the home's accessibility;
• If applicable, household pets;
• If applicable, experience in caring for a child with special needs;
• If applicable, an applicant's motivation to care for a child who is of a different race, to deal with the child's possible transitions to a new lifestyle and culture, and efforts to preserve the child's heritage;
• A recommendation concerning the type of child suitable or not suitable for placement with an applicant;
• Assessment of training needs and documentation of training received; and
• Documentation of home visits and interviews with an applicant and other household members.

C. A licensee shall ensure a copy of a home study is signed and dated by the applicant and provided to the applicant.

42. Initial Foster Care Approval

Once a home is approved, a licensee shall provide an approval letter or certificate. The approval shall state the foster parent has met the requirements for foster care established in these regulations and received a satisfactory evaluation based on a home study conducted by an agency licensed to perform foster care home studies. In addition, the approval shall include a start and end date that shows the dates of the home's approval. The approval shall be effective for no more than one year.

43. Updates as Needed

A. A licensee shall ensure a foster parent who joins the work force after being approved as a foster parent provides a child care plan to the agency.
B. A licensee shall ensure a foster parent receives agency approval for starting a business in a foster home and shows that any business activity will not interfere with the child's care.
C. A licensee shall ensure that a foster parent opening a family child care or large family child care license receives written approval from OCCL to be a dual service provider as stated in Subsection 39Q.
D. A licensee shall ensure a foster parent submits documentation of CPR and first aid, appropriate to the ages of the children in care, when certifications expire. The licensee shall keep documentation of these current certifications.
E. A licensee shall ensure health appraisals for a foster parent and other household members are conducted every two years based on the date of the first health appraisal provided to an agency. The appraisal shall confirm the individual's health and document medical or physical conditions that may limit the person's ability to care for a child or have direct access to children and any reasonable accommodations that may be required.

    1. Documentation from a health care provider shall be provided for a foster parent or household member's subsequent health condition that affects the foster parent or other adult household member's ability to care for a child or whether it poses a direct threat to a child's health and safety.
    2. A licensee shall ensure all household children are up to date on immunizations consistent with the recommendations of the American Academy of Pediatrics, the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention, and the American Academy of Family Physicians, unless the immunization is contrary to the child's health as documented by a licensed health care professional or is contrary to the parent or guardian's religious beliefs as documented by a notarized statement.

F. A licensee shall have a current payment schedule for foster care service. A current schedule shall be provided to each foster parent when it is updated.

44. Annual Requirements

A. A licensee shall ensure a staff member annually inspects the foster home for the requirements listed in Section 40.
B. A licensee shall ensure that a foster parent has an annual compliance review with a staff member to determine continued approval. The review shall also:

    1. Involve all other household members;
    2. Evaluate strengths and weaknesses;
    3. Determine training needs;

4. Assess the relationship between a foster parent, other household members, a child, and an agency staff member that affects the child in care;
5. Include a plan addressing reasons for continued approval; and
6. Include any corrective action with a target date and goal to come into compliance with these regulations or to improve service and relationship with an agency.

C. A licensee shall ensure and verify the information contained in the home study is accurate and create an addendum or update to document information that has changed. The foster parent shall sign the update or addendum and the agency shall provide a copy.
D. A licensee shall ensure a foster parent shows documentation of conducting two evacuation drills a year. The documentation must include the date the drill was conducted, how long it took to evacuate the home, and the names of the people who participated.
E. A licensee shall ensure that an applicant is reminded to report to an agency any subsequent arrest or criminal charge and any child abuse and neglect allegations and substantiations of himself or herself and any other household member while approved for foster care.
F. The licensee shall ensure a household member turning 18 years old has a background check by Delaware State Police within five business days of turning this age.
G. A licensee shall verify the foster parent has income to meet the household's needs and ensure the household's security and stability without the foster care payments.
H. A licensee shall ensure a foster parent receives at least 12 hours of training annually to support his or her parental role and remain up to date on policies, requirements, and services.
I. A licensee shall ensure that upon successful completion of each annual compliance review, the licensee provides an approval letter or certificate to a foster parent that is effective for no more than one year.
J. A licensee shall document the regular and ongoing opportunities for a child to engage in age and developmentally appropriate activities while in care that year.

45. Foster Parent Records

A. A licensee shall have documentation that the agency provided the positive behavior management policy to a foster parent and requires the foster parent to follow this policy.
B. A licensee shall keep a paper or electronic foster parent record containing the following information as required by these regulations:

Foster Parent Record Requirements:
• Application;
• Home study final evaluation report and addendums or updates;
• References;

Foster Parent Record Requirements:
• For adult household members, the Consent to Release Criminal History and Child Protection Registry Information form and verification form from the Delaware State Police that fingerprinting was completed;
• Verification of completed background check, child protection registry checks, and adult abuse registry checks;
• Adult household members' health appraisals including TB tests or risk assessments and, for child household members, health appraisals including immunization records unless the immunization is contrary to the child's health as documented by a licensed health care professional or is contrary to the parent or guardian's religious beliefs as documented by a notarized statement;
• Commendation, complaint record, and documentation of disciplinary action and history, if applicable;
• Report on annual compliance review;
• 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;
• Dual service agreement and documentation of annual review; and
• Termination summary when foster care is no longer provided, including reason for ending foster care.

C. A licensee shall receive written permission from a foster parent before releasing the foster parent's record to someone not employed by an agency, except when releasing the record to authorized personnel or pursuant to court order.

46. Notification to an Agency

A. A licensee shall ensure that a foster parent notifies an agency before allowing a person to visit a foster home for more than two weeks or move into a foster home.
B. The licensee shall document when a person moves into a foster home and require the new household member to meet the requirements applicable to a household member.
C. A licensee shall provide a foster parent with the agency's contact information to use after business hours for emergencies requiring immediate agency notification.
D. A licensee shall require a foster parent to notify an agency immediately when any of the following circumstances occur:

1. Death of the child;
2. Serious injury or illness involving medical/dental treatment of the child;
3. A child is absent without permission or runs away;
4. Removal or an attempt to remove the child from the foster home by a person or other agency without proper authority or authorization; or
5. Involvement of the child with law enforcement authorities.

E. A licensee shall ensure a foster parent notifies an agency within 24 hours when any of the following circumstances occur:

1. Serious incident, illness, or death in a household;
2. Subsequent criminal charge of the foster parent or household member;
3. Departure of a household member that affects the child;
4. Breakdown of equipment or loss of utilities in a foster home such as, but not limited to, a lack of heat, water, or electricity that lasts long enough to pose a threat to the child's health, safety, or well-being; or
5. Damage to a home due to an emergency event such as, but not limited to, a fire, flood, storm, or other disaster that affects the ability to stay or live safely in the foster home.

F. A licensee shall ensure a foster parent notifies an agency at least four weeks before a planned move from the foster home.

G. A licensee shall ensure a foster parent notifies an agency before using respite care and receives approval from the agency for a person providing the respite care.

PART III ADOPTION

47. General Policies and Practices

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 himself or herself and the child, including available alternative plans;
2. Resources to seek legal counsel about any questions regarding the legal results of relinquishing a child;
3. Procedures involved in relinquishing a child for adoption;
4. Counseling in resolving problems relating to a child's relinquishment;
5. Referral for hospitalization, maternity home care, or other community resources, as needed;
6. If appropriate, preparation of the child and the relinquishing birth parent or guardian for the separation; and
7. Search service for both the relinquishing birth parent or guardian and the child as provided by law.

B. A licensee shall inform a relinquishing birth parent or guardian of his or her right to receive, on request, the following information before relinquishment:

1. A description of an agency's criteria used in selecting an adoptive parent applicant if not already identified; and
2. Non-identifying background information on an adoptive parent applicant if already identified.

C. Before placing a child, a licensee shall 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:

Pre-Placement Documentation Requirements:
• Full name, age, address, phone number, and social security number, as appropriate, of a relinquishing birth parent or guardian;
• Attitudes of relinquishing birth parent or guardian and child, if appropriate, toward adoption;
• Reasons for relinquishing a child;
• Name, age, and address of siblings and other known family members;
• Social, physical, and mental history of a birth parent and other known family members;
• Child's name, birth date, sex, religion, race, nationality, height, weight, hair color, eye color, and identifying marks;
• Child's social security number;
• Child's physical, medical, mental, and educational history; and
• Child's health appraisal or medical update performed within 12 months before placement.

D. A licensee shall ensure that services, including financial, provided to or for a relinquishing birth parent or guardian are not dependent upon a decision to place a child for adoption.

E. A licensee shall maintain a record for a relinquishing birth parent or guardian and child that includes:

1. Information, as required by these regulations;
2. Updated information, if available, on the child's location; and
3. Summary of services provided.

F. A licensee shall inform a relinquishing birth parent or guardian of his or her right to maintain current contact information and responsibility to report to an agency hereditary or other medical conditions that may affect a child's health.

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

H. At the time of initial inquiry, a licensee shall have a written policy on evaluating an adoption application. This policy shall be available to an applicant and state:

1. An approach to involvement of an applicant in a self-evaluation of strengths and weaknesses;
2. Selection criteria for an applicant, including criteria an agency uses for rejection of an application;

3. How applications are processed, including a timeline for notifying an applicant of a decision regarding the application; and
4. A written appeal procedure provided to an applicant whose application has been denied explaining the appeal process, if an appeal is possible, how and when an appeal can be heard, and when a denial decision is final.

I. The licensee shall ensure a household member turning 18 years old has a background check by Delaware State Police within five business days of turning this age.

J. A licensee shall ensure an applicant is informed of the requirement to report to the agency any subsequent arrest or criminal charge and any child abuse or neglect allegations or substantiations of himself or herself and any other household member throughout an adoption process.

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

1. Matches a child with an adoptive parent to ensure the child's needs are met;
2. Addresses the need for siblings to remain together; and
3. Addresses the need for a child to preserve his or her cultural, racial, and religious identities.

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

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

48. Adoptive Parent Recruitment and Training

A. A licensee shall have a written plan describing strategies for recruiting adoptive parents.

B. A licensee shall hold adoptive parent training for providing basic information to an adoptive parent applicant. The agency shall document that the applicant attended a session and received training and information on the following topics:

Adoptive Parent Training Requirements:
• How the adoption process works;
• Children available for adoption;
• Issues specific to the type of adoption planned and child sought;
• Abuse and neglect including impact of trauma on child’s development;
• Prenatal substance abuse exposure;
• Adoption resources;
• Grief and loss;
• Attachment and bonding issues;

Adoptive Parent Training Requirements:
• Child development;
• Positive behavior management;
• Birth parent or former guardian relationships; and
• Lifelong adoptions issues.

49. Adoptive Parent Application Process

A licensee shall ensure an applicant completes the following steps to be approved as an adoptive parent:

A. Attend an adoptive parent training as described in Subsection 48B;
B. Complete an adoption application;
C. Submit a copy of a driver's license, State or federal identification, or birth certificate;
D. Submit the names, addresses, phone numbers, and email addresses of four references. At least three of these references shall be from people not related to the applicant;
E. Complete and submit documentation of fingerprinted background checks for the applicant and all adult household members;
F. Provide a list of all the states the applicant and adult household members have lived in during the past five years; and
G. Provide health appraisals for the applicant and household members, completed within one year before the application date, that includes a TB test or risk assessment. This form shall confirm the individual's health and document medical or physical conditions that may limit the person's ability to care for a child or have direct access to children and any reasonable accommodations that may be required. A licensee shall ensure all household children are up to date on immunizations consistent with the recommendations of the American Academy of Pediatrics, the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention, and the American Academy of Family Physicians, unless the immunization is contrary to the child's health as documented by a licensed health care professional or is contrary to the parent or guardian's religious beliefs as documented by a notarized statement. Health appraisals are to be updated every two years after the initial appraisal is submitted.

50. Evaluation of Application

A. A licensee shall contact the references provided by the applicant to determine the following:

    1. Explanation of how long, how well, and under what circumstances (i.e. neighbor, co-worker) a person knows the applicant;
    2. Observations of the applicant's interactions with a child;
    3. Description of the applicant's character;
    4. Signs of risk factors (i.e. substance abuse, anger issues, poor judgment);

5. Concerns about household members that will also be involved with the care or may have an effect on the child's care; and
6. Reason why adoption should or should not be recommended.

B. A licensee shall ensure an applicant and adult household members are 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 standards of honesty or ethical conduct.
C. A licensee shall ensure an applicant and adult household members obtain a child abuse and neglect check from states in which he or she resided over the past five years according to the Adam Walsh Child Protection Safety Act of 2006.
D. A licensee shall ensure an applicant and adult household members obtain a Delaware Family Court records check.
E. A licensee shall ensure a person who is active on the Delaware child protection registry at a Level III or Level IV is prohibited from being an adoptive parent while on the child protection registry.
F. A licensee shall ensure an applicant and adult household members are in agreement with, and aware of, a decision to adopt. The licensee may make exceptions when the household member involved is incapable of communication or informed decision-making and poses no threat to the child's health, safety, or well-being.
G. A licensee shall ensure a disability of an applicant or household member is only considered as it affects the ability to care for a child.
H. A licensee shall ensure an applicant demonstrates emotional stability, good character, a responsible adult lifestyle, freedom from abuse of alcohol or medications, and freedom from use of any illegal drug. A licensee shall ensure an applicant and household members disclose substance abuse issues including any history of drug or alcohol abuse or treatment.
I. A licensee shall ensure an applicant has the ability to provide to a child nurturing care, supervision, reasonable positive behavior management, and a home-like environment that is free from domestic violence.
J. A licensee shall ensure an applicant demonstrates a capacity for setting realistic expectations for child's behavior and performance based on the age, ability, and special needs of a child.
K. A licensee shall ensure an 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.
L. A licensee shall require an applicant to show evidence of a stable living arrangement for at least one year. Evidence may include length of relationship, a community connection, and support system.
M. A licensee shall require an applicant to be at least 21 years old. The licensee may make exceptions after documenting that a younger applicant would not endanger the child's health, safety, or well-being.
N. A licensee shall document that an applicant has income to meet the household's needs and ensure the household's security and stability.
O. A licensee shall ensure an applicant who works outside the home provides a child care plan to the agency.

P. A licensee shall ensure that an applicant receives approval from an agency for a business conducted in a home showing business activities will not interfere with the child's care.

Q. A licensee shall ensure documentation is provided to an applicant explaining why the applicant was approved or denied as an adoptive parent based on the information gathered from the home study, application review, and home's inspection.

51. Home Environment, Pre-Approval Visits, and Home Study

A. 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 occupants' health and safety. A licensee may require an applicant to provide documentation that a home complies with State or local laws, codes, regulations, and ordinances.

B. A licensee shall meet with an adoptive parent applicant at least three times. At least one meeting shall occur in the home of the adoptive parent applicant and include meeting with other household members. Two more meetings shall occur at a location where the applicant can be privately interviewed.

C. A licensee shall conduct a home study of an adoptive parent applicant and other household members that includes a written evaluation addressing the following issues:

Adoptive Home Study Requirements:
• Motivation to adopt;
• Willingness and ability to work cooperatively with an agency for the child's best interests;
• A plan to integrate a child into the household, and a plan for discussing adoption with the child;
• Description of the attitude of each household member and other significant person involved with the adoptive parent applicant toward accepting a child;
• Description of feelings about a birth parent or guardian relinquishing a child for adoption or whose parental rights were terminated;
• Description of an applicant's attitude toward the possible contact between a child and a biological sibling, relinquishing birth parent, or guardian;
• Emotional strengths and weaknesses of an applicant and how the applicant sees himself or herself and all other household members;
• Philosophy on child-rearing, positive behavior management, parental role, and experience with children;
• Communication and problem-solving skills, including willingness to seek help and resources;
• Proof of income to show an applicant can make timely payments for shelter, food, utility costs, clothing, and other household expenses;
• Proof of homeowner or renter's insurance;
• Proof of vehicle insurance, if applicable;

Adoptive Home Study Requirements:
• Verification of marriage/divorce and other family relationships;
• Family history, including a description of early home life;
• Description and documentation of any private custody arrangement/order and any involvement in family court regarding custody issues;
• Information on medical conditions, including physical and mental health issues including any history of drug or alcohol abuse or treatment which might affect an applicant's ability to care for a child;
• Guardianship plan for a child in the event of an applicant's incapacitation or death;
• Adjustments of any child already living within the applicant's home;
• Child care plan when the applicant works;
• Description of the applicant's home, including an assessment of the home's physical environment, neighborhood, and school district;
• Type of child sought for adoption;
• Determination of the type of child an applicant and other household members are able and willing to adopt such as ethnicity or of a certain age group (infant, toddler, preschool-age, school-age, or teenager), biological siblings, or a child with special needs, including the home's accessibility;
• If applicable, experience in caring for a child with special needs;
• If applicable, an applicant's motivation to adopt a child who is of a different race or from a different country (international adoption), to deal with the child's possible transitions to a new lifestyle and culture, and to preserve the child's heritage;
• If applicable, household pets;
• A recommendation concerning the type of child suitable or not suitable for adoption by the applicant;
• Assessment of training needs and documentation of training received; and
• Documentation of home visits and interviews with the applicant and other household members.

D. A licensee shall ensure the applicant signs and dates the home study. A licensee shall provide a copy of the home study to an applicant.

52. Adoptive Parent Approval

Once an agency approves an applicant, a licensee shall ensure an agency provides an approval letter or certificate to an applicant. The approval shall state the pre-adoptive parent has met the requirements for adoption as established in these regulations and received a satisfactory evaluation based on a home study conducted by an agency licensed to perform adoption home studies. In addition, the approval shall include a start and end date that shows the dates of the home's approval. The approval shall be effective for no more than one year.

53. Home Study Updates

A. A licensee shall prepare an update or addendum when there is a significant change and no less frequently than one year from the date the home study was approved.
B. A licensee shall create an update or 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.
C. A licensee shall ensure a home study contains all required items and is kept current and accurate at the time of placement through finalization.
D. A licensee shall complete a new home study within three years of the initial home study.
E. A licensee shall ensure an applicant signs and dates an update or addendum.

54. Adoptive Parent Records

A licensee shall maintain a paper or electronic record for an adoptive parent containing the following information as required by these regulations:

A. Application;
B. Home study final evaluation report;
C. References;
D. Fingerprinting verification form from the Delaware State Police for all adult household members;
E. Verification of completed criminal history record check, child protection registry check, and adult abuse registry check;
F. Adult household members' health appraisals with TB test or risk assessment and, for child household members, health appraisals including immunization records unless the immunization is contrary to the child's health as documented by a licensed health care professional or is contrary to the parent or guardian's religious beliefs as documented by a notarized statement;
G. Evaluation of a home's physical environment;
H. Summary of services, visits, and contacts;
I. Legal documents obtained during an adoption process; and
J. Information provided about a child.

55. Information Given to a Pre-Adoptive Parent

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

Information for Adoptive Parent:
• Date of agency's custody of the child;
• Name, birth date, sex, race, ethnicity, and other significant identifying physical information;

Information for Adoptive Parent:
• Pictures or videos of a child;
• Dates of placement, current caretaker, and current living condition;
• Information about birth parents, former guardians, family members, and significant others, and nature of a relationship, as permitted by law;
• Religious preference;
• Immediate and significant medical care need;
• Immediate and significant educational need;
• Developmental and medical history;
• A child's physical and emotional state;
• The circumstance leading to availability for adoption;
• Physical and emotional trauma experienced by a child;
• Known previous out-of-home placements;
• For a child with special needs, an assessment of the child's long-term need, adoption subsidy information, and community resources;
• Supplemental Security Income (SSI) or Social Security eligibility of a child;
• Current international adoption situation;
• Country of origin adoption's requirement, health issues, travel information, and assistance;
• Institutional disorders such as those relevant to a child in an orphanage, including possible developmental delay;
• Attachment issues;
• Adoption risk especially pertaining to international adoption;
• Available cultural support system;
• Birth parent involvement if open adoption; and
• Finalization information.

B. A licensee shall keep documentation on a process of how an agency has gathered or attempted to gather the information required while preparing for an adoption.

C. A licensee shall readily share available adoption preparation information with a pre-adoptive parent, or explain any difficulty or failure to obtain information and provide a record of attempts to obtain such information.

D. A licensee shall ensure that a pre-adoptive parent 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.

E. A licensee shall promptly provide information to a pre-adoptive parent that affects the adoption placement, including but not limited to suspension of an adoption program.

F. A licensee shall provide a pre-adoptive parent with a refund policy for when a promised adoption service has not been provided or when a situation may prevent or disrupt an adoption.

G. 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:

1. There has been a termination of parental rights pursuant to statute;
2. There has been a determination of legal responsibility for a child in a new country; and
3. There has been proof that the adoption requirements in a foreign country can be satisfied.

56. Post-Placement Services

A. A licensee shall assist a pre-adoptive parent during the post-placement period until finalization as follows:

1. Assign a caseworker who is responsible for providing services to a pre-adoptive parent;
2. Offer assistance with steps toward integrating a child into a new family;
3. Provide help with problems that may occur, including referrals for services outside of an agency's capability; and
4. If applicable, provide information on adoption subsidies.

B. A licensee shall maintain in-person contact with a pre-adoptive parent and child during the post-placement period of at least six months until finalization as follows:

1. The first in-person contact shall occur within two weeks of placement or within a term required by the Interstate Compact on the Placement of Children;
2. After the first contact, a minimum of three in-person visits shall be required;
3. At least one in-person contact shall be made in a pre-adoptive parent's home; and
4. Each household member shall be interviewed in-person at least once during the post-placement period.

C. The agency shall comply with 13 **Del.C.** §905 and not remove a child who is legally free for adoption from an adoptive placement prior to the adoption without good cause.

D. The licensee providing international adoptions that are finalized before a family returns to the United States, shall provide post adoption services as follows:

1. The first in-person contact shall occur within 30 days of placement;
2. The services shall be provided for a minimum of one year; and
3. A minimum of three visits shall be required.

57. Finalization

A. A licensee providing international adoptions shall provide a child's legal documents received from the child's country of origin to a pre-adoptive parent.
B. A licensee shall explain the pre-adoptive parent's right to appoint an attorney of his or her choice for the finalization of an adoption, when applicable.
C. A licensee shall provide required documentation to the appropriate State office or agency when finalizing an adoption.
D. A licensee shall ensure for interstate adoption placement where Delaware is the state of origin, the requirements for services following an adoptive placement meet the requirements of the finalizing state.
E. A licensee shall ensure all families are made aware of post-adoption services that are available in the State.

Appendix 1: Child Placing Agency – Initial License Application

OFFICE USE ONLY	
Date assigned:	_____
Licensing specialist:	_____
Supervisor:	_____

STATE OF DELAWARE
DEPARTMENT OF EDUCATION
OFFICE OF CHILD CARE LICENSING (OCCL)
CHILD PLACING AGENCY
INITIAL LICENSE APPLICATION

Please print all responses.

Date received:

Before completing this application, review *DELACARE: Regulations for Child Placing Agencies.* Answer all applicable questions and attach all required application materials/documents.

- The "applicant" is the individual owner if not a corporation or limited liability company (LLC). For a corporation, it is the president. For an LLC, it is the managing member. This individual must sign the application or provide written authorization allowing the chief administrator to sign.
- The "agency" is the legal name by which the agency will be known.
- The "chief administrator" is the agency staff member designated by the licensee or governing body as having day-to-day responsibilities for the overall administration and operation of the agency. This person assures the care, treatment, safety, and protection of child clients and meets the qualifications in the regulations.
- The "entity" is the corporation or LLC that is responsible for and has authority over the operation of the agency.

This application will be active for one year. If you are not licensed within one year of OCCL receiving this application, you will need to attend orientation again and submit a new application. Other information may also need to be updated.

SECTION A – Identification

Applicant name: _____ Will individual be on-site or have interaction with children in care? ☐ Yes ☐ No

Cell phone #: _____ Fax #: _____ Email: _____

Home address: _____
(street) (city) (state) (zip)

Agency name: _____

Phone #: _____ Fax #: _____ Email: _____

Address: _____
(street) (city) (county) (state) (zip)

Chief administrator name: _____ Will individual be on-site or have interaction with children in care? ☐ Yes ☐ No

Title: _____

Cell phone #: _____ Fax #: _____ Email: _____

Address: _____
(street) (city) (state) (zip)

Parent organization, if applicable: _____

Phone #: _____ Fax #: _____ Email: _____

Address: _____
(street) (city) (state) (zip)

CHU contact

Please provide a contact person and email to receive the fingerprinted background check results from the Criminal History Unit (CHU). The results will contain confidential information about each person's eligibility for employment.

CHU contact name: _____ Email: _____

SECTION B – Entity Information (as applicable)
If there is no entity, check "individual" and skip the related entity information.

Submit one:
☐ Delaware State business license
-or-
☐ Proof of non-profit status (for example, letter of tax-exempt status or 501(c)(3) documents)

Entity name: _____ Entity type: ☐ Individual ☐ Corporation ☐ Limited liability company (LLC)

Entity address: _____
(street) (city) (state) (zip)

Phone #: _____ Fax #: _____ Email: _____

1. If entity is an LLC, list below a name, address, email, and phone number for the managing member.
2. If entity is a corporation, list below a name, address, email, and phone number for each corporate officer.

For corporation: officers For LLC: managing member	Title	Address and email	Will this person be on-site or have access to children? No	Yes

SECTION C – Licensure Background

List any other agency locations in Delaware that provide child-placing services:

Name	Address	Telephone

SECTION D – Previous Licensure

Has any person listed on page 1 or 2 of this application been previously licensed or approved to care for children in Delaware or any other state? ☐ Yes ☐ No

List the name and address of the licensed/approved agency/facility/home, and the dates for which a license or approval was given.

_____

_____

_____

Has any person listed on page 1 or 2 of this application ever had an application or license to provide care for children in Delaware or any other state denied, revoked, suspended, withdrawn, or placed on probation? ☐ Yes ☐ No

List the name and address of the agency/facility/home, the person's relationship to the facility, type of action, and the date of this event.

_____

_____

_____

SECTION E – References for the Applicant

List three individuals in the community who are not related to the applicant. **OCCL will contact these references.**

Name	Address	Telephone/Email

SECTION F – Staffing (attach an additional sheet if needed)

Name	Position/Title	Date of birth	Race*	Works 30 or more hours/week
				☐ Yes ☐ No
				☐ Yes ☐ No
				☐ Yes ☐ No
				☐ Yes ☐ No
				☐ Yes ☐ No
				☐ Yes ☐ No
				☐ Yes ☐ No
				☐ Yes ☐ No
				☐ Yes ☐ No
				☐ Yes ☐ No
				☐ Yes ☐ No
				☐ Yes ☐ No
				☐ Yes ☐ No

***Race is a DSCYF database required field. Select a designation below to complete this field.**

AI=American Indian/Alaskan Native B=Black/African-American NH=Native Hawaiian/Pacific Islander
A=Asian H=Hispanic W=White ND=Not Determined

SECTION G – Program Information

***Service(s) provided*:** ☐ Foster care ☐ Adoption

***Area(s) served*:** ☐ New Castle County ☐ Kent County ☐ Sussex County ☐ statewide

Sex(es) of children to be served: ☐ Male ☐ Female

Ages of children to be served

Example: From 4 years to 17 years

From _____ to _____

SECTION H – Certification and Signature

- I have read, understand, and agree to comply with *DELACARE: Regulations for Child Placing Agencies*.
- I am aware that the operation of a child placing agency without a license is a violation of 14 Delaware Code, §3005A and that anyone who violates a provision of this subchapter will be fined or imprisoned or both.
- I agree to allow OCCL employees to inspect all aspects of the agency named here which impact children in care and to interview any staff member of the agency or any child in care.
- I understand that the Department's Office of Child Care Licensing is required under 14 Delaware Code, §3004A to make a thorough investigation to determine the good character and intention of the applicant or applicants by contacting references and other relevant people or agencies; the present and prospective need of the service rendered; that capable, qualified workers will be employed; that there is sufficient financial backing to ensure effective work; that there is a probability of the service being continued for a reasonable period of time; that the methods used and disposition made of the children served will be to their best interests and that of society and that the required criminal background checks are completed.
- I agree that identifying information, including my name, address, contact information, status of my license, enforcement actions, non-compliances, and substantiated complaints will be made available to the general public through a variety of means including via the OCCL website.
- I agree to allow Department representatives access to any information reasonably related to compliance with applicable licensing requirements including but not limited to children's case records, personnel files, and financial and administrative records.
- I agree to immediately notify OCCL by direct voice contact during OCCL's working hours of the death of a child while in care. If a death occurs after such working hours, I will immediately call the 24-Hour Child Abuse Report Line, 1-800-292-9582.
- I agree to comply with Title VI of the Civil Rights Act of 1964. I recognize that Title VI prohibits discrimination in the selection or eligibility of individuals to receive services, and prohibits segregation or other discriminatory practices in the manner of providing services. If I do not meet these requirements or do not take measures necessary to meet these requirements, it is understood that the license will be revoked.
- I hereby certify that to the best of my knowledge the applicant, owner, designated representative, members of the staff, board members, and officers of the corporation do not have any conviction, current indictment, or substantial evidence of involvement in any criminal activity involving violence against a person; child abuse or neglect; possession, sale, or distribution of illegal drugs; sexual misconduct; gross irresponsibility or disregard for the safety of others; or serious violation of accepted standards of honesty or ethical behaviors. I further certify if I have knowledge of any convictions, indictments, or substantial evidence involving any of the persons cited above, I will promptly notify OCCL.
- I certify that to the best of my knowledge all information I have given to OCCL and/or its authorized agent is true and correct. I will supply true and correct information requested during all subsequent contacts. If it is determined that information submitted was false or that information was omitted, it could result in an action of warning of probation, probation, or the denial, suspension, or revocation of the license.

_____ _____

Signature of applicant Date

Notice: See the definition of "applicant" on page 1 for instructions on who may sign.

_____

Print name and title

STATE OF _____)
: SS
COUNTY OF _____)

Signed and attested before me this _____.

_____ _____

Signature of notarial officer Print name

(seal)

Appendix 2: Child Placing Agency – Renewal/Relocation License Application

OFFICE USE ONLY Licensing specialist: _____	**STATE OF DELAWARE** **DEPARTMENT OF EDUCATION** **OFFICE OF CHILD CARE LICENSING (OCCL)** **CHILD PLACING AGENCY** **RENEWAL/RELOCATION LICENSE APPLICATION**	**Please print all responses.** Date received:

License expiration date: ____/____/____ License number: _____

Check application type: ☐ Renewal ☐ Relocation

Before completing this application, review *DELACARE: Regulations for Child Placing Agencies.* Answer all applicable questions and attach all required application materials/documents.

- The "applicant" is the individual owner if not a corporation or limited liability company (LLC). For a corporation, it is the president. For an LLC, it is the managing member. This individual must sign the application or provide written authorization allowing the chief administrator to sign.
- The "agency" is the legal name by which the agency will be known.
- The "chief administrator" is the agency staff member designated by the licensee or governing body as having day-to-day responsibilities for the overall administration and operation of the agency. This person assures the care, treatment, safety, and protection of child clients and meets the qualifications in the regulations.
- The "entity" is the corporation or LLC that is responsible for and has authority over the operation of the agency.

SECTION A – Identification

Applicant name: _____ Will individual be on-site or have interaction with children in care? ☐ Yes ☐ No

Cell phone #: _____ Fax #: _____ Email: _____

Home address: _____
(street) (city) (state) (zip)

Agency name: _____

Phone #: _____ Fax #: _____ Email: _____

Address: _____
(street) (city) (county) (state) (zip)

Chief administrator name: _____ Will individual be on-site or have interaction with children in care? ☐ Yes ☐ No

Title: _____

Cell phone #: _____ Fax #: _____ Email: _____

Address: _____
(street) (city) (state) (zip)

Parent organization, if applicable: _____

Phone #: _____ Fax #: _____ Email: _____

Address: _____
(street) (city) (state) (zip)

CHU contact

Please provide a contact person and email to receive the fingerprinted background check results from the Criminal History Unit (CHU). The results will contain confidential information about each person's eligibility for employment.

CHU contact name: _____ Email: _____

SECTION B – Entity Information (as applicable)
If there is no entity, check "individual" and skip the related entity information.

Submit one:
☐ Delaware State business license
-or-
☐ Proof of non-profit status (for example, letter of tax-exempt status or 501(c)(3) documents)

Entity name: _____ Entity type: ☐ Individual ☐ Corporation ☐ Limited liability company (LLC)

Entity address: _____
(street) (city) (state) (zip)

Phone #: _____ Fax #: _____ Email: _____

3. If entity is an LLC, list below a name, address, email, and phone number for the managing member.
4. If entity is a corporation, list below a name, address, email, and phone number for each corporate officer.

For corporation: officers For LLC: managing member	Title	Address and email	Will this person be on-site or have access to children? No	Yes

SECTION C – Licensure Background

List any other agency locations in Delaware that provide child-placing services:

Name	Address	Telephone

SECTION D – Staffing (attach an additional sheet if needed)

Name	Position/Title	Date of birth	Race*	Works 30 or more hours/week
				☐ Yes ☐ No
				☐ Yes ☐ No
				☐ Yes ☐ No
				☐ Yes ☐ No
				☐ Yes ☐ No
				☐ Yes ☐ No
				☐ Yes ☐ No
				☐ Yes ☐ No
				☐ Yes ☐ No
				☐ Yes ☐ No
				☐ Yes ☐ No
				☐ Yes ☐ No
				☐ Yes ☐ No
				☐ Yes ☐ No
				☐ Yes ☐ No

***Race is a DSCYF database required field. Select a designation below to complete this field.**

AI=American Indian/Alaskan Native B=Black/African American NH=Native Hawaiian/Pacific Islander
A=Asian H=Hispanic W=White ND=Not Determined

SECTION E – Program Information

Service(s) provided: ☐ Foster care ☐ Adoption services

Area(s) served: ☐ New Castle County ☐ Kent County ☐ Sussex County ☐ statewide

Sex(es) of children to be served: ☐ Male ☐ Female

Ages of children to be served
Example: From 4 years to 17 years

From _____ to _____

Do you anticipate changes in services offered in the next 12 months? ☐ Yes ☐ No

If the answer is "Yes," what is the anticipated change? _____

_____

_____

_____

SECTION F – Certification and Signature

- I have read, understand, and agree to comply with *DELACARE: Regulations for Child Placing Agencies*.
- I am aware that the operation of a child placing agency without a license is a violation of 14 Delaware Code, §3005A and that anyone who violates a provision of this subchapter will be fined or imprisoned or both.
- I agree to allow OCCL to inspect all aspects of the agency named here which impact children in care and to interview any staff member of the agency or any child in care.
- I understand that the Department's Office of Child Care Licensing is required under 14 Delaware Code, §3004A to make a thorough investigation to determine the good character and intention of the applicant or applicants by contacting references and other relevant people or agencies; the present and prospective need of the service rendered; that capable, qualified workers will be employed; that there is sufficient financial backing to ensure effective work; that there is a probability of the service being continued for a reasonable period of time; that the methods used and disposition made of the children served will be to their best interests and that of society and that the required criminal background checks are completed.
- I agree that identifying information, including my name, address, contact information, status of my license, enforcement actions, non-compliances, and substantiated complaints will be made available to the general public through a variety of means including via the OCCL website.
- I agree to allow Department representatives access to any information reasonably related to compliance with applicable licensing requirements including but not limited to children's case records, personnel files, and financial and administrative records.
- I agree to immediately notify OCCL by direct voice contact during OCCL's working hours of the death of a child while in care. If a death occurs after such working hours, I will immediately call the 24-Hour Child Abuse and Report Line, 1-800-292-9582.
- I agree to comply with Title VI of the Civil Rights Act of 1964. I recognize that Title VI prohibits discrimination in the selection or eligibility of individuals to receive services, and prohibits segregation or other discriminatory practices in the manner of providing services. If I do not meet these requirements or do not take measures necessary to meet these requirements, it is understood that the license will be revoked.
- I hereby certify that to the best of my knowledge the applicant, owner, designated representative, members of the staff, board members, and officers of the corporation do not have any conviction, current indictment, or substantial evidence of involvement in any criminal activity involving violence against a person; child abuse or neglect; possession, sale, or distribution of illegal drugs; sexual misconduct; gross irresponsibility or disregard for the safety of others; or serious violation of accepted standards of honesty or ethical behaviors. I further certify if I have knowledge of any convictions, indictments, or substantial evidence involving any of the persons cited above, I will promptly notify OCCL.
- I certify that to the best of my knowledge all information I have given to OCCL and/or its authorized agent is true and correct. I will supply true and correct information requested during all subsequent contacts. If it is determined that information submitted was false or that information was omitted, it could result in an action of warning of probation, probation, or the denial, suspension, or revocation of the license.

For relocation applications:

- I understand child care services cannot be provided at this new address until a license has been issued by OCCL to operate.
- OCCL will conduct a pre-licensing visit to ensure compliance with *DELACARE Regulations* before issuing a license at the new address.

_____ _____

Signature of applicant Date

Notice: See the definition of "applicant" on page 1 for instructions on who may sign.

_____

Print name and title

STATE OF _____)
: SS
COUNTY OF _____)

Signed and attested before me this _____.

_____ _____

Signature of notarial officer Print name

(Seal)

APPENDIX 3:

2018 Recommended Immunizations for Children from Birth Through 6 Years Old

Birth	1 month	2 months	4 months	6 months	12 months	15 months	18 months	19–23 months	2–3 years	4–6 years
HepB	HepB			HepB						
		RV	RV	RV						
		DTaP	DTaP	DTaP		DTaP				DTaP
		Hib	Hib	Hib	Hib					
		PCV13	PCV13	PCV13	PCV13					
		IPV	IPV	IPV						IPV
				Influenza (Yearly)*						
					MMR					MMR
					Varicella					Varicella
					HepA§					

Is your family growing? To protect your new baby and yourself against whooping cough, get a Tdap vaccine. The recommended time is the 27th through 36th week of pregnancy. Talk to your doctor for more details.

Shaded boxes indicate the vaccine can be given during shown age range.

NOTE:
If your child misses a shot, you don't need to start over, just go back to your child's doctor for the next shot. Talk with your child's doctor if you have questions about vaccines.

FOOTNOTES:

* Two doses given at least four weeks apart are recommended for children aged 6 months through 8 years of age who are getting an influenza (flu) vaccine for the first time and for some other children in this age group.

§ Two doses of HepA vaccine are needed for lasting protection. The first dose of HepA vaccine should be given between 12 months and 23 months of age. The second dose should be given 6 months after the last dose. HepA vaccination may be given to any child 12 months and older to protect against HepA. Children and adolescents who did not receive the HepA vaccine and are at high-risk, should be vaccinated against HepA.

If your child has any medical conditions that put him at risk for infection or is traveling outside the United States, talk to your child's doctor about additional vaccines that he may need.

SEE BACK PAGE FOR MORE INFORMATION ON VACCINE-PREVENTABLE DISEASES AND THE VACCINES THAT PREVENT THEM.

For more information, call toll free
1-800-CDC-INFO (1-800-232-4636)
or visit
www.cdc.gov/vaccines/parents

U.S. Department of Health and Human Services
Centers for Disease Control and Prevention

AMERICAN ACADEMY OF FAMILY PHYSICIANS
STRONG MEDICINE FOR AMERICA

American Academy of Pediatrics
DEDICATED TO THE HEALTH OF ALL CHILDREN™

Vaccine-Preventable Diseases and the Vaccines that Prevent Them

Disease	Vaccine	Disease spread by	Disease symptoms	Disease complications
Chickenpox	Varicella vaccine protects against chickenpox.	Air, direct contact	Rash, tiredness, headache, fever	Infected blisters, bleeding disorders, encephalitis (brain swelling), pneumonia (infection in the lungs)
Diphtheria	DTaP* vaccine protects against diphtheria.	Air, direct contact	Sore throat, mild fever, weakness, swollen glands in neck	Swelling of the heart muscle, heart failure, coma, paralysis, death
Hib	Hib vaccine protects against *Haemophilus influenzae* type b.	Air, direct contact	May be no symptoms unless bacteria enter the blood	Meningitis (infection of the covering around the brain and spinal cord), intellectual disability, epiglottitis (life-threatening infection that can block the windpipe and lead to serious breathing problems), pneumonia (infection in the lungs), death
Hepatitis A	HepA vaccine protects against hepatitis A.	Direct contact, contaminated food or water	May be no symptoms, fever, stomach pain, loss of appetite, fatigue, vomiting, jaundice (yellowing of skin and eyes), dark urine	Liver failure, arthralgia (joint pain), kidney, pancreatic, and blood disorders
Hepatitis B	HepB vaccine protects against hepatitis B.	Contact with blood or body fluids	May be no symptoms, fever, headache, weakness, vomiting, jaundice (yellowing of skin and eyes), joint pain	Chronic liver infection, liver failure, liver cancer
Influenza (Flu)	Flu vaccine protects against influenza.	Air, direct contact	Fever, muscle pain, sore throat, cough, extreme fatigue	Pneumonia (infection in the lungs)
Measles	MMR** vaccine protects against measles.	Air, direct contact	Rash, fever, cough, runny nose, pinkeye	Encephalitis (brain swelling), pneumonia (infection in the lungs), death
Mumps	MMR**vaccine protects against mumps.	Air, direct contact	Swollen salivary glands (under the jaw), fever, headache, tiredness, muscle pain	Meningitis (infection of the covering around the brain and spinal cord) , encephalitis (brain swelling), inflammation of testicles or ovaries, deafness
Pertussis	DTaP* vaccine protects against pertussis (whooping cough).	Air, direct contact	Severe cough, runny nose, apnea (a pause in breathing in infants)	Pneumonia (infection in the lungs), death
Polio	IPV vaccine protects against polio.	Air, direct contact, through the mouth	May be no symptoms, sore throat, fever, nausea, headache	Paralysis, death
Pneumococcal	PCV13 vaccine protects against pneumococcus.	Air, direct contact	May be no symptoms, pneumonia (infection in the lungs)	Bacteremia (blood infection), meningitis (infection of the covering around the brain and spinal cord), death
Rotavirus	RV vaccine protects against rotavirus.	Through the mouth	Diarrhea, fever, vomiting	Severe diarrhea, dehydration
Rubella	MMR** vaccine protects against rubella.	Air, direct contact	Children infected with rubella virus sometimes have a rash, fever, swollen lymph nodes	Very serious in pregnant women—can lead to miscarriage, stillbirth, premature delivery, birth defects
Tetanus	DTaP* vaccine protects against tetanus.	Exposure through cuts in skin	Stiffness in neck and abdominal muscles, difficulty swallowing, muscle spasms, fever	Broken bones, breathing difficulty, death

* DTaP combines protection against diphtheria, tetanus, and pertussis.
** MMR combines protection against measles, mumps, and rubella.

Last updated August 2018 • CS295321-A

APPENDIX 4: The Delaware Child Care Act

TITLE 14
Education
Free Public Schools
CHAPTER 30A. The Delaware Child Care Act

§ 3001A Short title.

This chapter may be referred to and cited as "The Delaware Child Care Act."

82 Del. Laws, c. 184, § 3.;

§ 3002A Definitions.

For the purpose of this chapter:

(1) "Child care" means and includes:

a. Any person, association, agency or organization which:

1. Has in custody or control 1 child or more under the age of 18 years, unattended by parent or guardian, for the purpose of providing such child or children with care, education, protection, supervision or guidance;

2. Is compensated for their services;

3. Advertises or holds himself, herself or itself out as conducting such child care;

b. The provision of, or arranging for, the placement of children in foster care homes, adoptive homes or supervised independent living arrangements pursuant to the provisions of Title 31; and

c. Family child care homes, large family child care homes, day care centers, child placing agencies, residential child care facilities and day treatment programs as currently defined by regulation. Day-care centers operating part- or full-day are subject to licensure. Homes in which children have been placed by any child placing agency properly licensed to place children in this State shall not be regarded as "child care."

(2) "Office of Child Care Licensing" (or "OCCL") means the Office of Child Care Licensing within the Department of Education.

82 Del. Laws, c. 184, § 3.;

§ 3003A Powers of the Office of Child Care Licensing with respect to child care.

(a) Any person or association conducting child care and all institutions, agencies, and associations or organizations receiving and placing or caring for dependent, neglected or delinquent minors, including organizations providing care of children whether dependent or otherwise, in lieu of the care and supervision ordinarily provided by parents in their own homes for periods of less than 24 hours a day, must accord the Office of Child Care Licensing or its authorized agents right of entrance, privilege of inspection, and access to its accounts and reports.

(b) A person or association conducting child care and all institutions, agencies, associations, or organizations receiving and placing or caring for dependent, neglected, or delinquent minors shall make reports at such time as is required by the Office of Child Care Licensing as to conditions of such child care, the manner and way in which children are taken care of, former addresses, and such other information as will show the social status of the child, how and to whom dismissed, the extent and source of its income, the cost of maintenance, and such other reasonable information as will enable the Office of Child Care Licensing to promote the general welfare of the children and to work out a general program for their care and protection.

(c) The Office of Child Care Licensing may prescribe, by regulation or otherwise, any reasonable standards for the conduct of such child care facilities, institutions, agencies, associations, or organizations and may license such of these as conform to such standards. Regulations promulgated under this chapter must include all of the following:

(1) Any application form required to apply for licensure under this chapter.

(2) All of the specific requirements to obtain, retain, or renew a license under this chapter.

(3) Due process provisions that provide all of the following:

a. That notice is required when a deficiency is alleged.

b. The informal and formal procedures to contest an alleged deficiency.

82 Del. Laws, c. 184, § 3.;

§ 3004A Child care licenses; investigation; requirements; notice; hearings and appeals.

(a) No person may conduct child care, nor may any institution, agency, association, or organization conduct child care, unless first having obtained a license from the Office of Child Care Licensing. Such license shall expire 1 year from the date it is issued unless renewed.
(b) In the case of a person conducting child care, no license shall be issued to such person until the Office of Child Care Licensing has made a thorough investigation and has determined in accordance with reasonable standards:

(1) The good character and intention of the applicant or applicants;
(2) That the individual home or facility meets the physical, social, moral, mental, and educational needs of the average child;
(3) Whether the rules and requirements of the Office of Child Care Licensing are properly met; and
(4) That the required criminal background checks are completed and approved.

(c) In the case of an institution, agency, association, or organization, no license shall be issued until the Office of Child Care Licensing has made a thorough investigation and has made a favorable determination of:

(1) The good character and intention of the applicant or applicants;
(2) The present and prospective need of the service rendered;
(3) The employment of capable, trained and experienced workers;
(4) Sufficient financial backing to ensure effective work;
(5) The probability of the service being continued for a reasonable period of time;
(6) Whether the methods used and disposition made of the children served will be to their best interests and that of society;
(7) Whether the rules and requirements of the Office of Child Care Licensing are properly met; and
(8) That the required criminal background checks are completed and approved.

(d) This section shall not apply to any institution, agency, association, or organization under state ownership and control, nor shall it apply to any maternity ward of a general hospital.
(e) Before any license issued under this chapter is revoked or a license application is denied, notice shall be given in writing to the holder of the license setting forth the particular reasons for such action.

(1) Such revocation or license application denial shall become effective 30 business days after the date of the receipt by certified mail, regular U.S. mail, or personal service of the notice, unless the applicant or licensee within 10 business days from the date of the receipt of such notice gives written notice to the Office of Child Care Licensing requesting a hearing, in which case the proposed action shall be deemed to be suspended.
(2) If a hearing has been requested, the applicant or licensee shall be given an opportunity for a prompt and fair hearing before a hearing officer designated by the Department of Education in accordance with § 10125 of Title 29.
(3) At any time during, or prior to the hearing, the Office of Child Care Licensing may rescind any notice upon being satisfied that the reasons for revocation or license application denial have been or will be removed.

(f) The procedure governing hearings authorized by this section shall be in accordance with § 10125 of Title 29 and regulations promulgated by the Department of Education.
(g) A full and complete record shall be kept of all proceedings, and all testimony shall be reported but need not be transcribed unless the decision is appealed pursuant to this section. A copy or copies of the transcript may be obtained by a party upon payment of the cost of preparing the transcript. Witnesses may be subpoenaed by either party.
(h) Within 10 business days of the date of the revocation or license application denial hearing, or within 5 business days of the date of a suspension hearing, the hearing officer will issue recommendations to the Secretary of the Department of Education, with a copy to each party, which shall include:

(1) A brief summary of the evidence and recommended findings of fact based upon the evidence;
(2) Recommended conclusions of law; and
(3) Recommended decision.

(i) The Secretary of the Department of Education shall accept, deny, accept in part, and/or deny in part the recommendations of the hearing officer in the case and issue a final decision within 10 business days of the date of mailing of the recommendations.
(j) A copy of the decision of the Department setting forth the finding of facts and the particular reasons for the decision shall be sent by certified mail, regular U.S. mail, or served personally upon the applicant or licensee. The decision shall become final 10 business days after it is so mailed or served. The applicant or licensee shall have 30 business days in which to appeal the decision to the Superior Court as provided in this section. The final decision of the Secretary will not be stayed pending appeal unless the Court so determines pursuant to § 10144 of Title 29.

(k) Any applicant or licensee who is dissatisfied with the decision of the Department as a result of the hearing provided in this section, may, within 30 business days after the mailing or service of the notice of decision as provided in said section, file a notice of appeal to the Superior Court in the office of the Prothonotary of the Superior Court of the county in which the child care facility is located or to be located and serve a copy of said notice of appeal upon the Department. The Department shall promptly certify and file with the Court a copy of the record and decision, including the transcript of the hearings on which the decision is based. Proceedings thereafter shall be governed by the Rules of the Superior Court of the State. This review shall be in accordance with the provisions of § 10142 of Title 29.

(l) *Emergency suspension order.* — If the health, safety, or well-being of children in care of a licensee is in serious or imminent danger, the Office of Child Care Licensing may immediately suspend the license on a temporary basis without notice.

(1) Such emergency suspension may be verbal or written, and the licensee shall cease all operation as stated in the emergency suspension order.

(2) Any verbal suspension order shall be followed by a written emergency suspension order within 3 business days.

(3) The order shall be temporary and state the reason(s) for the suspension.

(4) Within 10 business days of the issuance of the suspension order, the licensee may give written notice to the Office of Child Care Licensing requesting a hearing. This hearing will be scheduled within 10 business days of the receipt of the request.

(5) If no hearing is requested as provided above, the temporary order becomes a final order.

(6) At any time during, or prior to the hearing, the Office of Child Care Licensing may reinstate the license upon being satisfied that the reasons for the emergency suspension order have been removed.

82 Del. Laws, c. 184, § 3.;

§ 3005A Penalties for violations.

(a) The Office of Child Care Licensing may impose civil penalties not to exceed $100 for each violation of § 3004A of this title.

(b) The Office of Child Care Licensing may proceed for the collection of the money civil penalty not otherwise paid through an action brought by the Office of Child Care Licensing in any court of competent jurisdiction.

(c) Anyone who violates a provision of this chapter may be fined not more than $100 or imprisoned not more than 3 months, or both.

82 Del. Laws, c. 184, § 3.;

§ 3006A Provider Advisory Board; appointments; composition; terms; vacancies.

(a) There is hereby established within the Office of Child Care Licensing, a Provider Advisory Board.

(b) The Board shall consist of 7 members, who are residents of this State and are appointed by the Governor. The following shall be members of the Board:

(1) One provider from a family child care home from each of New Castle County, Kent County, and Sussex County;

(2) One director/owner of a private day care center from each of New Castle County, Kent County, and Sussex County; and

(3) One provider from a family child care home or 1 director/owner of a private day care center from the City of Wilmington.

Furthermore, at least 1 of the members of the Board appointed pursuant to this subsection (b) shall also be from a Boys and Girls Club within this State. For purposes of this subsection, a day care center at a Boys and Girls Club shall be considered a private day care center.

(c) The term of a Board member appointed by the Governor shall be 3 years and shall terminate upon the Governor's appointment of a new member to the Board. A Board member shall continue to serve until his or her successor is duly appointed but a holdover under this provision does not affect the expiration date of a succeeding term.

(d) In case of a vacancy on the Board before the expiration of a Board member's term, a successor shall be appointed by the Governor within 30 days of the vacancy for the remainder of the unexpired term.

(e) The Board shall elect 1 of its members as Chair to serve for a 1-year term and who shall be eligible for reelection.

(f) The Board shall meet at the call of the Chair but no fewer than 4 times a year.

82 Del. Laws, c. 184, § 3.;

§ 3007A Provider Advisory Board; powers and duties.

The Board shall have the authority to serve in an advisory capacity to the Office of Child Care Licensing with regard to adopting, promulgating, and amending such rules and regulations as are required to carry out this chapter with respect to early care and education and school-age centers.

82 Del. Laws, c. 184, § 3.;

§ 3008A Transfers and continuity.

(a) All investigations, petitions, hearings and legal proceedings pending before or instituted by the Office of Child Care Licensing within the Department of Services for Children, Youth and Their Families and not concluded prior to July 1, 2020, shall continue unabated and remain in full force and effect, notwithstanding the passage of this chapter and, where necessary, may be completed before, by, or in the name of the Department of Services for Children, Youth and Their Families. All orders, enforcement actions, agreements of understanding, rules, and regulations made by the Office of Child Care Licensing within the Department of Services for Children, Youth and Their Families and which are in effect on July 1, 2020, shall remain in full force and effect until revoked or modified in accordance with the law by the Department of Education. All contracts and obligations of the Department of Services for Children, Youth and Their Families made or undertaken in the performance of a function transferred to the Department of Education by this chapter and being in force on July 1, 2020, shall, notwithstanding this chapter, remain in full force and effect and be performed by the Department of Education until and unless the Department of Education takes formal action to modify any such contracts or obligations.

(b) Employees of the Office of Childcare Licensing within the Department of Services for Children, Youth and Their Families whose functions are consistent with and have been transferred to the Department of Education by this chapter shall continue and be deemed to be the employees of the Department of Education on July 1, 2020, and, where applicable, with all the benefits accrued as merit employees as of July 1, 2020.

82 Del. Laws, c. 184, § 3.;

APPENDIX 5: Child Abuse Reporting Law

TITLE 16
Health and Safety
Regulatory Provisions Concerning Public Health
CHAPTER 9. ABUSE OF CHILDREN
Subchapter I. Reports and Investigations of Abuse and Neglect
§ 901 Purpose.

The child welfare policy of this State shall serve to advance the best interests and secure the safety of the child, while preserving the family unit whenever the safety of the child is not jeopardized. The child welfare policy of this State extends to all child victims, whether victims of intra-familial or extra-familial abuse and neglect. To that end this chapter, among other things:

(1) Provides for comprehensive and protective services for abused and neglected children;

(2) Mandates that reports of child abuse or neglect be made to the appropriate authorities; and

(3) Requires various agencies in Delaware's child protection system to work together to ensure the safety of children who are the subject of reports of abuse or neglect by conducting coordinated investigations, judicial proceedings and family assessments, and by providing necessary services.

This chapter also provides for the protection of children in facilities or organizations primarily concerned with child welfare and care that are required to be licensed under Delaware law by requiring the Delaware Department of Justice to notify any such facility where an employee of, or other person associated with, the facility has been charged with or convicted of an offense involving child sexual abuse.

16 Del. C. 1953, § 1001; 58 Del. Laws, c. 154; 60 Del. Laws, c. 494, § 1; 68 Del. Laws, c. 440, § 1; 71 Del. Laws, c. 199, § 2; 78 Del. Laws, c. 403, § 1.;

§ 902 Definitions.

As used in this chapter:

(1) "Abuse" or "abused child" is as defined in § 901 of Title 10.

(2) "Baby" shall mean a child not more than 14 days old, except that for hospitals and their employees and volunteers, "baby" shall mean a child reasonably believed to be not more than 14 days old.

(3) "Child" shall mean any person who has not reached that person's own eighteenth birthday.

(4) "Child Protection Registry" or "Registry" means a collection of information as described in subchapter II of this chapter about persons who have been substantiated for abuse or neglect as provided in subchapter II of this chapter or who were substantiated between August 1, 1994, and February 1, 2003.

(5) "Child welfare proceeding" means any Family Court proceeding and subsequent appeal therefrom involving custody, visitation, guardianship, termination of parental rights, adoption or other related petitions that involve a dependent, neglected or abused child or a child at risk of same as determined by the Family Court.

(6) "Conviction" or "convicted" means entry of a plea of guilty or nolo contendere, regardless of whether the plea was subsequently discharged or dismissed under the first offenders domestic violence diversion program pursuant to § 1024 of Title 10, or under the first offenders controlled substances diversion program pursuant to § 4767 of this title, or of a Robinson plea, or of a probation before judgment

discharge without judgment of conviction notwithstanding the provisions of § 4218(g) of Title 11, or a finding of guilt after trial, or a finding of not guilty after trial as a result of the defense of mental disease or defect pursuant to Title 11, or adjudication of delinquency for conduct which if committed by an adult, would constitute a crime; or "conviction" or "convicted" under similar proceedings of another state, territory or jurisdiction.
(7) "Department" shall mean the Department of Services for Children, Youth and Their Families.
(8) "Director" shall mean the Director of the Division of Family Services of the Department of Services for Children, Youth and Their Families.
(9) "Division" shall mean the Division of Family Services of the Department of Services for Children, Youth and Their Families.
(10) "Family assessment and services" shall mean a case management approach by the Division of Family Services that provides for a prompt assessment of a child and the child's family and the circumstances of the reported incident (including the known history of the child and/or the alleged perpetrator) when there has been a report to the Division that the child was a victim of abuse or neglect, or at risk of maltreatment by a person responsible for that child's care, custody or control. Family assessment and services shall be used in conjunction with the investigation approach defined in paragraph (13) of this section but may not supplant it in circumstances which require an investigation. The family assessment response shall focus on the integrity and preservation of the family and shall assess the status of the child and the family in terms of the risk of abuse and neglect and, if necessary, plan and provide for the provision of community-based services to reduce the risk and to otherwise support the family.
(11) "Good faith" shall be presumed in the absence of evidence of malice or willful misconduct.
(12) "Internal information system" shall mean a system of maintaining information related to all reports of abuse, neglect, investigations, family assessments, services and other relevant information.
(13) "Investigation" shall mean the collection of evidence in response to a report of abuse, neglect, or risk of maltreatment by a person responsible for that child's care, custody or control in order to determine if a child has been abused, neglected, or is at risk of maltreatment. The Division shall develop protocols for its investigations that focus on ensuring the well-being and safety of the child. The Division may conduct an investigation in response to any report of abuse, neglect, or risk of maltreatment but shall conduct an investigation as enumerated under § 906(e)(3) of this title.
(14) "Investigation Coordinator" shall mean a person employed by the Office of the Child Advocate, who is authorized to independently track each reported case of alleged child abuse or neglect within the Department's internal information system and who is responsible for monitoring each reported case involving the death of, serious physical injury to, or allegations of sexual abuse of a child from inception to final criminal and civil disposition.
(15) "Multidisciplinary tracking system" shall mean an electronic system which the Investigation Coordinator utilizes to track and monitor each case involving the death of, or serious injury to, a child, or allegations of sexual abuse of a child, from inception to final criminal and civil disposition.
(16) "Near death" means a child in serious or critical condition as a result of child abuse or neglect as certified by a physician.

(17) "Neglect" is as defined in § 901 of Title 10.
(18) "Physical injury" is as defined in § 222 of Title 11.
(19) "Report" shall mean the communication of an allegation of child abuse or neglect to the Division pursuant to § 903 or § 905 of this title;
(20) "Serious physical injury" is as defined in § 222 of Title 11.
(21) "Sexual abuse" is as defined in § 901 of Title 10.
(22) "Special Investigator" shall mean a Division employee, appointed by the Secretary, who performs abuse and neglect investigations and possesses additional qualifications and authority as defined by § 9016 of Title 29.
(23) "Substantiation" means a finding by a preponderance of the evidence that abuse or neglect has occurred.
(24) "Those responsible for the care, custody and control of the child" or "care, custody and control" is as defined in § 901 of Title 10.

60 Del. Laws, c. 494, § 1; 64 Del. Laws, c. 213, § 1; 70 Del. Laws, c. 186, § 1; 71 Del. Laws, c. 199, § 3; 72 Del. Laws, c. 179, § 3; 72 Del. Laws, c. 469, § 4; 73 Del. Laws, c. 187, §§ 2, 8; 73 Del. Laws, c. 412, §§ 2-5; 75 Del. Laws, c. 376, § 1; 76 Del. Laws, c. 136, §§ 14-16; 78 Del. Laws, c. 13, § 60; 78 Del. Laws, c. 403, § 2; 79 Del. Laws, c. 336, § 1; 80 Del. Laws, c. 187, § 5; 80 Del. Laws, c. 219, § 1; 80 Del. Laws, c. 238, § 1.;

§ 902A Registration; procedure; notice.

Repealed by 73 Del. Laws, c. 412, § 6, effective February 1, 2003.;

§ 903 Reports required.

Any person, agency, organization or entity who knows or in good faith suspects child abuse or neglect shall make a report in accordance with § 904 of this title. For purposes of this section, "person" shall include, but shall not be limited to, any physician, any other person in the healing arts including any person licensed to render services in medicine, osteopathy or dentistry, any intern, resident, nurse, school employee, social worker, psychologist, medical examiner, hospital, health care institution, the Medical Society of Delaware or law-enforcement agency. In addition to and not in lieu of reporting to the Division of Family Services, any such person may also give oral or written notification of said knowledge or suspicion to any police officer who is in the presence of such person for the purpose of rendering assistance to the child in question or investigating the cause of the child's injuries or condition.

16 Del. C. 1953, § 1002; 58 Del. Laws, c. 154; 60 Del. Laws, c. 494, § 1; 72 Del. Laws, c. 179, § 4; 77 Del. Laws, c. 320, § 1.;

§ 904 Nature and content of report; to whom made.

Any report of child abuse or neglect required to be made under this chapter shall be made by contacting the Child Abuse and Neglect Report Line for the Department of Services for Children, Youth and Their Families. An immediate oral report shall be made by telephone or otherwise. Reports and the contents thereof including a written report, if requested, shall be made in accordance with the rules and regulations of the Division, or in accordance with the rules and regulations adopted by the Division. No individual with knowledge of child abuse or neglect or knowledge that leads to a good faith suspicion of child abuse or neglect shall rely on another individual who has less direct knowledge to call the aforementioned report line.

16 Del. C. 1953, § 1003; 58 Del. Laws, c. 154; 60 Del. Laws, c. 494, § 1; 64 Del. Laws, c. 108, §§ 4, 11; 77 Del. Laws, c. 320, § 2; 80 Del. Laws, c. 84, § 1.;

§ 908 Immunity from liability, and special reimbursement to hospitals for expenses related to certain babies.

(a) Anyone participating in good faith in the making of a report or notifying police officers pursuant to this chapter, performing a medical examination without the consent of those responsible for the care, custody and control of a child pursuant to § 906(e)(7) of this title, or exercising emergency protective custody in compliance with § 907 of this title, shall have immunity from any liability, civil or criminal, that might otherwise exist, and such immunity shall extend to participation in any judicial proceeding resulting from the above actions taken in good faith. This section shall not limit the liability of any health care provider for personal injury claims due to medical negligence that occurs as a result of any examination performed pursuant to § 906(e)(3) of this title.

(b) A hospital, hospital employee or hospital volunteer which accepts temporary emergency protective custody of a baby pursuant to § 907A of this title is absolutely immune from civil and administrative liability for any act of commission or omission in connection with the acceptance of that temporary emergency protective custody or the provision of care for the baby when left at the hospital while said baby is in the hospital's temporary emergency protective custody except for negligence or intentional acts. If a hospital accepts temporary emergency protective custody of a baby pursuant to § 907A of this title, the State shall reimburse the hospital for eligible, medically necessary costs under the Medicaid Fee for Service Program.

16 Del. C. 1953, § 1005; 58 Del. Laws, c. 154; 60 Del. Laws, c. 494, § 1; 71 Del. Laws, c. 199, § 5; 72 Del. Laws, c. 179, § 5; 73 Del. Laws, c. 187, §§ 4, 5, 8; 75 Del. Laws, c. 376, § 1;

INDEX

addendum, 51, 60
adult abuse registry check, 28, 31, 52, 60
alcohol or drug use, 28, 31, 44, 45, 46, 57
approval
adoption, 58, 59
foster care, 45, 49, 50, 51
background check, 27, 28, 31, 43, 51, 52, 55, 56
behavior management, 33, 43, 45, 48, 51, 56, 58
cardiopulmonary resuscitation or CPR, 42, 44, 50
care and treatment team, 36, 37
caseworker, 24, 25, 30, 32, 38, 41, 62
caseworker supervisor, 30
chief administrator, 21, 25, 26, 30
child abuse and neglect reporting, 20, 24, 25, 28, 29, 31, 33, 51, 55
child care plan
adoption, 57, 59
foster care, 45, 49, 50
Child Protection Registry, 27, 45, 52, 57, 60
chores, 34, 41
complaint investigation, 24, 25, 26, 29, 46
confidentiality policy, 22, 31, 36, 43, 55, 61
corrective action plan, 26
court appointed special advocate or CASA, 23, 35, 36
court order, 22, 38, 52
education
child, 34, 35, 36, 37, 42, 43, 54
staff, 28, 31
electrical outlets, 46
emergency planning, 32, 36, 43, 45, 47
equipment, 21, 41, 47, 53
cooling, 46
heating, 46
evacuation drill, 47, 51
evacuation plan, 47
family service plan, 32, 38, 40
finalization, 22, 60, 61, 62, 63
fire extinguisher, 47
firearms, 46, 47
first aid, 42, 44, 50
kit, 47
governing body, 21, 22
guardian ad litem or GAL, 23, 35, 36
home study
adoption, 58, 59, 60
foster care, 46, 48, 49, 51
home study update, 51, 60
independent living, 37
individualized education program or IEP, 37, 39
individualized family service plan or IFSP, 37, 39
injury, serious, 21, 32, 52
insect. *See* pest
insurance, 29, 31, 48, 58
Interstate Compact, 25, 62
job description, 21, 29
license application denial, 34, 55
license suspension, 20, 61
mixing, 25
notification
to agency, 52, 53
to other, 23, 26, 32, 39, 40, 41
orientation, 23, 29, 30, 31
performance evaluation
staff, 21, 29, 31
student, 31
pest, 46
pets, 47, 49, 59
phone, 22, 28, 37, 43, 54, 56
plumbing, 47
policies
adoption, 54, 55, 61
agency, 23, 24, 29, 30, 31
foster care, 31, 32, 34, 35, 43, 51
post-finalization services, 22
post-placement services, 22
Prudent Parenting Standards, 43
records
adopted child, 22, 54
adoptive parent, 57, 60, 61
foster child, 22, 32, 35, 38, 40, 42
foster parent, 52
licensing, 22, 29
recruitment, 22, 23
adoption, 55
foster care, 42

religious activity, 32, 34, 35, 43, 54, 55, 61
re-placement, 32, 41
respite care, 35, 43, 53
rodent. *See* pest
safe sleep practices, 41
service letters, 28
service plan, 31, 32, 33, 36, 37, 38, 40
30-day, 37, 38, 41
5-day, 37, 38, 41
smoking or vaping, 47
special needs, 24, 31, 39, 42, 45, 49, 57, 59, 61
staff qualifications, 28, 30, 31
staffing, 21, 30
student field placement, 27
Supplemental Security Income or SSI, 61
swimming, 47
TB test or risk assessment, 28, 43, 52, 56, 60
training
adoptive parent, 55, 56, 59
foster parent, 33, 42, 43, 49, 50, 51
personnel, 29
transportation, 29, 31, 48
universal precautions, 43
volunteer
long-term, 22, 27, 28
short-term, 22, 27, 31
water, 47, 53
windows, 46
blinds, 46