Table of Contents

16.06.02 - Rules Governing Standards for Child Care Licensing

000. Legal Authority. 10
001. Title, Scope, Policy, Purpose, Exceptions, And Exemptions To Licensing. 10
002. Written Interpretations. 11
003. Administrative Appeals. 11
004. Incorporation By Reference. 11
005. Office Hours -- Mailing Address -- Street Address -- Telephone -- Website. 12
006. Confidentiality Of Records And Public Records Requests. 13
007. -- 008. (Reserved) 13
009. Criminal History And Background Check Requirements. 13
010. Definitions A Through M. 14
011. Definitions N Through Z. 16
012. -- 099. (Reserved) 18

LICENSING AND CERTIFICATION

100. Licensing. 18
101. Applications For License. 19
102. Disposition Of Applications. 19
103. Restrictions On Applicability And Nontransfer. 21
104. Mandatory Visitations. 21
105. Revisit And Relicense. 21
106. Complaints Against Daycare Centers, Group Daycare Facilities, Family Daycare Homes, Foster Homes, Children's Residential Care Facilities, Children's Therapeutic Outdoor Programs, Children's Camps, And Children's Agencies. 21
107. Suspension For Circumstances Beyond Control Of Foster Parent Or Operator. 22
108. Suspension Or Revocation For Infractions. 22
109. Non-renewal, Denial, Revocation, Or Suspension Of License. 22
110. Enforcement Remedy Of Ban On Admissions. 22
111. Enforcement Remedy Of Summary Suspension And Transfer Of Residents Or Children. 23
112. Enforcement Remedy Revocation Of License And Transfer Of Residents Or Children. 23
113. Effect Of Previous Revocation Or Denial Of A License. 23
114. -- 299. (Reserved) 24

STANDARDS FOR DAYCARE

300. Standards For DayCare. 24
301. Types Of Daycare Licenses. 24
302. -- 308. (Reserved) 24
309. Criminal History And Background Check For Daycare Standards. 24

310. -- 319. (Reserved) 25
320. Daycare Licensing Maximum Total Fees. 25
321. Application For Daycare License Or Renewal. 25
322. -- 324. (Reserved) 26
325. Issuance Of License. 26
326. -- 329. (Reserved) 27
330. Staff And Other Individual Record Requirements. 27
331. Child Record Content Requirements. 27
332. -- 334. (Reserved) 28
335. Child-Staff Ratio. 28
336. -- 339. (Reserved) 29
340. Daycare Center Training Requirements. 29
341. -- 344. (Reserved) 29
345. Mandatory Reporting Of Abuse, Abandonment, Or Neglect. 29
346. Visitation And Access. 29
347. -- 349. (Reserved) 30
350. Fire Safety Standards. 30
351. Facility Capacity And Determining Occupant Load. 31
352. Fire Extinguishers And Safety Requirements. 31
353. Fire Safety And Evacuation Plans. 31
354. -- 359. (Reserved) 32
360. Health Standards. 32
361. Miscellaneous Safety Requirements. 34
362. -- 364. (Reserved) 34
365. Buildings, Grounds, Furnishings, And Equipment. 34
366. -- 389. (Reserved) 36
390. Continued Compliance, Reporting Changes, And Critical Incidents. 36
391. -- 394. (Reserved) 36
395. Failure To Comply. 36
396. -- 399. (Reserved) 37

STANDARDS FOR FOSTER HOMES

400. Standards For Foster Homes. 37
401. Licensing Provisions Related To The Indian Child Welfare Act. 37
402. Foster Parent Qualifications And Suitability. 37
403. Member Of Household Qualifications And Suitability. 38
404. Criminal History And Background Checks For Foster Care License. 38
405. Initial Evaluation. 38
406. Subsequent Evaluations. 40
407. Foster Parent Duties. 41
408. Foster Parent Training. 41
409. -- 429. (Reserved) 41
430. Child Care And Safety Requirements. 41
431. Installation, Maintenance And Inspection Of Flame And Heat Producing Equipment. 42

432. Smoke And Carbon Monoxide Detecting Devices. 43
433. Exits. 43
434. Dangerous And Hazardous Materials. 43
435. Firearms And Ammunition. 43
436. Pets And Domestic Animals. 43
437. Adequate Heat, Light, And Ventilation. 44
438. Bathrooms, Water Supply, And Sewage Disposal. 44
439. Transportation. 44
440. Telephone. 44
441. Wheelchair Access. 44
442. Child Placement Requirements. 44
443. Interagency Placement Of Children. 45
444. Substitute Care Placement And Children's Agency Notification. 45
445. Bedrooms. 45
446. Behavior Management And Discipline. 47
447. Medical And Dental Care. 47
448. Personal Care And Hygiene. 48
449. Food And Nutrition. 48
450. Necessary Clothing. 48
451. Personal Possessions, Allowances, And Money. 48
452. Child Tasks. 48
453. Education. 48
454. Religious And Cultural Practices. 48
455. Recreation. 48
456. Mail. 48
457. Reasonable And Prudent Parent Standard. 48
458. -- 469. (Reserved) 49
470. Record Management And Reporting Requirements. 49
471. Reporting Foster Home Changes. 49
472. Confidentiality. 50
473. Unusual Incident Notification. 50
474. -- 499. (Reserved) 50

CHILDREN'S AGENCIES AND CHILDREN'S RESIDENTIAL CARE FACILITIES

500. General Standards For Organizations Known As Children's Agencies And Children's Residential Care Facilities. 50
501. Access By Department Authorized Agents. 50
502. Compliance Required. 50
503. Notification To The Licensing Authority. 50
504. Notification To The Licensing Authority No Later Than One Working Day. 51
505. Unauthorized Absences. 51
506. Death Of A Child In Care Notification. 51
507. -- 519. (Reserved) 51
520. Written Bylaws. 51

521. Governing Body Required. 51
522. Delineation Of Job Responsibilities. 51
523. Organizational Chart, Policies And Procedures. 51
524. Insurance Coverage. 51
525. Quality Of Services Environment. 51
526. Research Protections For Persons Served. 52
527. Confidentiality And Privacy Protections Of Persons Served. 52
528. Description Of Services. 52
529. Intake Policy. 52
530. Continued Care. 52
531. Documentation Requirements For Continued Care. 53
532. -- 534. (Reserved) 53
535. Sufficient Financial Resources. 53
536. Annual Audit. 53
537. -- 543. (Reserved) 53
544. Human Resources Needed. 53
545. Service Worker Or Social Worker. 53
546. Staff Recruitment, Hiring, Supervision, Training, Evaluation, Promotion And Discipline. 53
547. Person Filling More Than One Position. 54
548. (Reserved) 54
549. Tuberculosis Screening. 54
550. Volunteer Supervision. 54
551. Employee And Volunteer Orientation. 54
552. Employee And Volunteer Training. 55
553. -- 559. (Reserved) 55
560. Permanent Register. 55
561. Content Of Child's Record. 55
562. Authorizations Required. 56
563. Service Plans. 56
564. Shelter Care Admission And Plans. 57
565. Maintenance Of Records. 57
566. Record Retention. 57
567. -- 569. (Reserved) 58
570. Reporting Of Child Abuse, Neglect, And Abandonment. 58
571. Health Services. 58
572. Dental Services. 58
573. Non-Violent Physical Intervention. 58
574. Client Grievance Policy. 59
575. Suicide Prevention Plan. 59
576. Clothing. 59
577. Visitation Policy. 59
578. Correspondence Policy. 59
579. Religious And Culture Policy. 59

580. Education Policy. 59
581. Personal Possessions, Allowance, And Money Policy. 60
582. Emergency Policies. 60
583. Reasonable And Prudent Parent Standard For An Organization Providing Services To Children Placed By The Department. 60
584. -- 599. (Reserved) 60

ADDITIONAL STANDARDS FOR CHILDREN'S AGENCIES

600. Additional Standards For Children's Agencies. 60
601. Chief Administrator Position And Qualifications. 61
602. Service Worker Supervisor Position. 61
603. (Reserved) 61
604. Social Worker Position And Qualifications. 61
605. Service Worker Position And Qualifications. 61
606. Social Worker Or Service Worker Responsibilities. 61
607. Self-Supervision Prohibited. 61
608. Staff Workloads. 61
609. -- 614. (Reserved) 62
615. Additional Provisions For Foster Home Certification. 62
616. Program Description. 62
617. Licensing And Certification Agency Policies And Procedures For Foster Homes. 62
618. Application Request Process. 62
619. (Reserved) 62
620. Initial And Subsequent Family Foster Home Evaluation Study Process And Contents. 62
621. Training. 62
622. Placement Agreement Required Contents. 62
623. Complaint Investigation, Basis, Time Requirements, Notifying Foster Parents, Contents, And Process. 63
624. Records Management, Maintenance, Availability To Foster Parent, And Contents. 63
625. -- 629. (Reserved) 64
630. Additional Placement Considerations. 64
631. Emergency Evacuation Plan. 64
632. Unusual Incident Policy. 64
633. Service Plans And Participants. 64
634. Children's Agency Supervision Of Child. 64
635. -- 649. (Reserved) 64

ADDITIONAL PROVISIONS FOR TRANSITIONAL LIVING SERVICES

650. Additional Provisions For Transitional Living Services. 64
651. Program Statement For Transitional Living Services. 64
652. Policies And Procedures For Transitional Living Services. 65
653. Record Management. 65
654. Service Components. 65

655. Transitional Living Placement. 65
656. Supervision And Support. 65
657. Termination Of Transitional Living Services. 66
658. Required Information For Youth At Service Termination. 66
659. (Reserved) 66

ADDITIONAL PROVISIONS FOR ADOPTION SERVICES

660. Additional Provisions For Adoption Services. 66
661. Adoption Services - Nonprofit Status. 66
662. Program Statement. 66
663. Written Policies And Procedures - Adoption. 67
664. Services For Children Shall Be The Primary Consideration. 67
665. Services For Child's Birth Parents. 67
666. Services For Adoptive Applicants. 67
667. Recruitment Of Adoptive Applicants. 68
668. Payment Limitations In Adoption. 68
669. Prohibition Of Contributions In Adoptions. 68
670. Prohibition Of Staff Adoptions. 68
671. Family Home Study, Adoption, Application Process And Content. 68
672. Services For Adoptive Parents. 69
673. Selection Of An Adoptive Placement. 69
674. Conditions For Placement In An Adoptive Home. 70
675. Adoptive Parent Information. 70
676. Supervision. 70
677. -- 679. (Reserved) 71

ADDITIONAL PROVISIONS FOR INTER-COUNTRY ADOPTION SERVICES

680. Additional Provisions For Inter-Country Adoption Services. 71
681. Inter-Country Adoption Services. 71
682. Legal Requirements For Inter-Country Adoption Services. 71
683. Financial. 71
684. Inter-Country Adoption Services To Adoptive Parents. 71
685. Collecting And Exchanging Information About A Child. 72
686. Post-Placement And Post-Finalization Adoption Services. 72
687. -- 699. (Reserved) 72

ADDITIONAL STANDARDS FOR CHILDREN'S RESIDENTIAL CARE FACILITIES

700. Additional Standards For Children's Residential Care Facilities. 72
701. -- 704. (Reserved) 72
705. Chief Administrator Qualifications. 72
706. Service Worker Supervisor Qualifications. 73
707. Direct Care Staff Supervisor Qualifications. 73
708. (Reserved) 73
709. Direct Care Staff Qualifications. 73
710. Required Staff Ratios. 73
711. House Parent Relief Staff. 74
712. Staff Training. 74

713. -- 714. (Reserved) 74
715. Compliance With Applicable Laws. 74
716. Children's Residential Care Facility Building Requirements. 74
717. National Electrical Code Compliance. 74
718. Fire Safety Requirements. 75
719. Emergency Procedures. 75
720. Emergency Drills. 75
721. Public Health District Inspection. 75
722. Buildings, Grounds, Furnishings And Equipment. 75
723. Maintenance. 75
724. Equipment Storage. 75
725. Service Sink. 76
726. Hazardous Materials Or Toxins. 76
727. Lighting. 76
728. Heating. 76
729. Bathroom Facilities. 76
730. Sleeping Rooms. 76
731. Beds. 76
732. Storage Of Poisonous And Toxic Materials. 76
733. Flammable Liquids. 77
734. Firearms. 77
735. Sufficient Recreational Space. 77
736. General Safety Provisions. 77
737. Diapering And Sanitation. 77
738. -- 744. (Reserved) 77
745. Education Program. 77
746. Work. 78
747. Recreation, Physical Exercise, And Leisure Time Activities. 78
748. Sleep. 78
749. Swimming Pool, Pond, Or Other Body Of Water. 78
750. Water Front. 79
751. Supervision Of Recreational Activity. 79
752. Medication Storage And Administration. 79
753. Universal Precautions. 80
754. First Aid Kit. 80
755. Nutrition. 80
756. Animals And Pets. 80
757. Use Of Tobacco Products, Alcohol, And Illegal Drugs Prohibited. 81
758. Transporting Children. 81
759. Contraband. 81
760. Searches. 81
761. Behavior Management And Discipline Policy. 82
762. Time-Out. 83
763. Unlocked Seclusion. 83

764. Locked Seclusion. 84
765. Locked Seclusion Room Requirements. 85
766. Mechanical Restraint. 85
767. Alternative Forms Of Restraint. 87
768. Transportation Of Children In Restraints Prohibited. 88
769. (Reserved) 88

ADDITIONAL PROVISIONS FOR CHILDREN'S RESIDENTIAL MATERNITY CARE

770. Additional Provisions For Children's Residential Maternity Care. 88
771. Service Worker Available. 88
772. Prenatal And Postpartum Care. 88
773. Discharge Plans. 89
774. -- 779. (Reserved) 89

ADDITIONAL PROVISIONS FOR CHILDREN'S ALCOHOL-DRUG ABUSE RESIDENTIAL CARE FACILITIES

780. Additional Provisions For Children's Alcohol-Drug Abuse Residential Care Facilities. 89
781. --789. (Reserved) 89

ADDITIONAL PROVISIONS FOR NON-ACCREDITED CHILDREN'S RESIDENTIAL SCHOOLS

790. Additional Provisions For Non-Accredited Children's Residential Schools. 89
791. Application Process. 89
792. Staff Ratios Required. 89
793. Child's Record. 90
794. -- 799. (Reserved) 90

ADDITIONAL STANDARDS FOR CHILDREN'S THERAPEUTIC OUTDOOR PROGRAMS

800. Additional Standards For Children's Therapeutic Outdoor Programs. 90
801. (Reserved) 90
802. Policies And Procedures. 90
803. -- 804. (Reserved) 90
805. Base Camp Requirements. 90
806. High Adventure Requirements. 91
807. -- 809. (Reserved) 92
810. Staff Qualifications For Children's Therapeutic Outdoor Programs. 92
811. Staff Health Requirements. 94
812. Skills And Training. 94
813. Staff Ratios And Group Size. 95
814. Staff Use Of Alcohol Or Controlled Substances Prohibited. 95
815. -- 820. (Reserved) 95
821. Assessments. 95
822. Physical Examination. 95
823. Grouping By Age. 96
824. Expeditions. 96
825. Safety. 97

826. Communications. 97
827. Emergency Plan. 98
828. Expedition And Hiking Limit Requirements. 98
829. Water Requirements. 98
830. Nutritional And Sanitary Requirements. 99
831. -- 834. (Reserved) 99
835. Health Care. 99
836. Medication Storage And Administration. 100
837. -- 839. (Reserved) 101
840. Participant Clothing, Equipment And Supplies. 101
841. Contraband. 101
842. Searches. 102
843. Behavior Management And Discipline Policy. 102
844. Time-Out. 103
845. Work. 103
846. Animals And Pets. 104
847. Transporting Children. 104
848. Firearms. 104
849. (Reserved) 104
850. Program Summary. 104
851. -- 859. (Reserved) 104

ADDITIONAL STANDARDS FOR SOLO EXPERIENCES IN CHILDREN'S THERAPEUTIC OUTDOOR PROGRAMS

860. Standards For Solo Experiences In Children's Therapeutic Outdoor Programs. 104
861. Plan. 104
862. Solo Sites. 105
863. Supervision. 105
864. Emergency Procedures. 106
865. -- 869. (Reserved) 106

ADDITIONAL STANDARDS FOR STATIONARY CHILDREN'S THERAPEUTIC OUTDOOR PROGRAMS

870. Additional Provisions For Stationary Children's Therapeutic Outdoor Programs. 106
871. Fire Safety Requirements. 106
872. Health Safety Requirements. 107
873. -- 999. (Reserved) 107

IDAPA 16
TITLE 06
CHAPTER 02

16.06.02 - RULES GOVERNING STANDARDS FOR CHILD CARE LICENSING

000. LEGAL AUTHORITY.
Under Sections 39-1111, 39-1209, 39-1210, 39-1211, 39-1213, 56-1003, 56-1004A, and 56-1005(8), Idaho Code, the Idaho Legislature authorizes the Department of Health and Welfare and the Board of Health and Welfare to adopt and enforce rules governing standards and procedures for licensing daycare centers, group daycare facilities, family daycare homes, foster homes, children's agencies, children's residential care facilities, children's camps, and children's therapeutic outdoor programs which are maintained or operated within Idaho. (4-7-11)

001. TITLE, SCOPE, POLICY, PURPOSE, EXCEPTIONS, AND EXEMPTIONS TO LICENSING.

01. Title. The title of this chapter of rules is IDAPA 16.06.02, "Rules Governing Standards for Child Care Licensing." (7-1-09)

02. Scope. These rules establish minimum standards and procedures for licensing, maintaining, and operating the following facilities or programs within Idaho: (4-7-11)

a. Daycare centers; (4-7-11)

b. Group daycare facilities; (4-7-11)

c. Family daycare homes, voluntarily; (4-7-11)

d. Foster homes; (4-7-11)

e. Children's agencies; (4-7-11)

f. Children's residential care facilities, including non-accredited residential schools; (4-7-11)

g. Children's camps providing child care for any one (1) child for more than nine (9) consecutive weeks in any one (1) year period; (4-7-11)

h. Children's therapeutic outdoor programs; (4-7-11)

i. Alcohol-drug abuse treatment facilities for adolescents certified according to IDAPA 16.07.17, "Substance Use Disorders Services"; and (4-7-11)

j. Facilities specializing in maternity care for minors. (4-7-11)

03. Policy. It is the policy of the Department to assure that children of this state receive adequate substitute parental care in the event of absence, temporary or permanent inability of parents to provide care and protection for their children or the parents are seeking alternative twenty-four (24) hour long-term care for their children. This policy is based on the fact that children are vulnerable and not capable of protecting themselves. When parents, for any reason have relinquished their children's care to others, there arises the possibility of certain risks to those children's lives, health and safety which the community as a whole must protect against. This requires the offsetting statutory protection of review and, in certain instances, licensing or registration. (7-1-09)

04. Purpose. The Department issues a license to assure, as is reasonably practicable, that the care, services, and physical surroundings of each program or facility are in substantial compliance with these rules and minimum standards. (4-7-11)

a. According to Section 39-1117, Idaho Code, a daycare license does not constitute a representation affirming to any person that the program or facility is free from risk. A daycare license does not guarantee adequacy of care, services, safety, or the well-being of any child, staff, contractor, volunteer, or visitor of a daycare facility. It is

the parent's primary responsibility for evaluation and selection of daycare services. (4-7-11)

b. The state, its employees or agents of the state or its political subdivisions, will not be liable for nor will a cause of action exist for any loss or damage based upon the failure of any daycare facility to meet the minimum standards contained in these rules. (4-7-11)

05. Exceptions and Exemptions to Daycare Licensing. Under Section 39-1103, Idaho Code, the minimum standards and licensing requirements in these rules do not apply to: (4-7-11)

a. Daycare facilities regulated, licensed, or certified by a city or county in accordance with local options under Section 39-1108, Idaho Code; (4-7-11)

b. The occasional or irregular care of a neighbor's, relative's, or friend's child or children by a person not ordinarily in the business of providing daycare; (4-7-11)

c. The operation of a private school or religious school for educational purposes for children over four (4) years of age, or a religious kindergarten; (4-7-11)

d. The provision of occasional care exclusively for children of parents who are simultaneously in the same building; (4-7-11)

e. The operation of day camps, programs and religious schools for less than twelve (12) weeks during a calendar year or not more often than once a week; or (4-7-11)

f. The provision of care for children of a family within the second degree of relationship as defined in Section 011 of these rules. (4-7-11)

06. Exceptions and Exemptions to Child Care Licensing. Under Sections 39-1206, 39-1213(b), and 39-1211, Idaho Code, the minimum standards and licensing requirements in these rules do not apply to: (4-7-11)

a. Foster homes that have been approved by a licensed children's agency provided the standards for approval by such agency are no less restrictive than the rules and standards established by the Board and that such agency is maintained, operated, and conforms with these rules and standards; (4-7-11)

b. The occasional or irregular care of a neighbor's, relative's, or friend's child or children by a person not ordinarily engaged in child care; or (4-7-11)

c. Children's camps which only provide child care for any one (1) child for less than nine (9) consecutive weeks in any one (1) year period. A children's camp which provides child care for any one (1) child for more than nine (9) consecutive weeks in any one (1) year period constitutes a children's residential care facility and is subject to the minimum standards and licensing requirements in these rules. (4-7-11)

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

003. ADMINISTRATIVE APPEALS.
Administrative appeals are governed by the provisions of IDAPA 16.05.03, "Rules Governing Contested Case Proceedings and Declaratory Rulings." (7-1-09)

004. INCORPORATION BY REFERENCE.
The following documents are incorporated by reference in this chapter of rules. (7-1-09)

01. Idaho Statutes. (7-1-09)

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

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

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

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

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

f. Psychologists. Sections 54-2301 through 54-2315, Idaho Code. (7-1-09)

g. Social Work Licensing Act. Sections 54-3201 through 54-3217, Idaho Code. (7-1-09)

h. Counselors and Therapists. Sections 54-3400 through 54-3415, Idaho Code. (7-1-09)

02. International Fire Code. The International Fire Code as outlined by Section 41-253, Idaho Code. The addition for the year prior to the issuance of the license will be used. Published by the International Code Council. A copy is available at any public library in Idaho. (3-30-07)

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

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

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

b. Indian Child Welfare Act, PL 95-608, 25 USC, Sections 1901 - 1963. (7-1-09)

c. Multiethnic Placement Act (MEPA), P.L. 103-382 and P.L. 104-188, 42 USC, Section 622. (7-1-09)

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

06. Crib Safety. Consumer Product Safety Commission, Crib Safety Tips can be found on the Internet at http://www.cpsc.gov/CPSCPUB/PUBS/5030.pdf. (3-30-01)

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

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

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

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

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

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

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

06. Child Care Licensing Authority Location. The Department's child care licensing authority for children's residential treatment facilities, children's agencies, and children's outdoor therapeutic programs is located at 3232 Elder Street, Boise, Idaho 83705-4711; Phone (208) 364-1959. (4-7-11)

07. Daycare Licensing Authority Location. The Department's daycare licensing authority for daycare centers, group daycare facilities, and family daycare homes is located at 450 West State Street, Boise, Idaho 83702; Phone (208) 334-5700. (4-7-11)

006. CONFIDENTIALITY OF RECORDS AND PUBLIC RECORDS REQUESTS.

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

02. Public Records. The Department will comply with Title, 74, Chapter 1, Idaho Code, when requests for the examination and copying of public records are made. Unless otherwise exempted, all public records in the custody of the Department are subject to disclosure. (4-11-06)

03. Licensure or Deficiencies Records. Under Section 74-106(9), Idaho Code, and IDAPA 16.05.01, "Use and Disclosure of Department Records," information referring or relating to individuals, programs, or facilities subject to this chapter of rules, IDAPA 16.06.02, "Rules Governing Standards for Child Care Licensing," will be released to the public upon written request if they are part of an inquiry into an individual's or organization's fitness to be granted or retain a license, certificate, permit, privilege, commission or position. These records will otherwise be provided in redacted form as required by law or rule. (4-7-11)

007. -- 008. (RESERVED)

009. CRIMINAL HISTORY AND BACKGROUND CHECK REQUIREMENTS.

01. Compliance with Department Criminal History and Background Check. Criminal history and background checks are required for individuals who are licensed under these rules. Individuals who are required to have a criminal history check must comply with IDAPA 16.05.06, "Criminal History and Background Checks," with the exception of those individuals described in Subsection 009.04 of this rule. (4-7-11)

02. When License is Granted. The applicant must have a completed criminal history and background check, including clearance, prior to licensure. Any other adult living in the home must complete a criminal history application, must be fingerprinted, and must not have any disqualifying crimes listed in IDAPA 16.05.06, "Criminal History and Background Checks." (4-7-11)

03. Individuals Subject to Criminal History Check Requirements. The following individuals must receive a criminal history and background check clearance prior to licensure: (4-7-11)

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

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

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

d. Children's Residential Care Facility and Children's Camp Staff. The criminal history and background check requirements for a children's residential care facility or children's camp are found in Section 109 of these rules and in Section 39-1210(10), Idaho Code. (4-7-11)

e. Children's Therapeutic Outdoor Program Staff. The criminal history and background check requirements for a children's therapeutic outdoor program are found in Section 810 of these rules and in Section 39-

1208(8), Idaho Code. (3-30-07)

f. Daycare Center, Group Daycare Facility, and Family Day Care Home. The criminal history and background check requirements applicable to a daycare center, group daycare facility, and family daycare home are found in Section 309 of these rules and in Sections 39-1105, 39-1113, and 39-1114, Idaho Code. (4-7-11)

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

04. Exceptions to Criminal History and Background Checks for Certain Youths. Criminal history and background checks are optional for certain youth placed in licensed foster homes and licensed residential care facilities. (4-7-11)

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

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

05. Criminal History and Background Check at Any Time. The Department can require a criminal history and background check at any time on any individual who: (4-7-11)

a. Is a resident or an adult living in a licensed foster home; (4-7-11)

b. Is a resident or adult living in, employee, contractor, volunteer, or staff member of a licensed residential facility; or (4-7-11)

c. Is an owner, operator, or staff of a daycare center, group daycare facility, family daycare home, and all other individuals who are thirteen (13) years of age or older who have unsupervised direct contact with children or who are regularly on the premises. (4-7-11)

010. DEFINITIONS A THROUGH M.
For the purposes of these rules, the following terms apply. (7-1-09)

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

02. Alcohol-Drug Abuse Treatment Facility. A children's residential care facility specializing in providing programs of treatment for children whose primary problem is alcohol or drug abuse, certified according to IDAPA 16.07.17, "Substance Use Disorders Services." (4-7-11)

03. Attendance. For requirements of Title 39, Chapter 11, Idaho Code, and Sections 300 through 399 of these rules, "attendance" means the number of children present at a daycare facility at any given time. (4-7-11)

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

05. Chief Administrator. The duly authorized representative of an organization responsible for day-to-day operations, management and compliance with these rules and Title 39, Chapter 12, Idaho Code. (7-1-09)

06. Child. (4-7-11)

a. For requirements of Title 39, Chapter 12, Idaho Code, and Sections 400 through 999 of these rules, "child" means an individual less than eighteen (18) years of age, synonymous with juvenile or minor. (4-7-11)

b. For requirements of Title 39, Chapter 11, Idaho Code, and Sections 300 through 399 of these rules,

"child" means an individual less than thirteen (13) years of age. (4-7-11)

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

08. Child-Staff Ratio. "Child-staff ratio" means the maximum number of children allowed under the care and supervision of one (1) staff person. (4-7-11)

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

10. Children's Camp. A program of child care at a location away from the child's home, which is primarily recreational and includes the overnight accommodation of the child and is not intended to provide treatment, therapy or rehabilitation for the child. A children's camp which only provides child care for any one (1) child for less than nine (9) consecutive weeks in any one (1) year period is exempt from the licensure and disclosure provisions of this chapter. A children's camp which provides child care for any one (1) child for more than nine (9) consecutive weeks in any one (1) year period constitutes a children's residential care facility. (7-1-09)

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

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

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

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

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

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

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

14. Continued Care. The ongoing placement of an individual in a foster home, children's residential care facility, children's therapeutic outdoor program, or transitional living placement who reaches the age of eighteen (18) years but is less than twenty-one (21) years of age. (7-1-09)

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

16. **Daycare**. The care and supervision provided for compensation during part of a twenty-four (24) hour day, for a child or children not related by blood, marriage, adoption, or legal guardianship to the person or persons providing the care, in a place other than the child's or children's own home or homes. (4-7-11)

17. **Daycare Center**. A place or facility providing daycare for compensation for thirteen (13) or more children. (4-7-11)

18. **Department**. The Idaho Department of Health and Welfare. (4-7-11)

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

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

21. **Family Daycare Home**. A home, place, or facility providing daycare for six (6) or fewer children. (4-7-11)

22. **Foster Care**. The twenty-four (24) hour substitute parental care of children by persons who may or may not be related to a child. (7-1-09)

23. **Foster Home**. The private home of an individual or family licensed or approved as meeting the standards for foster care and providing twenty-four (24) hour substitute parental care to six (6) or fewer children. (7-1-09)

24. **Foster Parent**. A person or persons residing in a private home under their direct control to whom a foster care license has been issued. (4-7-11)

25. **Group Daycare Facility**. A home, place, or facility providing daycare for seven (7) to twelve (12) children. (4-7-11)

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

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

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

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

011. DEFINITIONS N THROUGH Z.
For the purposes of these rules, the following terms apply. (7-1-09)

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

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

03. **Operator**. An individual who operates or maintains within Idaho a daycare center, group daycare facility, family daycare home voluntarily licensed by the Department, children's residential care facility, children's agency, children's therapeutic outdoor program, or children's camp. (4-7-11)

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

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

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

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

08. **Plan of Correction**. The detailed procedures and activities developed between the licensing authority and caregiver required to bring a daycare center, group daycare facility, family daycare home voluntarily licensed by the Department, foster family, children's residential care facility, children's agency, children's therapeutic outdoor program, or children's camp into conformity with these licensing rules. (4-7-11)

09. **Regularly on the Premises**. For the purposes of Sections 009 and 309 of these rules, regularly on the premises means twelve (12) hours or more in any one (1) month, or daily during any hours of operation. (4-7-11)

10. **Relative**. Under Section 39-1202, Idaho Code, "relative" means a child's grandparent, great grandparent, aunt, great aunt, uncle, great uncle, brother-in-law, sister-in-law, first cousin, sibling, and half-sibling. (4-7-11)

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

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

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

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

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

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

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

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

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

15. **Second Degree of Relationship**. The second degree of relationship refers to persons related consanquineally ("blood relative") and affinially ("relative by marriage") and includes their spouses. The number of degrees between two (2) relatives is calculated by summing the number of ties between each relative and the common ancestor. (4-7-11)

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

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

18. **Service Worker**. An employee of an organization who has obtained at a minimum, a Bachelor's degree in a behavioral science, including social work, sociology, psychology, criminal justice, counseling, or a related field, whose duties may include assessment, service planning, supervision and support. (7-1-09)

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

20. **Social Worker**. An individual licensed by the state of Idaho in compliance with Title 54, Chapter 32, Idaho Code, and IDAPA 24.14.01, "Rules of the State Board of Social Work Examiners." (7-1-09)

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

22. **Staff**. For requirements of Title 39, Chapter 11, Idaho Code, and Sections 300 through 399 of these rules, "staff" means a person who is sixteen (16) years of age or older and employed by a daycare owner or operator to provide care and supervision at a daycare facility. (4-7-11)

23. **Supervision**. For requirements of Title 39, Chapter 11, Idaho Code, and Sections 300 through 399 of these rules, supervision is defined as within sight and normal hearing range of the child or children being cared for. (4-7-11)

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

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

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

27. **Variance**. The means of complying with the intent and purpose of a child care licensing rule in a manner acceptable to the Department other than that specifically prescribed in the rule. (7-1-09)

28. **Waiver**. The non-application of a child care licensing rule, except those related to safety, extended to a relative foster home by the licensing authority which serves to promote child health, well-being, and permanence while not compromising safety. (7-1-09)

012. -- 099. (RESERVED)

LICENSING AND CERTIFICATION
(Sections 100 - 299)

100. LICENSING.
The purpose of licensing is to set minimum standards and to monitor compliance. Persons applying for licensure need to be physically and emotionally suited to protect the health, safety and well-being of the children in their care. Physical surroundings must present no hazards to the children in care. (4-7-11)

01. **Responsibilities of the Foster Parent or Operator**. A foster parent or operator must conform to the terms of the license. (4-7-11)

02. **Responsible for Knowledge of Standards**. The foster parent or operator is responsible for knowing the standards and rules applying to the type of foster home, children's residential care facility, children's agency, children's therapeutic outdoor program, children's camp, daycare center, group daycare facility, family daycare home voluntarily licensed by the Department, covered by the license, and for conforming to them at all times. (4-7-11)

03. Responsible for Agency Staff Knowledge. The operator of a child care facility or agency is responsible for ensuring that all staff members are familiar with the applicable rules governing the children's residential care facility, children's therapeutic outdoor program, children's agency, children's camp, daycare center, group daycare facility, or family daycare home voluntarily licensed by the Department. A copy of these rules is available from the Office of the Administrative Rules Coordinator, 650 W. State Street, Boise ID 83720, or on the Office of the Administrative Rules Coordinator's website, http://adminrules.idaho.gov/. (4-7-11)

04. Return of License. The foster parent or operator must immediately return his license to the Department under any of the following circumstances: (4-7-11)

a. Changes of management or address; (4-7-11)

b. Upon suspension or revocation of the license by the Department; or (4-7-11)

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

101. APPLICATIONS FOR LICENSE.
An application for a license must be submitted to the Department. Licensing studies will follow the format of these rules and will contain a specific recommendation regarding the terms of the license. All foster homes, children's agencies, children's therapeutic outdoor programs, children's camps, daycare centers, group daycare facilities, family daycare homes voluntarily licensed by the Department, and children's residential care facilities must also comply with applicable Idaho city and county ordinances. (4-7-11)

102. DISPOSITION OF APPLICATIONS.
The Department will initiate action on each completed application within thirty (30) days after receipt that addresses each requirement for the specific type of home, facility, or agency. Upon receipt of a completed application and study, the licensing authority will review the materials for conformity with these rules. (4-7-11)

01. Approval of Application. A license will be issued to any daycare center, group daycare facility, family daycare home voluntarily licensed by the Department, foster home, children's residential facility, children's therapeutic outdoor program, children's camp, or children's agency found to be in conformity with these rules governing the home or facility. The license is issued according to the terms specified in the licensing study and will be mailed to the applicant. (4-7-11)

02. Regular License. A regular license will be issued to any daycare center, group daycare facility, family daycare home voluntarily licensed by the Department, foster home, children's residential care facility, children's therapeutic outdoor program, children's camp, or children's agency found to be in conformity with these rules governing the facility and will specify the terms of licensure, such as: (4-7-11)

a. Full time or daycare; (3-30-01)

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

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

d. The regular license for a foster home, children's agency, children's residential care facility, children's therapeutic outdoor program, or children's camp is in effect for one (1) year from the date of issuance unless suspended or revoked earlier; (4-7-11)

e. A regular license for a daycare center, group daycare facility, or family daycare home voluntarily licensed by the Department is in effect for two (2) years from the date of issuance unless suspended or revoked earlier; and (4-7-11)

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

03. **Waiver**. A regular license may be issued to the foster home of a relative who has received a waiver of licensing rules provided: (4-7-11)

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

b. The waiver is approved only for non-safety foster care rules; (7-1-09)

c. All other licensing requirements have been met; (4-7-11)

d. The approval of a waiver of any foster home rules requires the licensing authority to document a description of the reasons for issuing a waiver, the rules being waived, and assurance that the waiver will not compromise the child's safety; and (7-1-09)

e. The approved waiver must be reviewed for continued need and approval at regular intervals not to exceed six (6) months. (7-1-09)

04. **Variance**. A regular license will be issued to a foster home, children's residential care facility or children's agency approved for a variance of a licensing rule provided: (4-7-11)

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

b. The variance is approved for a non-safety licensing rules; (3-30-01)

c. The approval of a variance must have no adverse effect on the health, safety, and well-being of any child in care at the foster home or facility; (7-1-09)

d. The approval of a variance is documented by the licensing agency and includes a description of the reasons for issuing a variance and assurances that the variance will not compromise any child's health, safety, and well-being; and (7-1-09)

e. The approved variance must be reviewed for continued need and approval annually. (7-1-09)

05. **Provisional License**. A provisional license may be issued to a foster home, children's residential care facility, children's therapeutic outdoor program, children's camp, or children's agency when a licensing standard cannot be met but can be expected to be corrected within six (6) months, provided this does not affect the health, safety and well-being of any child in care at the home or facility. (3-21-12)

a. A provisional license will be in effect for not more than six (6) months. (4-7-11)

b. Only one (1) provisional license will be issued to a foster home, children's residential care facility, children's agency, children's therapeutic outdoor program, or children's camp in any twelve-month period of time under Section 39-1216, Idaho Code. (3-21-12)

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

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

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

07. **Denial of Application**. In the event that an application is denied, a signed letter will be sent directly to the applicant by registered or certified mail, advising the applicant of the denial and stating the basis for such denial. An applicant whose application has been denied may not reapply until after one (1) year has elapsed from the date on the denial of application. (4-7-11)

08. Failure to Complete Application Process. (7-1-09)

a. Failure of the applicant to complete the application process within six (6) months of the original date of application will result in a denial of the application. (7-1-09)

b. An applicant whose application has been denied for being incomplete may not reapply until after one (1) year has elapsed from the date on the denial of application. (7-1-09)

103. RESTRICTIONS ON APPLICABILITY AND NONTRANSFER.

01. Issued License. A license applies only to the foster home, child care facility, daycare center, group daycare facility, family daycare home voluntarily licensed by the Department, children's residential care facility, children's agency, children's therapeutic outdoor program, children's camp, or the person and premises designated. Each license is issued in the name of the individual, firm, partnership, association, corporation, or governmental unit identified on the application and only to a specified address of the facility or program stated in the application for the period and services specified. A license issued in the name of a foster parent, child care facility, daycare center, group daycare facility, family daycare home voluntarily licensed by the Department, children's therapeutic outdoor program, children's camp, or children's agency applies only to the services specified in the license. Any change in management or address renders the license null and void, and the foster parent or operator must immediately return the license to the licensing agency as required in Section 100 of these rules. (4-7-11)

02. Nontransferable. A license is nontransferable or assignable from one (1) individual to another, from one (1) business entity or governmental unit to another, or from one (1) location to another. (4-7-11)

03. Change in Ownership, Operator, or Location. When there is a change in ownership, operator, or a change in location occurs, the facility or program must reapply for a license as required in Section 101 of these rules. The new owner or operator must obtain a license before starting operations. (4-7-11)

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

105. REVISIT AND RELICENSE.
Revisit and relicense studies will document how the daycare center, group daycare facility, family daycare home voluntarily licensed by the Department, foster home, children's residential care facility, children's therapeutic outdoor program, children's camp, or children's agency continues to meet the standards for licensing. Consideration must be given to each point of the standards, including a review of the previous study and original application to determine what changes have occurred. An application for renewal of a license must be made by the operator on the form furnished by the Department, and filled out prior to the expiration date of the license currently in force. When such application for renewal has been made in the proper manner and form, the existing license will, unless officially revoked, remain in force until the Department has acted on the application for renewal. (4-7-11)

106. COMPLAINTS AGAINST DAYCARE CENTERS, GROUP DAYCARE FACILITIES, FAMILY DAYCARE HOMES, FOSTER HOMES, CHILDREN'S RESIDENTIAL CARE FACILITIES, CHILDREN'S THERAPEUTIC OUTDOOR PROGRAMS, CHILDREN'S CAMPS, AND CHILDREN'S AGENCIES.

01. Investigation. The Department will investigate complaints regarding daycare centers, group daycare facilities, family daycare homes voluntarily licensed by the Department, foster homes, children's residential care facilities, children's therapeutic outdoor programs, children's camps, or children's agencies. The investigation may include further contact with the complainant, scheduled or unannounced visits to the children's residential care facility, foster home, daycare center, group daycare facility, family daycare home voluntarily licensed by the Department, children's therapeutic outdoor program, children's camp, or children's agency, collateral contacts

including interviews with the victim, parents or guardian, children's residential care facility or children's agency administrator, operator, staff, consultants, children in care, other persons who may have knowledge of the complaint, and inspections by fire or health officials. (4-7-11)

02. Informed of Action. If an initial preliminary investigation indicates that a more complete investigation must be made, the foster parents, operator, daycare center, group daycare facility, family daycare home voluntarily licensed by the Department, children's residential care facility, children's therapeutic outdoor program, children's camp, or children's agency will be informed of the investigation, and any action to be taken, including referral for civil or criminal action. (4-7-11)

107. SUSPENSION FOR CIRCUMSTANCES BEYOND CONTROL OF FOSTER PARENT OR OPERATOR.
When circumstances occur over which the foster parent or operator has no control including illness, epidemics, fire, flood, or contamination, which temporarily place the operation of the foster home, child care facility, daycare center, group daycare facility, family daycare home voluntarily licensed by the Department, children's residential care facility, children's therapeutic outdoor program, children's camp, or children's agency out of conformity with Idaho law or with these rules, the license must be suspended until the nonconformity is remedied. (4-7-11)

108. SUSPENSION OR REVOCATION FOR INFRACTIONS.
A license may be suspended for infractions of these rules. Such suspension may lead to revocation if the foster parent or operator fails to satisfy the Director that the infractions have been corrected sufficiently to assure conformity with the rules. (4-7-11)

109. NON-RENEWAL, DENIAL, REVOCATION, OR SUSPENSION OF LICENSE.
If, upon investigation, it is found that an applicant, foster parent, or operator has failed or refused to comply with any of the provisions of the Basic Daycare License Law, Sections 39-1101 through 39-1120, Idaho Code, or the Child Care Licensing Reform Act, Sections 39-1201 through 39-1224, Idaho Code, or with these rules, or with any provision of the license, the Director may deny, suspend, revoke, or not renew a license. The Department may also deny, suspend, revoke, or deny renewal of a license for any daycare center, group daycare facility, family daycare home voluntarily licensed by the Department, child care facility, children's residential care facility, children's agency, children's therapeutic outdoor program, children's camp, or foster home when any of the following in Subsection 109.01 and 109.02 of this rule is determined. (4-7-11)

01. Criminal Conviction or Relevant Record. Anyone providing direct care or working onsite under these rules is denied clearance or refuses to comply with the requirements in IDAPA 16.05.06, "Criminal History and Background Checks." (4-7-11)

02. Other Misconduct. The applicant, foster parent, operator, or the person proposed as chief executive officer: (4-7-11)

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

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

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

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

e. Has knowingly permitted, aided or abetted the commission of any illegal act on the premises of the daycare center, group daycare facility, family daycare home voluntarily licensed by the Department, foster home, children's residential care facility, children's therapeutic outdoor program, children's camp, or children's agency. (4-7-11)

110. ENFORCEMENT REMEDY OF BAN ON ADMISSIONS.

The Department may summarily ban admissions, in whole or in part, pending satisfactory correction of all deficiencies. Bans will remain in effect until the Department determines that the organization has achieved full compliance with all program requirements, or until a substitute remedy is imposed. (7-1-09)

111. ENFORCEMENT REMEDY OF SUMMARY SUSPENSION AND TRANSFER OF RESIDENTS OR CHILDREN.
The Department may summarily suspend a daycare center, group daycare facility, family daycare home voluntarily licensed by the Department, foster home, children's agency, children's therapeutic outdoor program, children's camp, or a children's residential care facility license and require the program to transfer residents or children when the Department has determined a resident's or child's health and safety are in immediate jeopardy. Children in a daycare center, group daycare facility, or family daycare home voluntarily licensed by the Department, will not be transported from the facility, instead the parent or legal guardian will be contacted. (4-7-11)

112. ENFORCEMENT REMEDY REVOCATION OF LICENSE AND TRANSFER OF RESIDENTS OR CHILDREN.
The Department may revoke the license of a daycare center, group daycare facility, family daycare home voluntarily licensed by the Department, foster home, children's agency, children's therapeutic outdoor program, or children's residential care facility when the Department determines the operator is not in compliance with these rules. Children in a daycare center, group daycare facility, or family daycare home voluntarily licensed by the Department, will not be transported from the facility, instead the parent or legal guardian will be contacted. Revocation and transfer of residents or children may occur under the following circumstances: (4-7-11)

01. Endangers Health or Safety. Any condition that endangers the health or safety of any resident or child. (4-7-11)

02. Not in Substantial Compliance. A foster home, children's agency, daycare center, group daycare facility, family daycare home voluntarily licensed by the Department, children's therapeutic outdoor program, children's camp, or children's residential care facility is not in substantial compliance with these rules. (4-7-11)

03. No Progress to Meet Plan of Correction. A foster home, children's agency, daycare center, group daycare facility, family daycare home voluntarily licensed by the Department, children's therapeutic outdoor program, children's camp, or children's residential care facility has made little or no progress in correcting deficiencies within thirty (30) days from the date the Department accepted a plan of correction. (4-7-11)

04. Repeat Violations. Repeat violations of any requirement of these rules or provisions of Title 39, Chapters 11 and 12, Idaho Code. (4-7-11)

05. Misrepresented or Omitted Information. A foster home, children's agency, daycare center, group daycare facility, family daycare home voluntarily licensed by the Department, children's therapeutic outdoor program, children's camp, or children's residential care facility has knowingly misrepresented or omitted information on the application or other documents pertinent to obtaining a license. (4-7-11)

06. Refusal to Allow Access. Refusal to allow Department representatives full access to the foster home, children's agency, daycare center, group daycare facility, family daycare home voluntarily licensed by the Department, children's therapeutic outdoor program, children's camp, or children's residential care facility and its grounds facilities and records. (4-7-11)

07. Violation of Terms of Provisional License. A children's agency, foster home, children's therapeutic outdoor program, children's camp, or children's residential care facility that has violated any of the terms or conditions of a provisional license. (3-21-12)

113. EFFECT OF PREVIOUS REVOCATION OR DENIAL OF A LICENSE.
An organization cannot apply and the licensing authority will not accept an application from any person, corporation, or partnership, including any owner with a ten percent (10%) or more interest, who has had a license denied or revoked, until five (5) years has elapsed from the date of denial, revocation, or conclusion of a final appeal, whichever occurred last. (7-1-09)

114. -- 299. (RESERVED)

STANDARDS FOR DAYCARE
(Sections 300 - 399)

300. STANDARDS FOR DAYCARE.

01. Daycare Standards. In addition to meeting the rules and minimum standards required in Sections 000 through 199 of these rules, each owner, operator, or applicant seeking licensure from the Department as a daycare center, group daycare facility, or family daycare home voluntarily licensed by the Department, must also meet the requirements under Title 39, Chapter 11, Idaho Code, and Sections 300 through 399 of these rules. (4-7-11)

02. Minimum Age of Applicant. An individual, submitting an application to the Department to be licensed for a daycare center, group daycare facility, or family daycare home, must be a minimum of eighteen (18) years of age. (4-7-11)

301. TYPES OF DAYCARE LICENSES.
Subject to meeting all requirements under Title 39, Chapter 11, Idaho Code, and the rules and minimum standards in this chapter, the Department will determine the type of daycare license required by an owner or operator providing daycare by counting each child in attendance, regardless of relationship to the person or persons providing the care. The following types of daycare licenses may be issued by the Department. (4-7-11)

01. Daycare Center License. A daycare center license is issued for a place or facility providing daycare, where thirteen (13) or more children, regardless of relationship to the person or persons providing the care, are in attendance. (4-7-11)

02. Group Daycare Facility. A group daycare facility license is issued for a place or facility providing daycare, where seven (7) to twelve (12) children, regardless of relationship to the person or persons providing the care, are in attendance. (4-7-11)

03. Family Daycare Home. A family daycare home is not required to be licensed. However, a family daycare home may voluntarily elect to be licensed by the Department. (4-7-11)

302. -- 308. (RESERVED)

309. CRIMINAL HISTORY AND BACKGROUND CHECK FOR DAYCARE STANDARDS.

01. Criminal History and Background Check for Daycare Centers and Group Daycare Facilities. Each owner, operator, or applicant seeking licensure for a daycare center, group daycare facility, or a family daycare home must submit evidence that is satisfactory to the Department that the following individuals have successfully completed and received a clearance for a Department criminal history and background check under the provisions of Sections 39-1105 and 39-1113, Idaho Code: (4-7-11)

a. Owners, operators, and staff; (4-7-11)

b. All other individuals thirteen (13) years of age or older who have unsupervised direct contact with children; or (4-7-11)

c. All other individuals thirteen (13) years of age or older who are regularly on the premises. (4-7-11)

02. Juvenile Justice Records. The criminal history and background check for any individual under eighteen (18) years of age, must include a check of the juvenile justice records, as authorized by the minor and his parent or guardian. Records must be checked for each jurisdiction in which the individual has resided since becoming thirteen (13) years of age through eighteen (18) years of age. Each owner, operator, or applicant is responsible for requesting a check of the juvenile justice record, paying for the costs of a check of the juvenile justice records, and submitting them to the Department for review. A check of the juvenile justice records must include the following:

(4-7-11)

a. Juvenile justice records of adjudication of the magistrate division of the district court; (4-7-11)

b. County probation services; and (4-7-11)

c. Department records. (4-7-11)

03. Criminal History and Background Check for Family Daycare Homes. Under Section 39-1114, Idaho Code, any person providing daycare for four (4) or more children in a family daycare home is required to comply with the requirements of Sections 39-1105 and 39-1113, Idaho Code. (4-7-11)

04. Criminal History and Background Check for Private Schools and Private Kindergartens. Under Section 39-1105, Idaho Code, any person who owns, operates, or is employed by a private school for educational purposes for children four (4) through six (6) years of age or a private kindergarten is required to comply with the requirements of Sections 39-1105 and 39-1113, Idaho Code. (4-7-11)

05. Cost of Criminal History and Background Check and Juvenile Justice Records. Each individual who requests and obtains a Department criminal history and background check is responsible for the cost of the criminal history and background check and check of juvenile justice records. (4-7-11)

06. On-going Duty to Report Convictions. Following completion of a criminal history and juvenile justice background check and clearance, additional criminal convictions and juvenile justice adjudications for disqualifying crimes under Section 39-1113, Idaho Code, must be self-disclosed by the individual to the owner or operator of a daycare center, group daycare facility, or family daycare home. The owner or operator must report these additional convictions and adjudications to the Department within five (5) days of learning of the conviction or adjudication. (4-7-11)

310. -- 319. (RESERVED)

320. DAYCARE LICENSING MAXIMUM TOTAL FEES.
A nonrefundable licensing fee must be paid to the Department prior to the issuance or renewal of a daycare license. (3-21-12)

01. Daycare Licensing Maximum Total Fee Amounts. The maximum total fee for initial licensure or renewal of a daycare center, group daycare facility, or family daycare home voluntarily licensed must not exceed the following amounts: (3-21-12)

a. For a daycare center with more than twenty-five (25) children in attendance at any given time - three hundred twenty-five dollars($325). (3-21-12)

b. For a daycare center with thirteen (13) to twenty-five (25) children in attendance at any given time - two hundred fifty dollars ($250). (3-21-12)

c. For a group daycare facility - one hundred dollars ($100). (3-21-12)

d. For a family daycare home voluntary license - one hundred dollars ($100). (3-21-12)

02. Daycare Fire Inspection Fee. Daycare fire inspection fees are payable to the local fire department or fire district official. (3-21-12)

321. APPLICATION FOR DAYCARE LICENSE OR RENEWAL.
Any individual applying for licensure as a daycare center, group daycare facility, or family daycare home voluntarily licensed by the Department must be at least eighteen (18) years of age. The applicant must apply on forms provided by the Department and must provide information required by the Department set forth in the following Subsections 321.01 through 321.10. (4-7-11)

01. Completed and Signed Application. A completed application form signed and dated by the applicant. (4-7-11)

02. Licensing Fee. The applicant must pay the appropriate licensing fee prior to the issuance of a daycare license by the Department. (4-7-11)

03. Inspection Reports. The following reports must be submitted to the Department with the application: (4-7-11)

a. Proof that the proposed facility meets local building code, where required; (4-7-11)

b. Proof that the proposed facility meets local electrical code, where required; (4-7-11)

c. Proof that the proposed facility meets fire code, where required; and (4-7-11)

d. Proof that the facility meets local planning and zoning requirements. (4-7-11)

04. Proof of Insurance. The applicant must provide proof of current fire and liability insurance coverage for the daycare facility. (4-7-11)

05. Criminal History and Background Clearance. Evidence that the applicant and all individuals required to have a criminal history and background check have received a clearance from the Department required in Section 309 of these rules. (4-7-11)

06. Statement to Comply. The applicant must provide a written statement that these rules have been thoroughly read and reviewed and the applicant is prepared to comply with all of its provisions. (4-7-11)

07. Statement Disclosing Revocation or Disciplinary Actions. A written statement that discloses any revocation or other disciplinary action taken or in the process of being taken against the applicant as a daycare provider in Idaho or any other jurisdiction, or a statement from the applicant stating he has never been involved in any such action. (4-7-11)

08. Other Information as Requested. The applicant must provide other information that may be requested by the Department for the proper administration and enforcement of the provisions of this chapter. (4-7-11)

09. Additional Requirements for License Renewal. A daycare license must be renewed every two (2) years. The daycare operator must submit to the Department the renewal application, fee, and all required documentation in this section of rule at least forty-five (45) days prior to the expiration of the current daycare license. (4-7-11)

10. Termination of Application Process. Failure of the applicant to cooperate with the Department in the application process may result in the termination of the application process. Failure to cooperate means that the information requested is not provided within ninety (90) days, or not provided in the form requested by the Department, or both. (4-7-11)

322. -- 324. (RESERVED)

325. ISSUANCE OF LICENSE.

01. Department Action. The Department will order a health and safety inspection of the daycare facility once the application for licensure is complete and the licensing fee has been paid. (4-7-11)

02. Issuance of a Regular License. If the Department determines the applicant is in compliance with the rules and minimum standards set forth in these rules, the Department will, within sixty (60) days from the date the completed application is submitted, issue one (1) of the following licenses: (4-7-11)

a. Daycare Center License, stating the type of facility, the number of children who may be in attendance, and the length of time the license is in effect; (4-7-11)

b. Group Daycare Facility License, stating the type of facility, the number of children who may be in attendance, and the length of time the license is in effect; or (4-7-11)

c. Family Daycare Home License, stating the type of facility, the number of children who may be in attendance, and the length of time the license is in effect. (4-7-11)

03. Denial of Licensure. If the Department determines the applicant is not in compliance with the rules and minimum standards set forth in this chapter and further determines not to issue a regular license or provisional license, the Department will, within thirty (30) days from the date the completed application is submitted, issue a letter of denial of licensure stating the basis for the denial. (4-7-11)

04. Incomplete Application. The Department is not required to take any action on an application until the application is complete. (4-7-11)

05. Notification of License Renewal. The Department will notify the licensed daycare operator at least ninety (90) days prior to expiration of the license. (4-7-11)

06. List of Licensed Daycare Facilities. The Department will maintain a list of all licensed daycare facilities for public use. (4-7-11)

326. -- 329. (RESERVED)

330. STAFF AND OTHER INDIVIDUAL RECORD REQUIREMENTS.
Each owner or operator of a daycare center, group daycare facility, or family daycare home voluntarily licensed by the Department must maintain a current list covering the previous twelve-month period of all staff and other individuals thirteen (13) years of age or older who have unsupervised direct contact with children, or are regularly on the premises. The list must specify, at a minimum, the following: (4-7-11)

01. Legal Name. (4-7-11)

02. Proof of Age. (4-7-11)

03. Phone Number. (4-7-11)

04. Record of Training. (4-7-11)

05. Verification of Criminal History and Background Check Clearance. (4-7-11)

06. Results of Juvenile Justice Records. The results of juvenile justice records, when applicable. (4-7-11)

07. Certification. Verification of Pediatric Rescue Breathing, Infant-Child CPR, and First Aid Treatment certification from a certified instructor, when applicable. (4-7-11)

08. Record of Hours. The times, dates, and records of hours on the premises each day. (4-7-11)

331. CHILD RECORD CONTENT REQUIREMENTS.
Each owner or operator of a daycare center, group daycare facility, or family daycare home voluntarily licensed by the Department, must maintain a record for each child in attendance covering the previous twelve-month period. The record must contain, at a minimum, the following: (4-7-11)

01. Child's Full Name. (4-7-11)

02. Date of Birth. (4-7-11)

03. Parent or Guardian's Name, Address. and Contact Information. (4-7-11)

04. Emergency Contact Information. (4-7-11)

05. Child's Health Information. (4-7-11)

a. Immunization record or waiver of exemption form or statement; (4-7-11)

b. Any medical conditions that could affect the care of the child; (4-7-11)

c. Medications the child is taking or may be allergic to. (4-7-11)

06. Record of Attendance. The times, dates, and record of attendance each day. (4-7-11)

332. -- 334. (RESERVED)

335. CHILD-STAFF RATIO.
Under Section 39-1109, Idaho Code, the Department determines the maximum allowable child-staff ratio based on a point system. (3-21-12)

01. Daycare Child-Staff Ratio Point System.
The maximum allowable points for each staff member is twelve (12), using the following point system which is based on the age of each child in attendance: (3-21-12)

a. Under the age of twenty-four (24) months, each child equals two (2) points. (3-21-12)

b. From the age of twenty-four (24) months to under the age of thirty-six (36) months, each child equals one and one-half (1 1/2) points. (3-21-12)

c. From the age of thirty-six (36) months to under the age of five (5) years, each child equals one (1) point. (3-21-12)

d. From the age of five (5) years to under the age of thirteen (13) years, each child equals one-half (1/2) point. (3-21-12)

02. Compliance with Child-Staff Ratios. Child-staff ratios must be maintained at all times during all hours of operation when children are in attendance and when transporting children. (3-21-12)

a. Each child in attendance is counted by the Department for the purposes of calculating maximum allowable points, counting the number of children in attendance, and for determining compliance with child-staff ratios; (3-21-12)

b. Each adult staff member who is providing direct care for a child or children is counted by the Department as one (1) staff member for the purposes of counting the number of staff on-duty and determining compliance with child-staff ratios; and (4-7-11)

c. Each staff member sixteen (16) and seventeen (17) years of age under the supervision of an adult staff member, when providing direct care for a child or children, may be counted by the Department as one (1) staff member for the purposes of counting the number of staff on-duty and determining compliance with child-staff ratios. (4-7-11)

04. Supervision of Children. The owner or operator and all staff are responsible for the direct care, protection, supervision, and guidance of children through active involvement or direct observation. In addition to meeting all of the minimum requirements of child-staff ratio, the owner or operator of a daycare center, group daycare facility, or family daycare home licensed by the Department must ensure that at least one (1) adult staff member is: (3-21-12)

a. Awake and on duty on the premises at all times during regular business hours or when children are in attendance, and (4-7-11)

b. Currently certified in pediatric rescue breathing, infant-child CPR, and first-aid treatment. (4-7-11)

05. Napping Children. Napping children who are not within sight of a staff member must be within easy hearing distance at all times. (4-7-11)

06. Overnight Daycare. For daycare operators providing overnight care of children, the following must apply: (4-7-11)

a. A sleeping child must sleep on the same level as the staff member who must be able to hear the child; and (4-7-11)

b. A staff member must be awake and on duty to release and receive a child. (4-7-11)

336. -- 339. (RESERVED)

340. DAYCARE CENTER TRAINING REQUIREMENTS.
Each owner or operator of a daycare center licensed by the Department must receive and ensure that each staff member receives and completes four (4) hours of ongoing training every twelve (12) months after the staff member's date of hire. (4-7-11)

01. Child Development Training. Training must be related to continuing education in child development. (4-7-11)

02. Documented Training. It is the responsibility of the owner or operator of the daycare center to ensure that each staff member has completed four (4) hours of training each year. The training must be documented in the staff member's record. (4-7-11)

03. Pediatric Rescue Breathing, Infant-Child CPR and First Aid Treatment Training. Pediatric rescue breathing, infant-child CPR, and first aid treatment training will not count towards the required four (4) hours of annual training. (4-7-11)

04. Staff Training Records. Each owner or operator of the daycare center is responsible for maintaining documentation of staff's training and may be asked to produce documentation at the time of license renewal. (4-7-11)

341. -- 344. (RESERVED)

345. MANDATORY REPORTING OF ABUSE, ABANDONMENT, OR NEGLECT.
Under Section 16-1605, Idaho Code, daycare personnel, including the owners, operators, staff, and any other person who has reason to believe that a child has been abused, abandoned, or neglected or is being subjected to conditions or circumstances which would reasonably result in abuse, abandonment, or neglect, must report or cause to be reported within twenty-four (24) hours, such conditions or circumstances to the Department or the proper law enforcement agency. (4-7-11)

346. VISITATION AND ACCESS.

01. Visitation Rights. Parents and guardians have the absolute right to enter the daycare premises when their child is in the care of the daycare operator. Failure or refusal to allow parental or guardian entry to the daycare premises or access to their child may result in the suspension or revocation of a daycare license. (4-7-11)

02. Denied or Limited Visitation Rights by Court Order. If a parent or guardian has been granted limited or has been denied visitation rights by a court of competent jurisdiction, and the daycare operator has written documentation from the court, Subsection 346.01 of this rule does not confer a right to visitation upon the parent or

guardian. (4-7-11)

03. Department Access. The owner or operator of a daycare center, group daycare facility, or family daycare home voluntarily licensed by the Department, must allow the Department access to the premises for re-inspection at any time during the licensing period. (4-7-11)

347. -- 349. (RESERVED)

350. FIRE SAFETY STANDARDS.
Each daycare center, group daycare facility, or family daycare home voluntarily licensed by the Department, must comply with the fire safety standards outlined in Subsections 350.01 and 350.02 of this rule. (4-7-11)

01. Inspections. Inspections must be completed by the local fire official or designee. For a daycare located outside of the area of authority outlined in Section 39-1109, Idaho Code, the Department can designate an approved inspector for daycare licensing purposes only. (4-7-11)

02. Unobstructed Exits. Required exits must be located in such a way that an unobstructed path outside the building is provided to a public way or area of refuge. (4-7-11)

a. Exit doors must open from the inside without the use of a key or any special knowledge or effort. (4-7-11)

b. There must be at least two (2) exits located a distance apart of not less than one-half (1/2) the diagonal dimension of the building or portion used for daycare, but not to exceed seventy-five (75) feet. An exception may be made for the following: (4-7-11)

i. The distance between exits may be extended to ninety (90) feet if the building is totally protected throughout with smoke detectors; or (4-7-11)

ii. The distance between exits may be increased to one hundred ten (110) feet if the building is equipped with an automatic fire sprinkler system. (4-7-11)

c. The required dimensions of exits must not be less than thirty-two (32) inches of clear exit width and not be less than six (6) feet, eight (8) inches in height. An exception for sliding patio doors will be accepted as a required second exit in a family daycare home and group daycare facilities only. (4-7-11)

d. Sleeping room exits must be provided with at least one (1) emergency egress window having at least a minimum single net clear opening of five point seven (5.7) square feet, minimum height twenty-four (24) inches, minimum width twenty (20) inches, and maximum finished sill height not over forty-four (44) inches. (4-7-11)

i. Approved egress windows from sleeping areas must be operable from the inside without the use of separate tools. (4-7-11)

ii. In lieu of egress windows, an approved exit door is acceptable. (4-7-11)

iii. An approved piece of furniture or platform, if anchored in place, may be approved to sit in front of a window if the sill height is over forty-four (44) inches. (4-7-11)

e. Where children are located on a story below the level of exit discharge (basement), there must be at least two (2) exits, one (1) of which must open directly to the outside. More than one (1) exit from the basement opening directly to the outside may be required, depending on the structure of the building, in order to ensure the safety of the occupants. (4-7-11)

f. Where children are located on a story above the level of exit discharge, there must be two (2) exits, one (1) of which must open directly to the outside and be in compliance with building codes. (4-7-11)

351. FACILITY CAPACITY AND DETERMINING OCCUPANT LOAD.
Occupant load is determined by the local fire official or designee. (4-7-11)

01. Area for Daycare Use Only. The local fire official or designee will only use those areas used for daycare purposes when determining the occupant load. (4-7-11)

02. Facilities with an Occupancy Load of Fifty or More. Facilities with an occupancy load of fifty (50) or more occupants must meet the requirements in Section 350 of these rules in addition to Subsections 351.01 through 351.03 of this rule. (4-7-11)

a. Exit doors must swing in the direction of egress. (4-7-11)

b. Exit doors from rooms, if provided with a latch, must have panic hardware installed. (4-7-11)

03. Exit Signs. Exit signs must be installed at required exit doorways and wherever else necessary to clearly indicate the direction of egress. (4-7-11)

352. FIRE EXTINGUISHERS AND SAFETY REQUIREMENTS.
Each daycare center, group daycare facility, or family daycare home voluntarily licensed by the Department, must comply with the fire extinguisher and safety requirements in this section of rule as applicable for size and type of facility. (4-7-11)

01. Portable Fire Extinguisher. There must be an approved portable fire extinguisher (minimum 2A-10BC) mounted securely in a visible location not to exceed five (5) feet from the floor to the top of the extinguisher and not more than seventy five (75) feet travel distance to an extinguisher and maintained properly. (4-7-11)

02. Kitchen Area. An approved fire extinguisher must be present or a hood-type fire suppression system must be installed in the kitchen area. (4-7-11)

03. Fire Extinguishers. Approved fire extinguishers must be maintained properly. (4-7-11)

04. Facilities Over Three Thousand Square Feet. Each daycare facility over three thousand (3,000) square feet is required to have additional fire extinguishers as approved by the local fire official or designee. (4-7-11)

05. Fire Alarm System. Each daycare facility with over fifty (50) children, must have an approved fire alarm system installed. (4-7-11)

06. Smoke Detectors. Smoke detectors must be installed and maintained in the following locations: (4-7-11)

a. On the ceiling or wall outside or each separate sleeping area in the immediate vicinity of bedrooms; (4-7-11)

b. In each room used for sleeping purposes; and (4-7-11)

c. In each story within a facility including basements. (4-7-11)

d. If there is a basement, there must be a smoke detector installed in the basement having a stairway which opens from the basement into the facility. Such detector must be connected to a sounding device or other detector to provide an alarm which is audible in the sleeping area. (4-7-11)

07. Automatic Sprinkler Systems. An automatic sprinkler system must be provided in all daycare facilities greater than twenty thousand (20,000) square feet in area or when the number of children under the age of eighteen (18) months exceeds one hundred (100). (4-7-11)

353. FIRE SAFETY AND EVACUATION PLANS.

Each daycare center, group daycare facility, or family daycare home voluntarily licensed by the Department, must have an approved fire safety and evacuation plan prepared. Fire evacuation and safety plans must include the following: (4-7-11)

01. Evacuation. Procedures and policies for accounting for staff and children after an evacuation is completed. (4-7-11)

02. Assembly Point. Evacuation plan and assembly point for children and staff. (4-7-11)

03. Locations of Facility Exits. (4-7-11)

04. Evacuation Routes. (4-7-11)

05. Location of Fire Alarms. (4-7-11)

06. Location of Fire Extinguishers. (4-7-11)

07. Annual Review. Fire safety and evacuation plans must be reviewed or updated annually and available in the facility for reference and review. (4-7-11)

08. Frequency of Fire and Emergency Evacuation Drills. Fire and evacuation drills must be conducted on a routine schedule and all staff and children must participate. (4-7-11)

354. -- 359. (RESERVED)

360. HEALTH STANDARDS.
Each daycare center, group daycare facility, or family daycare home voluntarily licensed by the Department, must comply with the health standards in Subsections 360.01 through 360.19 of this rule. Health inspections will be completed by a qualified inspector designated by the Department. (4-7-11)

01. Food Source. Food must be from an approved source as defined in IDAPA 16.02.19, "The Idaho Food Code." Food must not be served past expiration or "use by date." (4-7-11)

02. Food Preparation. Food for use in daycare facilities must be prepared and served in a sanitary manner with sanitized utensils and on surfaces that have been cleaned, rinsed, and sanitized prior to use to prevent cross-contamination. (4-7-11)

a. Frozen food must be thawed in the refrigerator, under cold running water, or as part of the cooking process. Food must be cooked to proper temperatures according to IDAPA 16.02.19, "The Idaho Food Code." (4-7-11)

b. Individuals preparing food must use proper hand-washing techniques, minimize bare hand contact with food, and wear clean clothes. (4-7-11)

03. Food Temperatures. Potentially hazardous foods must be kept refrigerated at forty-one degrees Fahrenheit (41°F) or below, held hot at one hundred thirty-five degrees Fahrenheit (135°F) or more, and reheated or cooled at safe temperatures according to IDAPA 16.02.19, "The Idaho Food Code." Refrigerators must be equipped with an accurate thermometer. (4-7-11)

04. Food Storage. All food that is served in daycare facilities must be stored in such a manner that protects it from potential contamination. There must be no evidence of pests present in the daycare facility. (4-7-11)

05. Food Contact Surfaces. Food contact surfaces must be kept clean and sanitized, including counters, serving tables, high chair trays, and cutting boards. (4-7-11)

06. Dishwashing Sanitizing. Dishes, glasses, utensils, silverware and all other objects used for food preparation and eating must be sanitized using appropriate sanitizing procedures. (4-7-11)

07. **Utensil Storage**. Clean utensils must be stored on clean shelves or drawers and not subject to recontamination. Sharp knives and other sharp objects must be kept out of reach of children. (4-7-11)

08. **Garbage**. Garbage must be kept covered or inaccessible to children. (4-7-11)

09. **Hand Washing**. Children and facility staff must be provided with individual or disposable towels for hand drying. The hand washing area must be equipped with soap and warm and cold running water. (4-7-11)

10. **Diaper Changing**. Diaper changing must be conducted in such a manner as to prevent the spread of communicable diseases. A diaper-changing area must be separate from food preparation and serving areas and have easy access to a hand-washing sink. (4-7-11)

11. **Sleeping Areas**. Children sleeping at the facility must have separate cots, mats, or beds and blankets. (4-7-11)

12. **Restrooms, Water Supply, and Sewage**. All daycare facilities must have restrooms. (4-7-11)

a. Each facility must have at least one (1) flushable toilet and at least one (1) hand washing sink with warm and cold water per restroom. (4-7-11)

b. Plumbing and bathroom fixtures must be in good condition. (4-7-11)

c. In addition, daycare centers must comply with requirements of the International Building Code incorporated by reference in Section 004 of these rules. (4-7-11)

13. **Water Supply**. The facility's water supply must meet one (1) of the following requirements: (4-7-11)

a. Be from a public water system which is maintained according to IDAPA 58.01.08, "Idaho Rules for Public Drinking Water Systems," at the time of initial application and application for license renewal; or (4-7-11)

b. Be from a private source, such as well or spring, and must be tested annually for bacteria and nitrate, and approved by the Department. (4-7-11)

c. Water used for consumption at a daycare facility must be from an acceptable source,. Temporary use of bottled water or boiled water may be allowed for a period specified by the by the Department. (4-7-11)

14. **Sewage Disposal**. Facility sewage must be disposed of through a public system, or in the absence of a public system, in a manner approved by the local health authority, according to IDAPA 58.01.03 "Individual/ Subsurface Sewage Disposal Rules." (4-7-11)

15. **Use of Alcohol and Illegal Drugs**. Alcohol and illegal drugs must not be used by operators, children, staff, volunteers, or visitors at daycare facilities or in the presence of children during hours of operation or in vehicles while transporting children. (4-7-11)

a. Any individual under the influence of alcohol or drugs must not be permitted at or in the daycare facility. (4-7-11)

b. Illegal drugs are prohibited by law and therefore must not be allowed on the premises of a licensed daycare facility at anytime whether the facility is open or closed. (4-7-11)

16. **Smoke Free Environment**. Children must be afforded a smoke-free environment during all daycare hours, whether indoors or outdoors. While children are in care, the operator and all staff must ensure that no smoking or other tobacco use occurs within the facility, in outdoor areas, or in vehicles when children are present. (4-7-11)

17. Medication. No person can administer any medication to a child without it first being authorized by a parent or caretaker. All medications, refrigerated or unrefrigerated, must be in a locked box or otherwise inaccessible to children. (4-7-11)

18. Adequate Heat, Light and Ventilation. A daycare facility must have adequate heat, light and ventilation. Window and doors must be screened if used for ventilation. (4-7-11)

19. Immunizations. Daycare operators must comply with the immunizations requirements provided in IDAPA 16.02.11, "Immunization Requirements for Children Attending Licensed Day Care Facilities in Idaho." (4-7-11)

361. MISCELLANEOUS SAFETY REQUIREMENTS.
Each daycare center, group daycare facility, or family daycare home voluntarily licensed by the Department must comply with the miscellaneous safety standards in Subsections 361.01 through 361.07 of this rule. (4-7-11)

01. Telephone. An operable telephone or cell phone must be available on the facility at all times and the following conditions must apply: (4-7-11)

a. The telephone number used to meet this standard must be made available to parents and guardians. (4-7-11)

b. Emergency phone numbers to include 911, an adult emergency substitute operator, as well as the address and phone number of the facility, must be posted by the telephone or in a location that is immediately visible at all times. (4-7-11)

03. Heat Producing Equipment. A furnace, fireplace, wood-burning stove, water heater and other flame or heat-producing equipment shall be installed and maintained as recommended by the manufacturer. Fireplaces and wood burning stoves shall be protected on all surfaces by screens or other means. (4-7-11)

04. Portable Heating Devices. Portable heating devices must be limited and approved for use and location by the Fire Inspector prior to use within a facility. (4-7-11)

05. Storage of Weapons, Firearms, and Ammunition. Firearms or other weapons which are stored at a daycare facility must be kept in a locked cabinet or other container that is inaccessible to children, including a locked gun safe, while children are in attendance. (4-7-11)

a. Ammunition must be stored in a locked container separate from firearms. (4-7-11)

b. Matches, lighters, and any other means of starting fires must be kept away from and out of the reach of children. (4-7-11)

c. Other weapons that could cause harm to children must be stored out of reach of children. (4-7-11)

06. Animals and Pets. Any pet or animal present at the facility, indoors or outdoors, must be in good health, show no evidence of carrying disease, and be a friendly companion of the children. The operator must maintain the animal's vaccinations and vaccination records. These records must be made available to the Department upon request. (4-7-11)

07. Storage of Hazardous Materials. Cleaning materials, flammable liquids, detergents, aerosol cans, pesticides, and other poisonous and toxic materials must be kept in their original containers and in a place inaccessible to children. They must be used in such a way that will not contaminate play surfaces, food, food preparation areas or constitute a hazard to the children. (4-7-11)

362. -- 364. (RESERVED)

365. BUILDINGS, GROUNDS, FURNISHINGS, AND EQUIPMENT.
Each daycare center, group daycare facility, or family daycare home voluntarily licensed by the Department must

comply with these minimum standards in Subsections 365.01 through 365.08 of this rule. (4-7-11)

01. Appliances and Electrical Cords. All appliances, lamp cords, exposed light sockets and electrical outlets must be protected to prevent electrocution. (4-7-11)

02. Balconies and Stairways. Balconies and stairways accessible to children must have substantial railings as required by the state-adopted International Building Code that is incorporated by reference in Section 004 of these rules. (4-7-11)

03. Stairway Protection. Where an operator cares for children less than three (3) years of age, stairways must be protected to prevent child access to stairs. (4-7-11)

04. Hazard Areas Restrictions. Based on the age and functioning level of children in care and the type of hazard, any outdoor hazard area must be restricted to prevent easy access to the hazard. (4-7-11)

05. Fueled Equipment. Fueled equipment including, but not limited to, motorcycles, mopeds, lawn-care equipment and portable cooking equipment may not be stored or repaired in areas where children are present. (4-7-11)

06. Water Hazards. Above and below ground pools, hot tubs, ponds, and other bodies of water that are on the daycare facility premises must provide the following safeguards: (4-7-11)

a. The area surrounding the body of water must be fenced and locked in a manner that prevents access by children and meets the following requirements: (4-7-11)

i. The fence must be at least four (4) feet high with no vertical opening more than four (4) inches wide and be designed so that a young child cannot climb or squeeze under or through the fence. The fence must surround all sides of the pool and have a self-closing gate that has a self latching mechanism in proper working order that is out of the reach of young children. (4-7-11)

ii. If the house forms one (1) side of the barrier for the pool, all doors that provide unrestricted access to the pool must have alarms that produce an audible sound when the door is opened. (4-7-11)

b. Furniture or other large objects must not be left near the fence in a manner that would enable a child to climb on the furniture or other large object and gain access to the pool. If the area surrounding a pool, hot tub, pond or other body of water is not fenced and locked, there must be a secured protective covering that will prevent access by a child. (4-7-11)

c. Wading pools and buckets must be empty when not in use. (4-7-11)

d. Children must be under direct supervision of an adult staff member who is certified in pediatric rescue breathing, infant-child CPR, and first aid treatment while using a bath tub, pool, hot tub, pond, or other body of water. (4-7-11)

e. A minimum of a four (4) foot high fence must be present that prevents access from the daycare facility premises, if the daycare premises are adjacent to a body of water. (4-7-11)

07. Indoor Play Areas and Toys. The indoor play areas must be clean, reasonably neat and free from accumulation of dirt, rubbish or other health hazards. (4-7-11)

08. Outdoor Play Areas and Toys. Any outdoor play area must be maintained free from hazards such as wells, machinery and animal waste. (4-7-11)

a. If any part of the play area is adjacent to a busy roadway, drainage or irrigation ditch, stream, large holes, or other hazardous areas, the play area must be enclosed with a fence in good repair that is at least four (4) feet high without any holes or spaces greater than four (4) inches in diameter. (4-7-11)

b. Outdoor equipment, such as climbing apparatus, slides and swings, must be anchored firmly and placed in a safe location and in accordance with the manufacturer's instructions. (4-7-11)

c. Outdoor play areas must be designed so that all parts are always visible and are easily supervised by a staff member. (4-7-11)

d. Toys, play equipment, and any other equipment used by the children must be of substantial construction and free from rough edges and sharp corners. Unguarded ladders on slides must be kept in good repair and well maintained. (4-7-11)

e. Toys and objects with a diameter of less than one (1) inch (two point five (2.5) centimeters), objects with removable parts that have a diameter of less than one (1) inch (two point five (2.5) centimeters), plastic bags, styrofoam objects and balloons must not be accessible to children ages three (3) and under or children who are known to place such objects in their mouths. (4-7-11)

366. -- 389. (RESERVED)

390. CONTINUED COMPLIANCE, REPORTING CHANGES, AND CRITICAL INCIDENTS.
Each daycare owner or operator must remain in compliance at all times with fire, safety, and health requirements as required in this chapter of rules. (4-7-11)

01. Posting of License and Other Information. (4-7-11)

a. A daycare license issued by the Department to operators meeting the standards in these rules must be posted in plain view where it can be seen by parents and the public upon entering the facility. (4-7-11)

b. A daycare must post contact information of the Department and the statewide number to file daycare complaints. (4-7-11)

02. Reporting Changes. The Department must be notified of any changes that would affect the terms of licensure or could affect the health, well-being, or safety of children. (4-7-11)

03. Critical Incidents. A daycare operator must report any of the following to the Department within twenty-four (24) hours: (4-7-11)

a. Serious injury or death of a child at the facility; (4-7-11)

b. Any arrests, citations, withheld judgments, or criminal convictions of disqualifying crimes associated with Section 39-1113, Idaho Code, of an operator or any other individual regularly on the premises of the facility and provide documentation that the individual is not working with children or is not on the premises. (4-7-11)

391. -- 394. (RESERVED)

395. FAILURE TO COMPLY.

01. Misdemeanors to Operate Without a License. It is a misdemeanor to operate a daycare center or group daycare facility within this state without first obtaining a daycare license from the Department or to operate a daycare center or group daycare facility without posting the license in a place easily seen by a parent or the general public. (4-7-11)

a. The Department may grant a grace period of no more than sixty (60) days to allow the daycare facility to come into compliance with the minimum standards in this chapter and with Title 39, Chapter 11, Idaho Code. (4-7-11)

b. The operator or owner must agree to begin the application process as described in Section 321 of these rules within one (1) business day of identification by the Department that a daycare owner or operator is not in

compliance with Title 39, Chapter 11, Idaho Code or this chapter of rules. (4-7-11)

02. Misdemeanor to Operate a Family Daycare Home for Four or More Children Without Obtaining a Criminal History Check. It is a misdemeanor to operate a family daycare home caring for four (4) or more children without obtaining the required criminal history check in Section 39-1105, Idaho Code. In the event of an initial citation for violation of the provisions of Section 39-1115, if a person makes the applications required within twenty (20) days, the complaint will be dismissed. Operating a family daycare home for four (4) or more children after failure to pass the required criminal history check is a misdemeanor. (4-7-11)

03. Misdemeanor to Provide Daycare if Guilty of Certain Offenses. It is a misdemeanor to provide daycare services if found guilty of any offenses listed in Section 39-1113, Idaho Code. (4-7-11)

396. -- 399. (RESERVED)

STANDARDS FOR FOSTER HOMES
(Sections 400 - 499)

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

401. LICENSING PROVISIONS RELATED TO THE INDIAN CHILD WELFARE ACT.
These rules do not supercede the licensing authority of Indian tribes pursuant to the Indian Child Welfare Act. (3-30-01)

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

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

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

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

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

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

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

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

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

09. Harmonious Home Life. Establish and maintain a harmonious home life to give children the

emotional stability they need. No marital or personal problems shall exist within the family that would result in undue emotional strain in the home or be harmful to the interest of children placed in the home. (3-30-01)

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

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

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

403. MEMBER OF HOUSEHOLD QUALIFICATIONS AND SUITABILITY.
To assure the safety and well-being of children, a member of the household must be in compliance with the requirements specified in these rules. (4-7-11)

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

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

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

03. Foster Parent's Child Turns Eighteen. A foster parent's child who turns eighteen (18) and lives continuously in the home is not required to have a criminal history and background check except as specified in Subsection 404.03.c. of this rule. (4-7-11)

a. After turning eighteen (18) years of age, if the foster parent's adult child no longer lives in the foster parent's home and subsequently resumes living in the licensed foster home, he will be considered an adult member of the household and must complete a criminal history and background check within fifteen (15) days from the date he became an adult member of the household. (4-7-11)

b. If the adult child leaves the foster home for the purpose of higher education or military service, and periodically returns to the home for less than ninety (90) days, he is not considered to be an adult member of the household and is not required to complete a criminal history and background check. While in the home, he cannot have any unsupervised direct care responsibilities for any foster children in the home. Should he remain in the foster home for more than ninety (90) days, he will immediately be considered an adult member of the household and must complete a criminal history and background check within fifteen (15) days from the date he became an adult member of the household. (4-7-11)

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

04. Criminal History and Background Check at Any Time. The Department retains the authority to require a criminal history and background check at any time on individuals who are residing in a licensed foster home or on the foster parent's property. (4-7-11)

405. INITIAL EVALUATION.
An applicant shall participate in the process and tasks to complete an initial evaluation for foster care licensure.

(3-30-01)

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

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

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

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

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

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

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

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

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

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

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

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

c. Education; (3-30-01)

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

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

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

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

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

i. Any current family problems, including mental illness, drug and alcohol abuse, and medical

conditions; (3-30-01)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

02. Initial Training. Complete not less than ten (10) hours of training no later than one (1) year following the issuance of an initial foster care license. (3-30-01)

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

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

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

409. -- 429. (RESERVED)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

03. Irrigation Canals or Similar Body of Water. A licensed foster home caring for a child five (5) years of age and under or a child who is physically or developmentally vulnerable, whose property adjoins an irrigation canal or similar body of water, must have fencing that prevents access to the canal or similar body of water by the child. (3-30-07)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

434. DANGEROUS AND HAZARDOUS MATERIALS.
Dangerous and hazardous materials, objects or equipment, including but not limited to poisonous, explosive or flammable substances that could present a risk to a child placed in a foster home, shall be stored securely and out of reach of a child, as appropriate for the age and functioning level of the child. (3-30-01)

435. FIREARMS AND AMMUNITION.
Firearms at a foster home shall be stored: (3-30-01)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

03. Prohibitions of Foster Child Transportation. A foster parent shall not transport a foster child while impaired by any substance including alcohol, prescription medication, or any illegal substances. (3-30-01)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

01. Substitute Care. Place a child in substitute care only with the prior knowledge and consent of the children's agency. (3-30-01)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

447. MEDICAL AND DENTAL CARE.

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

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

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

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

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

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

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

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

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

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

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

455. RECREATION.
A foster parent shall provide or arrange access to a variety of indoor and outdoor recreational activities and shall encourage a child to participate in recreational activities that are appropriate for the child's age, interests and ability. (3-30-01)

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

457. REASONABLE AND PRUDENT PARENT STANDARD.
A caregiver must follow the reasonable and prudent parent standard. (7-1-16)

01. Reasonable and Prudent Parent Standard Defined. The reasonable and prudent parent standard means the standard characterized by careful and sensible parental decisions that maintain the health, safety, and best interests of a child while at the same time encouraging the emotional and developmental growth of the child that a caregiver must use when determining whether to allow a child in foster care under the responsibility of the state to participate in extracurricular, enrichment, cultural, or social activities. (7-1-16)

a. "Caregiver" means a foster parent with whom a child in foster care has been placed or a designated official for a child care institution in which a child in foster care has been placed. (7-1-16)

b. "Age or developmentally appropriate" means: (7-1-16)

i. Activities or items that are generally accepted as suitable for children of the same chronological age or level of maturity or that are determined to be developmentally appropriate for a child, based on the development of cognitive, emotional, physical, and behavioral capacities that are typical for an age or age group; and (7-1-16)

ii. In the case of specific child, activities or items that are suitable for the child based on the developmental stages attained by the child with respect to the cognitive, emotional, physical, and behavioral capacities of the child. (7-1-16)

02. Training. Each caregiver will complete training to include knowledge and skills relating to the reasonable and prudent parent standard for the participation of the child in age or developmentally appropriate activities, including knowledge and skills relating to the developmental stages of the cognitive, emotional, physical, and behavioral capacities of a child, and applying the standard to decisions such as whether to allow the child to engage in social, extracurricular, enrichment, cultural, and social activities, including sports, field trips, and overnight activities lasting one (1) or more days, and involving the signing of permission slips and arranging transportation for the child to and from extracurricular enrichment and social activities. (7-1-16)

458. -- 469. (RESERVED)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

474. -- 499. (RESERVED)

CHILDREN'S AGENCIES AND CHILDREN'S RESIDENTIAL CARE FACILITIES
(Sections 500 - 599)

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

501. ACCESS BY DEPARTMENT AUTHORIZED AGENTS.
The Department’s representatives must be provided access to the children's agency, children’s therapeutic outdoor program, or children’s residential care facility and its grounds, facilities, and records for determining compliance with applicable rules and investigation of complaints against the organization. (7-1-09)

502. COMPLIANCE REQUIRED.
Before being licensed as an organization, the applicant must comply with all applicable rules where compliance can be achieved prior to being licensed and must demonstrate intent to comply with the applicable rules where compliance can only be achieved once the program has become fully operational. (7-1-09)

503. NOTIFICATION TO THE LICENSING AUTHORITY.
An organization must notify the licensing authority, as described in Section 005 of these rules, a minimum of thirty (30) days prior to a change in the name of the organization, type of service, type of children being served, an increase

in licensed capacity of a child care facility or children's residential care facility, or the organization closes, moves or changes ownership. (7-1-09)

504. NOTIFICATION TO THE LICENSING AUTHORITY NO LATER THAN ONE WORKING DAY.
An organization must notify the licensing authority, as described in Section 005 of these rules, no later than one (1) working day of any circumstance in Subsections 504.01 through 504.04 of this rule: (7-1-09)

01. **Fire**. There is a fire in a structure housing residents that requires the services of a fire company. (7-1-09)

02. **Injured Child**. A child is injured and requires in-patient hospital treatment. (7-1-09)

03. **Change in Administrator**. There is a change in chief administrator for the organization. (7-1-09)

04. **Employee Investigated**. An employee is the subject of an investigation for child abuse or neglect. (7-1-09)

505. UNAUTHORIZED ABSENCES.
Upon an unauthorized absence of a child in care, an organization must immediately notify the parent, guardian or placing children's agency and law enforcement. Clothing and other personal belongings must be secured immediately until the child returns or other arrangements are made, according to organization standards. (7-1-09)

506. DEATH OF A CHILD IN CARE NOTIFICATION.
An organization must immediately notify the parent, guardian or placing children's agency and the licensing authority upon the death of a child in care. In the event of a sudden death, or if the death occurs as a result of a crime or accident, the appropriate law enforcement agency must be contacted immediately by the organization. (7-1-09)

507. -- 519. (RESERVED)

520. WRITTEN BYLAWS.
Except for an organization operated by a governmental entity, an organization must have written bylaws defining the board structure, philosophy and program. (7-1-09)

521. GOVERNING BODY REQUIRED.
An organization must have an identifiable functioning governing body. The governing body must designate a person to function as the chief administrator of the organization, who is competent to administer the organization and delegate the overall day to day responsibility for the administration and operation of the organization. There must be a written plan for the delegation of authority in the absence of the chief administrator. (7-1-09)

522. DELINEATION OF JOB RESPONSIBILITIES.
An organization must delineate, in writing, the job responsibilities and functions of the chief administrator. The chief administrator must adopt and implement lines of responsibility that ensure the proper and effective supervision and monitoring of employees and volunteers. (7-1-09)

523. ORGANIZATIONAL CHART, POLICIES AND PROCEDURES.
An organization must have an organizational chart identifying the job positions, individuals in each position, and the lines of authority within the organization. (7-1-09)

524. INSURANCE COVERAGE.
An organization must secure and maintain on file copies of current motor vehicle, fire, comprehensive general liability, and professional liability insurance. (7-1-09)

525. QUALITY OF SERVICES ENVIRONMENT.
An organization must carry out its licensed programs in an environment that is safe, accessible, and appropriate for the needs of those served and with due regard for the rights and protections of those persons receiving services. (7-1-09)

01. Assess Compliance. The organization's administration must assess compliance with the applicable rules annually. (7-1-09)

02. Corrective Action for Non-Compliance. For each item of non-compliance, within thirty (30) days of notification by the licensing authority, the organization must have developed and implemented a plan approved by the licensing authority to correct each item within six (6) months. (7-1-09)

03. Expeditious Correction. The licensing authority may require a more expeditious correction when it determines there is a health and safety risk to children. Imminent risk to a child requires the corrective action be completed within twenty-four (24) hours of discovery of the non-compliance by the licensing authority. (7-1-09)

04. Assess Disrupted Placement. The organization must also assess all disrupted placements and unplanned removals of children from foster homes, transitional living, adoptive homes, children's therapeutic outdoor program, and children's residential care facilities. Corrective action must be implemented to correct causes of disrupted and unplanned removals. (7-1-09)

526. RESEARCH PROTECTIONS FOR PERSONS SERVED.
An organization must have a mechanism for reviewing and recommending approval and denial of research proposals involving past or present persons served. When an organization or another acting on its behalf participates in research involving its clients, the organization must maintain the privacy and right of refusal of any person to participate. (7-1-09)

527. CONFIDENTIALITY AND PRIVACY PROTECTIONS OF PERSONS SERVED.
An organization must have and follow written policies and procedures governing access to, use of, and release of information about a person served. The privacy of a child and his family must be protected. The identity of a child used in any form of publicity must be given only when written consent of the child's parent or guardian has been obtained prior to using or allowing to be used a child, picture of a child, or a child's name. Written consent is not required for publicity specifically used to locate an adoptive placement for a child. (7-1-09)

528. DESCRIPTION OF SERVICES.
An organization must have and follow a written description of the services and fees the organization charges including those provided by the licensee or arranged through other sources. This information must be factual and available to the public. The description must include policies governing eligibility for service, age, specific characteristics, and treatment needs of children served, accommodation of cultural sensitivity, and the geographic area served. (7-1-09)

529. INTAKE POLICY.
An organization must have and follow a written intake policy that sets forth the criteria for admitting children for care or services. The policy must be in keeping with the organization's purpose and services provided. Except for an emergency placement, the intake policy must include a requirement that sufficient information on each child admitted for care or services is obtained to determine that the child can be appropriately served by the organization. For an emergency placement the policy must require that the information needed to determine the appropriateness of continuing the placement or services is obtained within seven (7) days of the child's admission or placement. (7-1-09)

530. CONTINUED CARE.
Continued care is permitted as defined and authorized in the Idaho Child Care Licensing Reform Act Sections 39-1202 and 39-1213, Idaho Code, and Section 531 of these rules for individuals eighteen (18) to twenty-one (21) years of age. (7-1-09)

01. Department or Department of Juvenile Corrections (DJC) Placed Individuals. Continued care is permitted for individuals receiving services by, through, or with the authorization of the Department or the Department of Juvenile Corrections (DJC) prior to their eighteenth birthday. (7-1-09)

02. Individuals Not Placed by Department or DJC. Individuals who are in the care of a licensed child care program prior to turning eighteen (18) years of age may remain in the program for up to ninety (90) days

after their eighteenth birthday, or, until the close of the current school year for individuals attending school. (7-1-09)

531. DOCUMENTATION REQUIREMENTS FOR CONTINUED CARE.
Prior to accepting an individual into continued care the following requirements must be met: (7-1-09)

01. Voluntary Agreement. A signed voluntary agreement to remain in the program, or a copy of a court order authorizing continued placement after the individual's eighteenth birthday. (7-1-09)

02. Assessment for Others Safety. An assessment to assure that an individual in continued care does not jeopardize the health, safety and well being of the children in care of the organization. (7-1-09)

03. Additional Continued Care Plans. A plan that prohibits individuals in continued care from sharing a bedroom or other sleeping quarters with a child as defined in Section 010 of these rules. (7-1-09)

04. Documentation of Care Prior to Eighteenth Birthday. Documentation verifying the individual in continued care was in the care of the organization prior to eighteenth birthday. (7-1-09)

05. Documentation of Need for Continued Care. Documentation verifying the individual in continued care needs to remain in order to complete treatment, education, or other similar needs. (7-1-09)

532. -- 534. (RESERVED)

535. SUFFICIENT FINANCIAL RESOURCES.
An organization must have sufficient financial resources to implement and deliver its programs. It must initially and annually develop and implement a plan of financing to carry out its programs, to ensure that children receive safe and appropriate care and needed services, and to ensure applicable licensing requirements are met. The plan of financing must include realistic projected income and expenditures. (7-1-09)

536. ANNUAL AUDIT.
An organization must provide the licensing authority a copy of an annual audit, an auditor's report, or a current federal tax return. (7-1-09)

537. -- 543. (RESERVED)

544. HUMAN RESOURCES NEEDED.
An organization must determine, organize and deploy the human resources needed to provide services subject to applicable rules and to promote optimum outcomes for persons served. An organization must have an adequate number of qualified administrative, supervisory, social service, direct care staff and other staff to perform the prescribed functions required by applicable rules to provide for the needs, safety, protection and supervision of children served. (7-1-09)

545. SERVICE WORKER OR SOCIAL WORKER.
An organization must employ, at a minimum, one (1) service or social worker, as defined in Section 011 of these rules, for a minimum of thirty-two (32) hours per week. (7-1-09)

546. STAFF RECRUITMENT, HIRING, SUPERVISION, TRAINING, EVALUATION, PROMOTION AND DISCIPLINE.
An organization must have and follow written policies and procedures governing recruitment, screening, hiring, supervision, training, evaluation, promotion, and discipline of employees and volunteers. An organization must employ persons and use volunteers who have an understanding and respect for children and their needs, the child's family and culture; are physically and emotionally suited to provide, services to unrelated children and the problems they present; and are capable of performing activities related to their job. (7-1-09)

01. Job Descriptions. An organization must have and follow written job descriptions for every position identifying necessary qualifications, including education, experience, training, duties, and lines of authority. (7-1-09)

02. Personnel Records. An organization must have a personnel record for every employee and volunteer. The record must contain the following: (7-1-09)

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

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

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

d. Verification of child care work history; (7-1-09)

e. Three (3) references from persons who are unrelated to the employee or volunteer. For a job applicant who has worked for an organization which provides care or services to children, one (1) of the references must be from a prior child care provider for whom the employee or volunteer worked; (7-1-09)

f. Verified documentation of a complete criminal history record check as required by Section 39-1210, Idaho Code; (3-30-01)

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

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

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

j. For staff and volunteers who transport children, a copy of a valid driver's license for the type of vehicle used while transporting children. If they use their own vehicle to transport children, the record must include proof that the vehicle is properly insured. (7-1-09)

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

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

547. PERSON FILLING MORE THAN ONE POSITION.
A person filling more than one (1) position must meet the requirements for each position. (7-1-09)

548. (RESERVED)

549. TUBERCULOSIS SCREENING.
Staff and volunteers who have contact with children for four (4) or more hours per week for two (2) or more consecutive weeks must have documentation in their personnel file that they are free from communicable tuberculosis. The screening and documentation must be updated every three (3) years. (7-1-09)

550. VOLUNTEER SUPERVISION.
A designated employee of the organization must supervise a volunteer. (7-1-09)

551. EMPLOYEE AND VOLUNTEER ORIENTATION.
An organization must document that each new employee, contractor, and volunteer participates in an orientation that includes the information described as follows in Subsections 551.01 through 551.04 of this rule: (7-1-09)

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

02. Job Function. The policies and procedures of the organization as they relate to his job function.

(3-30-01)

03. Job Responsibilities. The employee's, contractor's, or volunteer's role and responsibilities. (7-1-09)

04. Child Abuse, Neglect, and Abandonment Reporting. The requirement to report suspected incidents of child abuse, neglect, and abandonment. (7-1-09)

552. EMPLOYEE AND VOLUNTEER TRAINING.
Except for a licensed professional under contract with the organization, an organization must document that each new employee and volunteer, and current employee and volunteer whose job function significantly changes, and whose primary role requires interaction with children, receive at least twenty-five (25) hours of planned training before working independently. Orientation cannot be counted toward the required training hours. The training must include specific instruction in job responsibilities, policies and procedures, emergency procedures, child safety, child abuse, neglect, or abandonment, and the applicable licensing requirements. (7-1-09)

553. -- 559. (RESERVED)

560. PERMANENT REGISTER.
Child agencies and child residential care facilities must maintain a permanent register of all children admitted into care. The permanent register must include each child's full name, gender, date and place of birth, parents or guardian, and address of the parent or guardian, who placed the child, the date of placement, date of discharge, and to whom the child was discharged. (7-1-09)

561. CONTENT OF CHILD'S RECORD.
At the time of a child's placement, the person admitting the child must document in the child's record the child's physical and emotional state at the time of placement. In addition, at the time of placement and if not available at the time of an emergency placement, then within seven (7) days, an organization must document complete biographical and identifying information on each child admitted into care. (7-1-09)

01. Minimum Information. The record must contain at a minimum the following: (7-1-09)

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

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

c. Gender; (3-30-01)

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

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

f. Last school attended including previous grade level, current grade level and scholastic performance; (7-1-09)

g. Parents' full names, marital status, and addresses and if known to be separated or divorced, proof of custody; (7-1-09)

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

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

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

k. For children's residential care facilities which provide treatment, the child's primary diagnosis; (3-30-01)

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

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

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

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

p. Evaluation of the child's physical, social and emotional development and any special problems and needs he has, including medical, surgical and dental care needs; (3-30-01)

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

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

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

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

u. The assigned social worker or service worker. (7-1-09)

02. Child's Health Record. There must be a health record for each child, available to appropriate staff for emergency use and to provide for the child's routine care. The record must contain at a minimum the following: (7-1-09)

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

b. A list of all medications the child is taking at the time of admission and any medication prescribed for the child while in care including the date prescribed and the prescribing physician; and (7-1-09)

c. A copy of the child's medical provider's name, address and telephone number. (7-1-09)

562. AUTHORIZATIONS REQUIRED.
Written authorization must be obtained from the parent, guardian or court of jurisdiction to obtain and provide routine medical care, emergency medical and surgical care, and mental health care for the child. (7-1-09)

563. SERVICE PLANS.
An organization must develop and follow a written service plan for a child admitted into care unless otherwise provided for in Sections 564, and 790 through 794 of these rules. (7-1-09)

01. Initial Service Plan. The initial service plan must be developed and recorded in the child's record within thirty (30) days after admission and must: (7-1-09)

a. Identify the needs of the child and family and provide goals and a time frame to achieve the goals; (7-1-09)

b. Document services the organization will provide to assure the safety, health, permanency, and well-being of the child; (7-1-09)

c. Establish and document criteria for discharge; (7-1-09)

d. Demonstrate the service plan was developed in a process that included participation of the child's parent, guardian, or legal custodian, and the child. A child may be excluded from participation in development of the service plan if he is under nine (9) years of age or not capable of understanding the purpose of the planned services; and (7-1-09)

e. Identify the persons responsible for coordinating and implementing the child's and family's treatment goals. (7-1-09)

02. Updated Service Plan. A service plan must be updated every ninety (90) days and must: (7-1-09)

a. Assess the appropriateness of continuing the current placement; (7-1-09)

b. Document services the organization will provide to assure the safety, health, permanency, and well-being of the child; (7-1-09)

c. Document progress towards achieving the goals in the service plan; (7-1-09)

d. Demonstrate the service plan was developed in a process that included participation of the child's parent, guardian, or legal custodian, and the child. A child may be excluded from participation in development of the service plan if he is under nine (9) years of age or not capable of understanding the purpose of the planned services. (7-1-09)

564. SHELTER CARE ADMISSION AND PLANS.
The organization must develop and follow a written plan within seven (7) days of admission to shelter care. The plan must assess the child's immediate and specific needs and identify the specific services to be provided by the organization and other resources to meet the needs. (7-1-09)

01. Shelter Care in Excess of Thirty Days. The organization must re-assess and update the written plan for each child remaining in shelter care for thirty (30) days and at forty-five (45) days. The plan must include: (7-1-09)

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

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

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

02. Shelter Care More Than Sixty Days. The organization must develop and follow service plans that comply with these rules, except the initial service plan must be developed after sixty (60) days of admission. The service plan must be updated every ninety (90) days thereafter. (7-1-09)

565. MAINTENANCE OF RECORDS.
An organization must have and follow written policies and procedures for the maintenance and security of records. The policy and procedures must: (7-1-09)

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

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

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

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

566. RECORD RETENTION.
Except for an adoptive record, records must be maintained for at least seven (7) years after the child has been released from the organization's care or until the child reaches the age of twenty-five (25), which ever is longer. A record for

an adopted child and adoptive parent must be kept forever. The record for each applicant for a foster care license or certification or an application to adopt where there was no adoptive placement must be maintained for at least seven (7) years after provision of services has ended. (7-1-09)

567. -- 569. (RESERVED)

570. REPORTING OF CHILD ABUSE, NEGLECT, AND ABANDONMENT.
All suspected incidents of child abuse, neglect, or abandonment must be reported immediately to law enforcement or the Department as required by Section 16-1605, Idaho Code. The chief administrator or designee of the children's agency or facility must ensure the safety and protection of children when the allegation is against an organization's staff or volunteer and must initiate a thorough investigation and administer appropriate disciplinary action, when indicated. (7-1-09)

571. HEALTH SERVICES.
The organization must provide a physical exam within the last year by a licensed physician when the child has been in continuous care. If a child has not been in continuous care, a physical must be done within thirty (30) days of admission by a licensed physician. Annual physical exams must be provided for a child two (2) years of age and older, and on a schedule determined by a pediatrician for a child under two (2) years of age. Documentation must be maintained of current immunizations or provisions for immunizations as required by Section 39-4801, Idaho Code, within thirty (30) days of admission. The organization must provide documentation of medical care for the treatment of illnesses, carrying out corrective measures and treatment, and for the administration of medication as ordered by the physician. (7-1-09)

572. DENTAL SERVICES.
For children three (3) years of age and older, the organization must ensure and document the child has had a dental exam within the last nine (9) months or a dental exam within three (3) months of admission, a yearly dental exam and necessary dental treatment, including prophylaxis, extraction, repair and restoration. The organization must make provisions for appropriate dental care for a child under the age of three (3) when the child's dental needs indicate. Documentation of all medical treatment provided while the child is in care and documentation of applicable medical insurance provider, policy numbers and who holds the policy must be maintained. (7-1-09)

573. NON-VIOLENT PHYSICAL INTERVENTION.
An organization must have written policies and procedures governing the appropriate use of non-violent physical restraint intervention strategies. The policies and procedures must be according to non-violent physical restraint intervention strategies of a nationally recognized program. Non-violent physical restraint intervention strategies must include the following: (7-1-09)

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

02. Intervention Time Guidelines. Be used only until the child has regained control and must not exceed fifteen (15) consecutive minutes, include written documentation of attempts made to release the child from the restraint if more than fifteen (15) minutes is required. (7-1-09)

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

04. Conditions Limiting Restraint Use. Prohibit the application of a non-violent physical restraint intervention if a child has a documented physical condition that would contraindicate its use, unless a qualified medical professional has previously and specifically authorized its use in writing. Documentation must be maintained in the child's record. (7-1-09)

05. Prohibition of Prone Restraints. Prohibit the use of prone restraints. (7-1-09)

06. Intervention Documentation. Require documentation of the behavior which required the non-violent physical restraint intervention strategy, the specific attempts to de-escalate the situation before using physical

restraint, the length of time of the non-violent physical restraint intervention strategy was applied which includes documentation of the time started and completed, and the debriefing completed with the staff and child involved in the non-violent physical restraint intervention strategy. (7-1-09)

07. Subsequent Review. Require that whenever the non-violent physical intervention policy and procedures have been used on a child more than two (2) times in one (1) week, there is a review by the chief administrator or his designee. Appropriate action must be taken based on the findings of the review. (7-1-09)

574. CLIENT GRIEVANCE POLICY.
An organization must develop and follow a written grievance policy for clients that is written in simple and clear language, requires prompt investigation of the grievance by a person who can be objective, and provides at least one (1) level of appeal. Clients must be made aware of the grievance policy and this must be documented. The policy must be shared in a manner appropriate to the child's age and his ability to understand. The policy must require monitoring to ensure there is no retaliation against the child or the person who files a grievance. (7-1-09)

575. SUICIDE PREVENTION PLAN.
An organization must develop and follow a written suicide prevention plan that addresses the needs of the population the organization serves. (7-1-09)

576. CLOTHING.
An organization must ensure that each child in care has sufficient clean, properly fitting clothing, appropriate for the child's age, gender, individual needs, program and season. (7-1-09)

577. VISITATION POLICY.
An organization must have and follow a written visitation policy. The policy will encourage visits between a child in care and family members and others significant to the child except when visitation is contraindicated and is documented in the child's record or a court order. The policy must require the maintenance of a log of visitation for each child in residential care which includes the name of the person visiting and the date and time of the visit. (7-1-09)

578. CORRESPONDENCE POLICY.
An organization must have and follow a written correspondence policy that specifies the conditions under which the organization restricts the receipt of correspondence to or from a child. The conditions must require that the child and parent or guardian be informed of the restriction, the reason for the restriction, and that the restriction be documented in the child's record. The policy must prohibit staff and foster parents from reading children's correspondence except where there is a legitimate documented reason to do so. When staff or foster parents read a child's correspondence, the child must be present. Packages may be exempt from the prohibition against inspection. (7-1-09)

579. RELIGIOUS AND CULTURE POLICY.
An organization must have and follow a written policy regarding religious participation, religious training, cultural heritage, and cultural practices of children in its care. Before placement of any child with the organization, the child's parents or guardians must receive a copy of the religious and cultural policy and acknowledge receipt of the policy with their signature and date. (7-1-09)

01. Organizations That Accept State Placements. An organization providing services to a child placed by the state must include in its policy a requirement to provide reasonable attempts to accommodate the religious and cultural preferences of the child and the child's parents. The organization will also commit in policy to assurances of respect for the religious and cultural beliefs and practices of all children placed in their program. (7-1-09)

02. Organizations That Accept Only Private Placements. An organization that accepts only private placements and requires each child to participate in specific religious practices must include this requirement in their written religious and cultural policy signed by the child's parents or guardians. (7-1-09)

580. EDUCATION POLICY.
An organization must have and follow an education policy. The policy will require that within five (5) school days after a child's placement, each child of school age, as defined by state law, be enrolled in an appropriate school

program or document why the child was unable to enroll. (7-1-09)

581. PERSONAL POSSESSIONS, ALLOWANCE, AND MONEY POLICY.
An organization must have and follow a personal possessions, allowance and money policy. The policy will include: (7-1-09)

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

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

03. Signature Required. The organization must obtain the signature of the parent, guardian or child over eight (8) years of age who is capable of understanding the purpose of the inventory at the time of inventory and when the items are returned. (7-1-09)

582. EMERGENCY POLICIES.
An organization must have and follow an emergency policy and procedures. The policy must contain provisions for ensuring that a caregiver has and follows the organization's approved written procedures for the following emergencies: (7-1-09)

01. Fire. (7-1-09)

02. Natural Disasters. (7-1-09)

03. Serious Accident or Injury. (7-1-09)

04. Medical. (7-1-09)

05. Missing Child. (7-1-09)

06. Power Outage. (7-1-09)

07. Bomb Threat. (7-1-09)

08. Severe Weather. (7-1-09)

09. Hostage Taking. (7-1-09)

10. Other Dangers Unique to the Location of an Organization. (7-1-09)

583. REASONABLE AND PRUDENT PARENT STANDARD FOR AN ORGANIZATION PROVIDING SERVICES TO CHILDREN PLACED BY THE DEPARTMENT.
An organization providing services to children placed by the Department's Child and Family Service Program must designate at least one (1) on-site official who is authorized to apply the reasonable and prudent parent standard as described in Section 457 of these rules. (7-1-16)

584. -- 599. (RESERVED)

ADDITIONAL STANDARDS FOR CHILDREN'S AGENCIES
(Sections 600 - 699)

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

601. CHIEF ADMINISTRATOR POSITION AND QUALIFICATIONS.
The children's agency must employ or contract for a chief administrator who has at the time of appointment, at a minimum: (7-1-09)

01. Master's Degree. A Master's degree from an accredited college or university in a field related to behavioral science, two (2) years of experience working with families or children in a social services setting, and three (3) years of experience in staff supervision and administration; or (7-1-09)

02. Bachelor's Degree. A Bachelor's degree from an accredited college or university in a field related to behavioral science, five (5) years of experience working with families or children in a social services setting and three (3) years of experience in staff supervision and administration. (7-1-09)

602. SERVICE WORKER SUPERVISOR POSITION.
The children's agency may employ a service worker supervisor who possesses either: (7-1-09)

01. Master's Degree Provision. A Service Worker Supervisor must be a certified social worker or a person who possesses a Master's degree from an accredited college or university in a related field with appropriate licensure as required by state law, and have demonstrated experience of not less than five (5) years in adoptions or foster care; or (7-1-09)

02. Bachelor's Degree Provision. A Bachelor's degree from an accredited college or university in a behavioral science, or in another major where twenty-five percent (25%) of the course credits earned toward the degree are in behavioral sciences, and five (5) years of experience working with families or children in a social service setting and three (3) years in staff supervision and administration. (7-1-09)

603. (RESERVED)

604. SOCIAL WORKER POSITION AND QUALIFICATIONS.
A children's agency may employ or contract for a licensed social worker who possesses at least a bachelor's degree from an accredited college or university with a major in a social work. (7-1-09)

605. SERVICE WORKER POSITION AND QUALIFICATIONS.
A children's agency that does not employ or contract for a social worker must employ or contract for a service worker. (7-1-09)

01. Qualification. Qualifications of the service worker must be verified through written documentation of work experience and education. The service worker will have at a minimum: (7-1-09)

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

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

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

606. SOCIAL WORKER OR SERVICE WORKER RESPONSIBILITIES.
The responsibilities of a social worker or service worker employed or contracted by a children's agency will include child assessment, service plan development, child placement, foster or adoptive home assessment, supportive services for children and families, and transitional living services. (7-1-09)

607. SELF-SUPERVISION PROHIBITED.
Neither a service worker supervisor nor a social worker is allowed to supervise his own work. (7-1-09)

608. STAFF WORKLOADS.

A children's agency must have identified workload standards for each staff member. (7-1-09)

01. Supervisor to Staff Ratio. Service Worker Supervisors must not supervise more than eight (8) workers made up of the following: social workers, service workers, and social service aides. (7-1-09)

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

609. -- 614. (RESERVED)

615. ADDITIONAL PROVISIONS FOR FOSTER HOME CERTIFICATION.
A children's agency that licenses or certifies foster homes must have policies to comply with foster care rules, Sections 400 through 499 of these rules and may require that additional foster care standards be met if the agency deems appropriate. (7-1-09)

616. PROGRAM DESCRIPTION.
A children's agency providing foster care must include information in their brochure and their licensing application of the types of foster care provided, the type and number of homes needed, and the type of support services provided to foster parents. (7-1-09)

617. LICENSING AND CERTIFICATION AGENCY POLICIES AND PROCEDURES FOR FOSTER HOMES.
In addition to meeting the general requirements for policies in Sections 500 through 616 of these rules, a children's agency which licenses or certifies foster homes must have policies and procedures for Sections 618 through 649 of these rules. (7-1-09)

618. APPLICATION REQUEST PROCESS.
A children's agency that licenses or certifies foster homes must document that a person who has requested an application has been given a copy of the foster care rules found in Sections 400 through 499 of these rules and has been provided a copy of the foster parent training requirements for children's agencies. (7-1-09)

619. (RESERVED)

620. INITIAL AND SUBSEQUENT FAMILY FOSTER HOME EVALUATION STUDY PROCESS AND CONTENTS.
The children's agency must conduct an appropriate home study based on the foster care Sections 400 through 499 of these rules, to determine if the family meets required licensing standards to be issued a foster care license, and must maintain a copy of the study on file. (7-1-09)

621. TRAINING.
The children's agency must have and follow a training policy that includes meeting the orientation and ongoing training requirements of Sections 400 through 499 of these rules, and must include additional information on the requirements unique to the particular agency program. All foster care training must be documented in the foster parents case file record. (7-1-09)

622. PLACEMENT AGREEMENT REQUIRED CONTENTS.
The children's agency must use a placement agreement that is signed by the foster parents and the children's agency before placing a child in a foster home. The placement agreement must identify the responsibilities of the children's agency including supervision and support services for the foster family and the responsibilities of the foster family. The foster family must be informed and agree to follow the children's agency policies and procedures. A children's agency must review the agreement with the foster family at least annually and, when needed, develop a new agreement. The children's agency must provide the foster family with a copy of the signed current placement agreement and maintain a copy in the foster home record. (7-1-09)

623. COMPLAINT INVESTIGATION, BASIS, TIME REQUIREMENTS, NOTIFYING FOSTER PARENTS, CONTENTS, AND PROCESS.
When a complaint is received that relates to possible foster parent noncompliance with any provisions in Sections 400 through 499 of these rules, a children's agency must initiate a complaint investigation as soon as is indicated, based on seriousness of the allegation received, no later than seven (7) calendar days after receipt of the allegation. A children's agency must inform a foster parent that a complaint has been received, provide a clear description of the allegations, and allow a representative of the foster parent in interviews regarding the complaint before they are questioned or interviewed. (7-1-09)

01. Investigation Timeline and Extension. A children's agency must complete a complaint investigation within forty-five (45) calendar days after receipt of the allegation. If additional time is required, the children's agency must inform the foster parent, in writing, of the basis for the extension. (7-1-09)

02. Summary of Findings. Before completion of a written report, a children's agency must provide a verbal summary of the preliminary findings with the foster parent. (7-1-09)

03. Agency Written Report. Upon completion of the investigation, a children's agency must prepare a written report that includes date and report source, identification of the source of the allegation, unless anonymous or confidential, as specified in the Child Protective Act, Title 16, Chapter 16, Idaho Code. The report must also include: (7-1-09)

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

b. Dates and places of contacts, names of persons interviewed, and names of the interviewers. If children are interviewed, their names must be coded in the report; (7-1-09)

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

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

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

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

04. Conclusion of Investigation. A children's agency must provide a copy of the complaint investigation report, excluding the source of the allegation to the foster parent, within ten (10) calendar days of its completion. The foster parent must be allowed to attach his written response to the report. The children's agency must document any identified corrective action required of the foster family. (7-1-09)

624. RECORDS MANAGEMENT, MAINTENANCE, AVAILABILITY TO FOSTER PARENT, AND CONTENTS.
A children's agency must maintain a foster home record for each foster home and may make copies of a record available to the applicant or licensed or certified foster parent upon request except for medical documents specifically identified as confidential, pending complaint investigation reports and documents, records of privileged communications and criminal records, police reports, and child protective service information. Social security numbers from any source cannot be provided, except a social security number needed by a foster parent to provide needed services for a foster child. (7-1-09)

01. Record Contents. The record must contain all documents pertaining to licensing or certification of the home, any complaint investigation reports, and placement agreements between a foster parent and the children's agency. (7-1-09)

02. Placement Record. A complete record identifying all children placed in the foster home and removed from the home, including: full name, age, gender, and race of the child; date of the placement; date and

reasons for a foster child's departure from the foster home; any written response from a foster parent to a complaint investigation or response to a cited rule compliance; and any corrective action plans. (3-30-01)

625. -- 629. (RESERVED)

630. ADDITIONAL PLACEMENT CONSIDERATIONS.
A children's agency must follow the provisions of Sections 400 through 499 of these rules and have a policy on the following placement considerations. (7-1-09)

01. Child Placement Preparation. Before the placement of a child, the children's agency must prepare the child for the placement consistent with the child's age, individual needs, the circumstances necessitating placement, and identified special problems presented. (7-1-09)

02. Placement Emergency Change. If an emergency change in placement is necessary, within fourteen (14) days of the placement change, documentation must be included in the child's record. (7-1-09)

03. Placement Service Termination. If a children's agency is no longer providing services to the child in a foster home, the following information must be documented within fourteen (14) days of the service termination that includes a summary of the services provided, the needs that remain, and provision for any continuing services with another children's agency. (7-1-09)

631. EMERGENCY EVACUATION PLAN.
A children's agency must have a policy to require and approve a written evacuation plan for a foster home. (7-1-09)

632. UNUSUAL INCIDENT POLICY.
The children's agency must have a policy to notify the state licensing authority within one (1) working day of the occurrence of an incident as outlined in Section 473 of these rules. The policy must require the children's agency to notify the Department immediately, the foster child's parents, and the responsible children's agency of the death of a foster child. (7-1-09)

633. SERVICE PLANS AND PARTICIPANTS.
A children's agency must develop initial and updated service plans on behalf of the child through a team approach which includes the child, the child's parents or legal guardian, the foster parents, the referring children's agency, others identified in providing needed placement services and the assigned social worker or service worker, as appropriate. A service plan must include behavioral management procedures with the placing agency, if appropriate, and with the foster parents and a copy must be maintained in the child's file. (7-1-09)

634. CHILDREN'S AGENCY SUPERVISION OF CHILD.
A children's agency must develop a plan of supervisory visits with a child in foster care consistent with the child's service plan, as required by these rules. The child's record must contain documentation that the assigned social worker or service worker personally visited the foster child at least once each month. A children's agency may reduce the number of social worker or service worker visits with a child to once every ninety (90) days if there is documentation and justification in the service plan that a child's placement in a foster home is a long-term planned placement. At least one-half (1/2) of the visits must occur in the foster home. (7-1-09)

635. -- 649. (RESERVED)

ADDITIONAL PROVISIONS FOR TRANSITIONAL LIVING SERVICES
(Sections 650 - 659)

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

651. PROGRAM STATEMENT FOR TRANSITIONAL LIVING SERVICES.
A children's agency which provides transitional living services shall develop a program statement describing the

specific services it will provide to youth. Services are limited to those identified youth who are at least sixteen (16) years of age and for whom family reunification, placement with previous care givers or extended family, and adoption have been found and documented to be inappropriate. (3-30-01)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

659. (RESERVED)

ADDITIONAL PROVISIONS FOR ADOPTION SERVICES
(Sections 660 - 679)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

free the child; (3-30-01)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

04. Provision of Resources. Provision of resources or arranging for the provision of resources to effect a safe, stable and suitable placement for the child and the family, including information regarding the federal adoption assistance program. (3-30-01)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

677. -- 679. (RESERVED)

ADDITIONAL PROVISIONS FOR INTER-COUNTRY ADOPTION SERVICES (Sections 680 - 699)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

687. -- 699. (RESERVED)

ADDITIONAL STANDARDS FOR CHILDREN'S RESIDENTIAL CARE FACILITIES (Sections 700 - 769)

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

701. -- 704. (RESERVED)

705. CHIEF ADMINISTRATOR QUALIFICATIONS.
A children's residential treatment care facility must employ or contract with a full time chief administrator. At the time of appointment, the chief administrator must, at a minimum, possess at least one (1) of the following in Subsection 705.01 or 705.02 of this rule. (7-1-09)

01. Bachelor's Degree. A Bachelor's degree in a relevant discipline, two (2) years of experience working with children, and three (3) years experience in staff supervision and administration. (7-1-09)

02. Career Development Program. Completed a career development program which includes work-related experience, training or college credits, or a combination of these, that provide a level of achievement

equivalent to the Bachelor's degree. Work experience must include two (2) years of experience working with children, and three (3) years of experience in staff supervision and administration. (7-1-09)

706. SERVICE WORKER SUPERVISOR QUALIFICATIONS.
A service worker supervisor, at the time of appointment, must possess at least one (1) of the following in Subsection 706.01 or 706.02 of this rule. (7-1-09)

01. Master's Degree. A Master's degree from an accredited college or university in a behavioral science and one (1) year of experience as a service worker. (7-1-09)

02. Bachelor's Degree. Bachelor's degree from an accredited college or university in a behavioral science, including social work, sociology, psychology, criminal justice, counseling, or a related field, and four (4) years of experience working with children, of which two (2) years must have been as a service worker. (7-1-09)

707. DIRECT CARE STAFF SUPERVISOR QUALIFICATIONS.
A direct care staff supervisor, at the time of appointment, must possess at least one (1) of the following in Subsection 707.01 through 707.03 of this rule. (7-1-09)

01. Bachelor's Degree. A Bachelor's degree from an accredited college and one (1) year of full-time experience in a children's residential care facility. (7-1-09)

02. Associate's Degree. An Associate's degree or a minimum of forty-eight (48) credit hours from an accredited college and two (2) years of full-time experience in a children's residential care facility. (7-1-09)

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

708. (RESERVED)

709. DIRECT CARE STAFF QUALIFICATIONS.
Direct care staff must be at least nineteen (19) years of age at the time of appointment and possess a high school diploma or equivalent. (7-1-09)

710. REQUIRED STAFF RATIOS.
There must be written staff ratios for direct care staff to children and service workers to children. Unless otherwise specified in these rules, staff ratios must be as described in Subsections 710.01 through 710.06 of this rule. (7-1-09)

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

02. Staff-Child Ratio-Daytime. At least one (1) direct care staff to every eight (8) children when children are awake and present, unless the presenting problems of the children in care are such that a ratio of one (1) to eight (8) is not sufficient to provide for the safety and treatment needs of the children. In that case, the ratio of direct care staff to children ratio must be increased to ensure the safety and treatment needs of the children are met. (7-1-09)

03. Staff-Child Ratio-Sleeping Hours. At least one (1) awake direct care staff to twenty (20) children or fraction thereof during the children's normal sleeping hours in buildings housing children's sleeping quarters. If the presenting problems of the children in care are such that a ratio of one (1) to twenty (20) is not sufficient to provide for the safety and treatment needs of the children, then the ratio of direct care staff to children ratio must be increased to ensure the safety and treatment needs of the children are met. (7-1-09)

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

05. Emergency Staff Access. When only one (1) direct care worker is on duty, an additional staff

person must be available within ten (10) minutes or if assistance from law enforcement is available within ten (10) minutes an additional staff person must be available within thirty (30) minutes to assist with an emergency. (7-1-09)

06. Service Worker or Social Worker Ratios. Except for non-accredited children's residential schools, at least one (1) service worker or social worker as defined in Section 011 of these rules needs to be available for every twenty (20) children in care or fraction thereof. (7-1-09)

711. HOUSE PARENT RELIEF STAFF.
Where house parents are used to provide direct care staff functions, they must be provided time off in accordance with the Idaho Department of Commerce and Labor requirements in Section 44-1202, Idaho Code. (7-1-09)

712. STAFF TRAINING.
Unless otherwise specified in these rules, an employee or volunteer whose primary job function requires interaction with children and who works twenty-four (24) or more hours a week must receive at least twenty (20) hours of training annually. An employee or volunteer whose primary job function requires interaction with children and who works less than twenty-four (24) hours a week must receive at least ten (10) hours of training annually. The training must include cultural sensitivity and diversity, behavior management, and child development issues appropriate to the population served. Training must also include instruction in administering cardiopulmonary resuscitation (CPR) and administering first aid appropriate to the age of the children in care within ninety (90) days after employment. (7-1-09)

713. -- 714. (RESERVED)

715. COMPLIANCE WITH APPLICABLE LAWS.
Children's residential care facilities must comply with the applicable Idaho state and local zoning, fire, health, construction laws, ordinances and regulations. (7-1-09)

01. Sanitation Inspection. The applicant must request and obtain a sanitation inspection and written report from the applicable Idaho Public Health District. (7-1-09)

02. Fire Inspection. The applicant must request and obtain a fire safety inspection and written report from the office of the Idaho State Fire Marshall, or local fire department. (7-1-09)

03. Corrective Action and Fees. The applicant must correct all deficiencies noted in the sanitation and fire reports (in order to provide documentation that the applicant has passed the inspections) and is responsible to pay any fees charged. (7-1-09)

04. Planning and Zoning. The applicant must provide documentation demonstrating it meets planning and zoning requirements of the applicable Idaho city or county. (7-1-09)

716. CHILDREN'S RESIDENTIAL CARE FACILITY BUILDING REQUIREMENTS.
A children's residential care facility building must meet the requirements in Subsection 716.01 through 716.03 of this rule: (7-1-09)

01. Access to Community Resources. The facility must have access to school facilities, hospitals, churches, recreational and other community resources. (7-1-09)

02. Occupancy Restrictions. The facility must house only the number of persons for which it is rated, given its type of construction and size. (7-1-09)

03. Location Restrictions. The facility must not be located within three hundred (300) feet of an aboveground storage tank containing flammable liquids or gasses used in connection with a bulk plant, marine terminal, aircraft refueling or bottling plant of a liquefied gas installation, or similar hazard. (7-1-09)

717. NATIONAL ELECTRICAL CODE COMPLIANCE.
A building used to house children must comply with the National Electrical Code adopted by the Department of

Building Safety in Section 54-1001, Idaho Code, or authorized local jurisdiction. (7-1-09)

718. FIRE SAFETY REQUIREMENTS.
A building which houses children must be inspected by a state certified fire inspector before being occupied and on an annual basis thereafter for compliance with the applicable International Fire Code as described in Section 004 of these rules. A copy of the inspection must be maintained at the facility. (7-1-09)

01. Fire Extinguishers. Each building used to house children must have a minimum of one (1) 2-A-10BC type per floor, and if there is a kitchen on the floor, a fire extinguisher must be in or immediately adjacent to the kitchen. Each fire extinguisher must be inspected annually by a fire extinguisher service agency. (7-1-09)

02. Smoke Detecting Devices. There must be at least one (1) smoke detector on each floor of the facility, approved by a nationally recognized testing laboratory, installed and maintained as recommended by the manufacturer. (7-1-09)

03. Carbon Monoxide Detecting Devices. There must be at least one (1) carbon monoxide detecting device that is approved by a nationally recognized testing laboratory that is installed and maintained as recommended by the manufacturer. A facility that does not have equipment which produces carbon monoxide or does not have an attached garage is exempt from this requirement. (7-1-09)

719. EMERGENCY PROCEDURES.
A children's residential care facility must have and follow written policies and procedures governing the handling of emergencies which include emergency evacuation plans, telephone numbers for contacting ambulances, emergency medical personnel, fire departments, hospitals, poison control centers, police, location and use of first aid kits, and roster and telephone numbers of staff to be contacted during an emergency, and other emergency services as appropriate. (7-1-09)

720. EMERGENCY DRILLS.

01. Fire Drills. Fire drills must be conducted and recorded monthly, with each work shift participating in a drill a minimum of once every three (3) months. Emergency evacuation routes must be posted in conspicuous locations on each floor of a building housing children. (7-1-09)

02. Disaster Drill. A disaster drills must be conducted and recorded annually. The annual disaster drill cannot be a fire drill. (7-1-09)

721. PUBLIC HEALTH DISTRICT INSPECTION.
The facility must provide documentation of an initial and annual inspection and approval by the applicable Idaho Public Health District addressing the following health and safety standards before a license for a facility used to house children will be issued. A copy of the inspection must be maintained at the children's residential care facility. (7-1-09)

01. Food Safety and Sanitation Standards. The facility must comply with IDAPA 16.02.19, "Food Safety and Sanitation Standards for Food Establishments." (7-1-09)

02. Drinking Water Systems. The facility must comply with IDAPA 58.01.08, "Idaho Rules for Public Drinking Water Systems." (7-1-09)

722. BUILDINGS, GROUNDS, FURNISHINGS AND EQUIPMENT.
Buildings used to house children must be furnished with comfortable furniture, in good repair and appropriate to the age, size and capabilities of the children. (7-1-09)

723. MAINTENANCE.
Buildings, grounds, furnishings and equipment must be kept clean, free of clutter, and in good repair in a scheduled or routine manner. (7-1-09)

724. EQUIPMENT STORAGE.

All facility cleaning equipment must be stored separate from the kitchen, food preparation, serving, and storage areas. Kitchen and bathroom sinks must not be used for cleaning mops, emptying mop buckets, or for any other purpose not connected with food preparation, or personal hygiene. (7-1-09)

725. SERVICE SINK.
A building housing more than twelve (12) persons must have a service sink used for general maintenance purposes such as floor mopping and not used for food preparation or dish washing. (7-1-09)

726. HAZARDOUS MATERIALS OR TOXINS.
Buildings used to house children must be free from hazardous materials and toxins. An organization must provide documentation of testing for radon gas, materials containing asbestos, and lead paint. Documentation must be maintained at the facility confirming any hazardous material or toxins have been removed or do not pose a threat to the children served. Hazardous materials or toxins are not limited to lead paint, asbestos, and radon. (7-1-09)

727. LIGHTING.
All rooms used by children must be appropriately lighted for safety and comfort. (7-1-09)

728. HEATING.
Heating and ventilation equipment must be properly installed, inspected annually, and kept in good repair. Portable fuel burning and wood burning heating appliances are prohibited. Portable electric heaters must not be used in children's residential sleeping quarters. Local fire officials must approve portable heaters used in other areas. (7-1-09)

729. BATHROOM FACILITIES.
A building used to house children must have adequate, clean and easily accessible bathroom facilities. The number of toilets is one (1) per eight (8) females and one (1) per ten (10) males; bathtubs or showers is one (1) for each ten (10) individuals; washstands is one (1) for every five (5) individuals according to the International Building Code applicable for the type of building and its use. There must be separate use of bathroom facilities for boys and girls over six (6) years of age. There must be separate bathroom facilities for staff. (7-1-09)

730. SLEEPING ROOMS.
Sleeping rooms in a building used to house children must meet the requirements in Subsections 730.01 through 730.03 of this rule. (7-1-09)

01. Size. At least seventy (70) square feet, exclusive of closet space, in a single occupancy room. In a multiple occupancy room, there must be at least forty-five (45) square feet per occupant, exclusive of closet space. Existing multiple occupancy sleeping rooms, may be approved relative to square feet per occupant until the room is remodeled or the building is extensively remodeled. There must be a minimum of three (3) feet between the sides of beds and two (2) feet at the end of the beds. (7-1-09)

02. Window Space. There must be sufficient window space for adequate natural light and ventilation. Emergency egress or rescue windows must comply with the State-adopted International Building Code. (7-1-09)

03. Restrictions. A child and an adult cannot share a sleeping room except that a child under one (1) year of age may sleep in a room with an adult. A sleeping room must not be in a stairway, hallway, unfinished attic, unfinished basement, or in a separate building apart from staff supervision. There must be separate rooms for male and female residents. Sleeping rooms must be in close proximity to adult supervision. (7-1-09)

731. BEDS.
Each child must have his own bed which has substantial support, a comfortable non-neoprene mattress and seasonally appropriate non-neoprene bedding. The bed must be equipped with railings when used for children under two (2) years of age. Over-and-under bunk beds must not be used for children under eight (8) years of age. Cribs must meet Consumer Product Safety Commission, Crib Safety Tips as described in Section 004 of these rules. (7-1-09)

732. STORAGE OF POISONOUS AND TOXIC MATERIALS.
Poisonous and toxic materials must be stored under lock and key and distinctly labeled as poisonous, toxic and stored so as not to contaminate food and not to be a hazard to children. (7-1-09)

733. FLAMMABLE LIQUIDS.
Flammable liquids, including gasoline and kerosene, must be stored only in appropriate containers and kept separate from any building housing children. (7-1-09)

734. FIREARMS.
Firearms are not allowed in a children's residential care facility. (7-1-09)

735. SUFFICIENT RECREATIONAL SPACE.
Sufficient indoor and outdoor recreational space is needed so the number of children in care can participate in a wide range of physical and individual activities. (3-30-01)

736. GENERAL SAFETY PROVISIONS.

01. Reasonable Precaution. Reasonable precautions must be taken to prevent children from having unauthorized access to machinery, tools, irrigation ditches, and hazardous materials. (7-1-09)

02. Balconies and Stairways. Balconies and stairways accessible to children must have substantial railings as required by the State-adopted International Building Code. (7-1-09)

03. Stairway Protection. Where a children's residential care facility provides care to children under three (3) years of age, stairways must be protected to prevent children from falling down the stairs. (7-1-09)

04. Hazard Areas Restrictions. Based on the age and functioning level of children in care and the type of hazard, an outdoor hazard area must be restricted to prevent easy access to the hazard. (7-1-09)

737. DIAPERING AND SANITATION.
A diaper-changing area must be separate from food preparation and serving areas and be easily accessible to a hand-washing sink. The area must have non-absorbent and washable surfaces, and must be disinfected between uses by different children or protected by a disposable covering discarded after each use. (7-1-09)

738. -- 744. (RESERVED)

745. EDUCATION PROGRAM.
Each child of school age must attend either an on-grounds or community-based education program that is approved by the Idaho Department of Education, excluding children in a non-accredited children's residential school. When the education program is provided directly by the children's residential care facility, the education program must meet the requirements in Subsections 745.01 through 745.08 of this rule. (7-1-09)

01. Teacher Ratio. At least one (1) Idaho certified teacher for every twenty (20) children or fraction thereof. (7-1-09)

02. Teacher Qualifications. Teachers must possess a current Idaho certification. (7-1-09)

03. Minimum Hours. Operate for at least as many school days and clock hours as are required by Section 33-512, Idaho Code. (3-30-01)

04. Core Curriculum. Provide core curriculum appropriate to the population served. (7-1-09)

05. Special Education. Provide special education services to a child in care who requires special education. (3-30-01)

06. Written Transcripts and an Individual Education Plan (IEP). Maintain transcripts and IEP's for each child as appropriate. (3-30-01)

07. Grading System. Use a uniform grading system. (3-30-01)

08. Release of Records. Process for transfer and release of education records to and from other schools and children's residential care facilities. (3-30-01)

746. WORK.
Children may be given a non-vocational work assignment as a constructive experience in compliance with child labor laws, which are age appropriate and within the child's capabilities. The primary purpose of work must not be to substitute for paid labor. (7-1-09)

747. RECREATION, PHYSICAL EXERCISE, AND LEISURE TIME ACTIVITIES.
An organization must have a policy requiring children have the opportunity for daily participation in recreation, physical exercise and leisure time activities. The organization must document both individual and group activities, including one (1) hour of large muscle activity each day. Participation must be encouraged but not forced. (7-1-09)

748. SLEEP.
A children's residential care facility must have and follow policies and procedures governing time to be set aside so that each child is given the opportunity for at least eight (8) hours of uninterrupted rest at night and more time if the service plan or health needs of the child require. (7-1-09)

749. SWIMMING POOL, POND, OR OTHER BODY OF WATER.
An above-ground or in-ground swimming pool, pond, or other body of water on the premises of a children's residential care facility for use by children must comply with Section 56-1003(3)(d), Idaho Code, and applicable swimming pool construction, sanitation, water quality standards, water temperature, recreational bathing and life saving provisions of federal, state, county and municipal laws, regulations and ordinances. (3-30-07)

01. Staff Person with Lifesaving or Lifeguard Certificate. The facility must maintain at least one (1) staff person who has a valid lifesaving or lifeguard certificate issued by a nationally recognized organization. This certified staff person must be on duty at all times when children are in the water. (3-30-07)

02. Pools, Hot Tubs, Ponds, and Other Bodies of Water. The facility must maintain the pools, hot tubs, ponds, and other bodies of water on its property in good repair, in a clean condition, and free from safety hazards and dangerous machinery and equipment. Areas and equipment that present a hazard to children must not be accessible by children. The following safeguards must be provided: (3-30-07)

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

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

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

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

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

c. A reaching pole with a hook and a ring buoy must be accessible; and (3-30-07)

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

03. Access by Children Five Years of Age and Under. Any children's residential care facility that cares for children five (5) years of age and under, and chooses to prevent access to a body of water by fencing must provide a fence that meets the following requirements: (3-30-07)

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

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

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

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

04. Irrigation Canals or Similar Body of Water. A children's residential care facility caring for a child five (5) years of age and under or a child who is physically or developmentally vulnerable whose property adjoins an irrigation canal must have fencing that prevents access to the canal or similar body of water by the child. (3-30-07)

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

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

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

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

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

750. WATER FRONT.
At a waterfront used for swimming, there must be available a whistle, an assist pole or other appropriate reaching device, a rope attached to a ring buoy or other appropriate throwing assist device, a backboard that has appropriate rigid cervical collars and a minimum of six (6) straps, a first aid kit and a rescue tube. (7-1-09)

751. SUPERVISION OF RECREATIONAL ACTIVITY.
Staff conducting or supervising a recreational activity must have knowledge of and enforce appropriate safety techniques for the activity as described in Subsections 751.01 through 751.05 of this rule. (7-1-09)

01. Instruction. Instruct each participant in the appropriate safety procedures. (3-30-01)

02. Safety Equipment. Ensure that each participant uses adequate and appropriate safety equipment for the activity and the child's ability. (3-30-01)

03. Rescue Equipment. Ensure that there is proper rescue equipment available and easily accessible. (3-30-01)

04. Cardiopulmonary Resuscitation (CPR) and First Aid. Ensure that at least one (1) staff has current cardiopulmonary resuscitation (CPR) and first aid certification appropriate to the age of the children in the facility. (3-30-01)

05. Staff Coverage. Ensure that there are adequate members of staff for the activity and children involved. (3-30-01)

752. MEDICATION STORAGE AND ADMINISTRATION.
A children's residential care facility must have and follow policies and procedures on the storage and administration of prescription and non-prescription medication. The policy must address the requirements in Subsections 752.01 through 752.06 of this rule. (7-1-09)

01. Medication Storage and Administration. Require prescription and over-the-counter medication be stored under lock and key and the keys safe guarded from children. For medications taken on field outings, storage

of medication must be in the possession of a staff member qualified to administer medications. (7-1-09)

02. **Trained Staff**. Require that staff who administer and assist with self-administration of medications be trained by a qualified medical professional. (3-30-01)

03. **Psychotropic Medication**: (3-30-01)

a. Prohibit the administration of psychotropic medication unless a qualified medical professional determines that the medication is clinically indicated; and (3-30-01)

b. Prohibit the administration of psychotropic medications for disciplinary purposes, for the convenience of staff, or as a substitute for appropriate treatment services; (3-30-01)

04. **Documentation**. Required documentation for all prescription medication issued by a qualified medical professional's valid order that includes the dosage to be given, and documentation of each dose given, including: (3-30-01)

a. The child's name; (3-30-01)

b. The date and time; (3-30-01)

c. The amount of dosage given and whether the child did not take the medication; and (3-30-01)

d. The person who administered or assisted in self-administration of the medication. (3-30-01)

05. **Medication Changes**. Require that prescribed medication not be stopped or changed in dosage or administration without consulting with a qualified medical professional and documenting the consultation and the change. (3-30-01)

06. **Disposal of Unused Medication**. Require that all unused and expired medication be disposed of so they are not available to children. (3-30-01)

753. UNIVERSAL PRECAUTIONS.
Universal precautions must be taken for spills of body fluids such as blood, blood containing body fluids, eye discharge, feces, body tissue discharge, nasal discharge, saliva, urine, vomit, contaminated material and diapers, which must be disposed of in a plastic bag that is secured with a tie. The disinfectant solution used to clean up body fluids must be a commercially prepared spill kit or a disinfectant solution made from one-fourth (1/4) cup of household bleach to one (1) gallon of water. A person doing the cleaning and disinfecting must wear non-porous disposable gloves. Mops and other cleaning devices and fluids used to clean up body fluid spills must be disinfected, properly dried and stored. Syringes must be disposed of in accordance with OSHA standards and not to be accessible to children. (7-1-09)

754. FIRST AID KIT.
A first aid kit which is approved by a physician or nationally recognized accrediting body, must be readily available at all times, containing materials to sufficiently meet the needs of a child's medical needs until other medical treatment is obtained, if needed. The contents, location and use of first aid kits must be reviewed annually with all staff. The content of the kits must be inventoried monthly and restocked as needed. (7-1-09)

755. NUTRITION.
Children must be provided three (3) nutritionally balanced meals in appropriate intervals and in amounts appropriate to their size and age, and which are in accordance with the recommended dietary allowances of the National Research Council or its equivalent. A child must be provided a qualified medical professional prescribed diet or special diet based on religious beliefs. A nutritional or dietician professional must approve menus annually. The current menu must be readily available and any change or substitution noted on the menu. Menus must be maintained on file for at least six (6) months. (7-1-09)

756. ANIMALS AND PETS.

Animals and household pets must be free from disease and cared for in a safe and clean manner. All domestic animals and pets must be vaccinated against rabies. Documentation of the vaccination against rabies must be kept on file at the children's residential care facility. (7-1-09)

757. USE OF TOBACCO PRODUCTS, ALCOHOL, AND ILLEGAL DRUGS PROHIBITED.
Tobacco products, alcohol and illegal drugs must not be used by children, staff, volunteers, or visitors in any building used to house children or in the presence of children or in vehicles used to transport children. (7-1-09)

758. TRANSPORTING CHILDREN.

01. Vehicle. Transportation of children in a children's residential care facility vehicle must be in a vehicle that is: (7-1-09)

a. Properly registered; (3-30-01)

b. Covered by insurance for personal injury and liability; (3-30-01)

c. Driven by a person with a valid driver's license for the type of vehicle who complies with all applicable traffic laws while transporting children; (3-30-01)

d. Maintained in a clean and safe condition; (3-30-01)

e. Equipped with a red triangular reflector device for use in emergency; (3-30-01)

f. Equipped with a first aid kit; and (3-30-01)

g. Equipped with a fire extinguisher that is properly secured and not readily available to children. (3-30-01)

02. Proper Seating of Children and Adults: (3-30-01)

a. A child must ride in an age appropriate vehicle restraint seat, properly secured, or if the child is large enough, in a vehicle manufactured seat and properly use the passenger restraint device; and (7-1-09)

b. Adults riding in the vehicle must occupy a manufactured seat and use the passenger restraint device. (7-1-09)

759. CONTRABAND.
A children's residential care facility must define prohibited contraband in a written policy. Contraband found in the possession of children or staff must be confiscated by staff and secured in a location inaccessible to children. Local law enforcement must be notified in the event that illegal contraband is confiscated. It is the responsibility of the administrator or designee to dispose of all contraband not confiscated by law enforcement, in accordance with the children's residential care facility contraband policy. (7-1-09)

760. SEARCHES.
If a children's residential care facility conducts searches of children, the children's residential care facility, staff or visitors, it must have and follow written policies and procedures. Searches must be completed in the least intrusive manner possible for the type of search being conducted. All contraband will be disposed of in accordance with these rules. The policies and procedures at a minimum require the following procedures. (7-1-09)

01. Pat Down Searches. Pat down searches of children may only be conducted when the children's residential care facility feels it is necessary to discourage the introduction of contraband into the children's residential care facility, or to promote the safety of staff and other children. Pat down searches are conducted as follows: (3-30-01)

a. By staff trained in proper search techniques; (3-30-01)

b. By a staff member of the same sex as the child being searched, and must be in the presence of another staff member; (7-1-09)

c. The child is told he is about to be searched; (3-30-01)

d. The child should remove all outer clothing (gloves, coat, hat and shoes) and empty all pockets; (3-30-01)

e. The staff person must then pat the clothing of the child using only enough contact to conduct an appropriate search; (7-1-09)

f. If the staff detects anything unusual, the child must be asked to identify the item and appropriate steps taken to remove the item for inspection; (7-1-09)

g. If the child refuses to comply, the administrator or designee will be notified immediately and be responsible to resolve the matter; and (3-30-01)

h. All searches must be documented in writing. (7-1-09)

02. Strip Searches are Prohibited. (7-1-09)

03. Body Cavity Searches are Prohibited. (7-1-09)

761. BEHAVIOR MANAGEMENT AND DISCIPLINE POLICY.

01. Behavior Management. A children's residential care facility must have and follow a behavior management and discipline policy for children which identifies appropriate and specific methods of behavior management and discipline, and ensures that the methods of behavior management and discipline are positive and consistent. Individualized behavior management must be based on an assessment of the child's needs, stage of development and behavior to promote self control, self direction, self esteem, and an acceptable pattern of social behavior appropriate to the age and development level of the child. The policy must include the concept and application of least restrictive effective treatment and positive reinforcements and prohibits the following: (7-1-09)

a. Physical force, except as permitted under the restraint Sections 766 and 767 of these rules; (3-30-01)

b. Any kind of punishment inflicted on the body, including spanking, hitting, slapping, spitting, kicking, shaking, pulling hair, pinching skin, twisting of an arm or leg in a way that would cause pain or injury to the child, kneeling and sitting on the chest of a child, placing a choke hold on a child, bending back a finger, and shoving or pushing a child into the wall, floor or other stationary object; (3-30-01)

c. Cruel and unusual physical exercise, including forcing the child to take an uncomfortable position; (3-30-01)

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

e. Locked confinement in an area except an area approved by the Department for confinement of a child as provided in these rules; (3-30-01)

f. Withholding of necessary food, clothing, bedding, rest, toilet use, bathing facilities, and entrance to a children's residential care facility housing a child; (3-30-01)

g. Denial of visits or communication with the child's family except as specified in the child's service plan or court order; (3-30-01)

h. Denial of necessary educational, medical, counseling, and social services; (3-30-01)

i. Disciplining a child or group of children for the actions of one (1) child, unless the organization's policies and procedures for group behavior management and discipline are based on a nationally recognized peer group treatment model and clearly prescribe the circumstances and safeguards under which disciplining the group is allowed and is supervised directly by staff; (3-30-01)

j. The placing of anything in or on a child's mouth; and (3-30-01)

k. A physical work assignment that produces unreasonable discomfort. (3-30-01)

02. Documentation. An organization must document that the policy has been provided to a resident capable of reading it or is explained to the resident appropriate to his age and level of understanding and is made available to parents, guardians, and referral sources. (7-1-09)

762. TIME-OUT.
A children's residential care facility must have and follow written policy and procedures governing the appropriate use of time-out, as required in Subsections 762.01 through 762.08 of this rule. (7-1-09)

01. Use. Time-out is only used when a child's behavior is disruptive to the child's ability to learn, to participate appropriately, or to function appropriately with other children or the activity. (3-30-01)

02. Children Under Six Years of Age. For children under six (6) years of age, the period of time for time-out is not to exceed one (1) minute for each year of the child's age and is used as a supplement to, but not a substitute for other developmentally appropriate positive methods of behavior management. (3-30-01)

03. Children Six Years of Age or Older. For children six (6) years of age and older the time duration cannot exceed sixty (60) consecutive minutes. (7-1-09)

04. Prohibited Locations. The time-out cannot be in a closet, bathroom, unfinished basement, or attic and cannot be in a locked area or box. (7-1-09)

05. Documentation. A description in sufficient detail to provide a clear understanding of the incident which resulted in the child being placed in time-out, and the staff's attempts to help the child avoid time-out. (3-30-01)

06. Observations. A staff person is designated to be responsible for visually observing the child at random intervals not to exceed fifteen (15) minutes. (7-1-09)

07. Re-Introduction to the Group. The child is re-introduced to the group in a sensitive and non-punitive manner as soon as control is regained. (3-30-01)

08. Review. If there are more than ten (10) time-outs for a child in a twenty-four (24) hour period, a review is conducted by the chief administrator or designee, to determine the suitability of the child remaining in the children's residential care facility, whether modifications to the child's service plan are warranted, or whether staff need additional training in alternative therapeutic behavior management techniques and appropriate action taken is based on the findings of the review. (3-30-01)

763. UNLOCKED SECLUSION.
If a children's residential care facility uses seclusion there must be written policies and procedures, which at a minimum requires: (7-1-09)

01. Use of Unlocked Seclusion. Unlocked seclusion must not be used as punishment or to substitute for other developmentally appropriate positive methods of behavior management. Seclusion may only be used as a means of intervention when the child's behavior is so violent or disruptive that it presents a high risk of physical or emotional harm to self or others, and less restrictive and less punitive interventions have been applied without success. (7-1-09)

02. Time Needed. Seclusion must be used only for the time needed to change the behavior compelling it. (7-1-09)

03. Children Under Six Years of Age. For children under six (6) years of age, the period of time is not to exceed one (1) minute for each year of the child's age and is used as a supplement to, not a substitute for, other developmentally appropriate positive methods of behavior management. For children six (6) years of age and older the time duration cannot exceed sixty (60) consecutive minutes. (7-1-09)

04. Restrictions on Seclusion. The seclusion must not be in a box, closet, bathroom, unfinished basement or attic. (7-1-09)

05. Staff Supervision. A staff person is designated to be responsible for visually observing the child at random intervals, which are not to exceed fifteen (15) minutes throughout the period of seclusion, and must be recorded in a log. (7-1-09)

06. Supervisory Approval. Supervisory approval is required for a period of seclusion of one (1) child that exceeds two (2) hours, or the total seclusion time exceeds three (3) hours in a twenty-four (24) hour period, or more than four (4) separate seclusion incidents in a twenty-four (24) hour period. (3-30-01)

07. Documentation. Each seclusion must be documented in writing and include the child's name, reason for the seclusion, date and start and end time of the seclusion and the staff assigning the seclusion. (7-1-09)

08. Re-Introduction. The child is re-introduced to the group in a sensitive and non-punitive manner as soon as he can participate appropriately. (3-30-01)

09. Review. If there are more than ten (10) seclusion's for a child in a twenty-four (24) hour period, there must be a review by the chief administrator or his designee. The review is to determine whether modifications to the child's service plan are warranted and whether staff needs additional training in alternative therapeutic behavior management techniques or disciplinary action. Appropriate action must be taken based on the findings of the review. (7-1-09)

764. LOCKED SECLUSION.

Locked seclusion is used only when a child's behavior is so violent or disruptive that it presents a high risk of physical or emotional harm to the child or others and other less restrictive and less punitive interventions have been applied without success. Locked seclusion is prohibited for: non-violent and non-assaultive offenses and behaviors; practices designed to prevent children from running away; secluding a child who is ill; as a punishment; and facilitating supervision for the convenience of staff. No more than one (1) child can be in a locked seclusion room at a time. Supervisory staff must be notified at the time the locked seclusion begins. (7-1-09)

01. Duration. Locked seclusion must be used only for the time needed to change the behavior compelling its use. Locked seclusion cannot exceed two (2) consecutive hours or a total of four (4) non-consecutive hours within any twenty-four (24) hour period, unless approved by a qualified medical professional. (7-1-09)

02. Potentially Harmful Objects. A child placed in locked seclusion must not be in possession of belts, matches, weapons or any other potentially harmful objects or materials that could present a risk of harm to the child. (7-1-09)

03. Observation. A child in locked seclusion must be observed by staff at random intervals, not to exceed every ten (10) minutes to assure that the child is safe. (7-1-09)

04. Locked Seclusion Log. A locked seclusion room log must be maintained and at a minimum includes: (7-1-09)

a. The child's name; (3-30-01)

b. The date and time of placement in locked seclusion; (3-30-01)

c. The name of the staff who requested the child's locked seclusion; (3-30-01)

d. The name of the supervisory staff notified and the time and date notified. (3-30-01)

e. A description in sufficient details, to provide a clear understanding, of the incident which resulted in the child being placed in locked seclusion and the staff's attempts to help the child avoid locked seclusion; (3-30-01)

f. A record of observations; and (3-30-01)

g. The date and time of removal from locked seclusion. (3-30-01)

05. Re-Introduction. The child must be re-introduced to the group in a sensitive and non-punitive manner as soon as he has re-gained control. (7-1-09)

06. Review. When a child is in locked seclusion for a total of two (2) cumulative hours or four (4) non-cumulative hours within a twenty-four (24) hour period, there must be a review by the chief administrator or his designee within one (1) working day. The review is to determine whether modifications to the child's service plan is warranted, and whether staff need additional training in alternative therapeutic behavior management techniques or disciplinary action. Appropriate action must be taken based on the findings of the review. (7-1-09)

765. LOCKED SECLUSION ROOM REQUIREMENTS.
Rooms used for locked seclusion must measure at least seventy-five (75) square feet with a ceiling height of at least seven (7) feet. They must have either natural or mechanical ventilation and be equipped with a break resistant window, or a mirror or camera that allows for full observation of the room. Locked seclusion rooms must have no hardware, equipment or furnishings that obstruct observing the child or that present a physical hazard or a suicide risk. Rooms used for locked seclusion must be inspected and approved by a fire inspector and the Department. (7-1-09)

766. MECHANICAL RESTRAINT.
If a children's residential care facility uses mechanical restraint, it must have and follow written mechanical restraint policies and procedures. The policies must at a minimum require those described in Subsections 766.01 through 766.13 of this rule. (7-1-09)

01. Mechanical Restraint Use as a Last Resort. Mechanical restraint must only be used as a last resort when other therapeutic techniques have not worked and less restrictive interventions have been tried and have been found to be ineffective, and only after at least one (1) of the following has been determined: (7-1-09)

a. The child is emotionally or physically uncontrollable and constitutes a serious and evident danger to self or others; (3-30-01)

b. The child is causing serious property damage; or (3-30-01)

c. An attempted escape is imminent and the child is out of control and poses a danger to self or others. (3-30-01)

02. Staff Training. All staff who apply mechanical restraints must be trained in the proper and safe use of the mechanical restraint device used and training must be current and documented. (7-1-09)

03. Intervention. Staff must inform the child that if his behavior continues, staff will have to intervene by placing him in mechanical restraint to help him regain control. (7-1-09)

04. Administrator Approval. The administrator or designee must approve the use of mechanical restraint for the specific child for the specific behavior before each application of mechanical restrain. (7-1-09)

05. Restraint Type. Restraints must be of a soft type when used to restrain the child's wrists to his side, secure the child's ankles together, or both; or be in or on a mechanical restraint device specifically designed for

restraint which is recognized as safe and is made by a nationally recognized restraint device manufacturer. A restraint device must be used only in accordance with the manufacturer's written instructions for the device, except that handcuffs may not be used for more than five (5) minutes when it has been determined that the child may harm himself or others while the mechanical restraint is being applied. Handcuffs may only be used for the time needed to apply the mechanical restraints. (7-1-09)

06. Used Only Until Child Has Regained Control. A mechanical restraint is used only until the child has regained control. (7-1-09)

07. Prohibitions on Mechanical Restraints. Mechanical restraints are prohibited when there are specified medical reasons pursuant to a qualified medical professional's order. A child must not be mechanically restrained to a fixed object except one that was specifically designed for the purpose, meets nationally recognized standards and has been approved by the Department. Mechanical restraints must not be used for non-violent and non-assaultive offenses and behaviors as punishment to facilitate supervision for the convenience of staff or as a substitute for a treatment program. (7-1-09)

08. Monitoring. A staff assigned to monitor a child placed in mechanical restraint must have no other immediate responsibility and must be in visual and auditory contact with the child at all times to ensure that all personal needs of the child are met, including access to toilet facilities as needed. (7-1-09)

09. Professional Opinion. After one (1) hour has elapsed with the child in mechanical restraint, or if the child is released from mechanical restraint and has to be placed back in mechanical restraint, the supervisor must obtain a qualified medical or mental health professional's opinion regarding continuation of the restraint. The professional giving the opinion must be thoroughly familiar with the proper use of the mechanical restraint device being used. It is the qualified medical or mental health professional's responsibility to assess the problem requiring the use of restraint and amass any resources necessary to eliminate the problem. (7-1-09)

10. Mechanical Restraint Log. There must be a mechanical restraint log documenting each use of mechanical restraint that includes: (7-1-09)

a. The child's name; (3-30-01)

b. The date and time of placement in mechanical restraint; (3-30-01)

c. The name of the staff who requested the mechanical restraint of the child; (3-30-01)

d. The name of the administrator or designee who approved the use of mechanical restraint of the child; (3-30-01)

e. A description in sufficient details to provide a clear understanding of the incident which resulted in the child being placed in mechanical restraint and the staff's attempts to help the child avoid mechanical restraint; (3-30-01)

f. Detailed observation notes by the person assigned to monitor the child while in mechanical restraint; (3-30-01)

g. Documentation of the professional opinion required if a restraint lasts for more than one (1) hour or is returned to mechanical restraint; and (3-30-01)

h. The date and time of removal from mechanical restraint. (3-30-01)

11. Counsel. When the child has been released from mechanical restraint, staff must counsel with the child about the behavior and problems experienced that resulted in the mechanical restraint. (7-1-09)

12. Re-Introduction. The child must be re-introduced to the group in a sensitive and non-punitive manner as soon as he has regained control. (7-1-09)

13. **Review**. When the child is in mechanical restraint there must be a review by the chief administrator or designee within twenty-four (24) hours. The review is to determine the suitability of the child remaining in the children's residential care facility, whether modifications to the child's service plan is warranted and if staff need further training or disciplinary action. Appropriate action must be taken based on the findings of the review. The person doing the review must be knowledgeable about the proper use of the mechanical restraint devise and its impact on the child. (7-1-09)

767. ALTERNATIVE FORMS OF RESTRAINT.
A children's residential facility must have and follow written policies and procedures governing the appropriate use of alternative forms of restraint. The policies and procedures must be in accordance with the restraint intervention strategies of a nationally recognized program and approved by the Department. The policies must at a minimum require those described in Subsections 767.01 through 767.11 of this rule. (7-1-09)

01. **Restraint Used as a Last Resort**. Restraint is only to be used as a last resort when other therapeutic techniques have not worked and less restrictive interventions have been tried and have been found not to be effective and only after one (1) of the following has been determined: (7-1-09)

a. The child is emotionally or physically uncontrollable and constitutes a serious and evident danger to self or others; (3-30-01)

b. The child is causing serious property damage; or (3-30-01)

c. An attempted escape is imminent and poses a serious and evident danger to self or to the community. (3-30-01)

02. **Staff Training**. All staff who apply restraints are trained in the proper and safe use of the restraint device used and the training is current and documented, including any special certification required to apply the restraint. (3-30-01)

03. **Intervention**. Staff informs the child that if his behavior continues, staff will have to intervene by use of restraint to help him gain control. (3-30-01)

04. **Restraint Approval**. Administrative or designee approves the restraint for the specific child for the specific behavior before each application of restraint. (3-30-01)

05. **Used Only Until the Child Has Regained Control**. Restraint must only be used until the child has regained control. (7-1-09)

06. **Restraint Is Prohibited**: (3-30-01)

a. When there are specific medical reasons pursuant to a medical professional's order; (3-30-01)

b. For non-violent and non-assaultive behaviors; (3-30-01)

c. As punishment; (3-30-01)

d. To facilitate supervision for the convenience of staff; and (3-30-01)

e. As a substitute for other more effective treatment methods. (3-30-01)

07. **Monitoring**. A staff assigned to monitor a child in restraint must have no other immediate responsibility and must be in visual and auditory contact with the child at all times to ensure that all personal needs of the child are met, including access to toilet facilities as needed. (7-1-09)

08. **Restraint Log**. A restraint log documenting each use of restraint which includes: (3-30-01)

a. The child's name; (3-30-01)

b. The time and date of initiation of the restraint; (3-30-01)

c. The name of the staff who requested the restraint of the child; (3-30-01)

d. The name of the administrator or designee who approved the use of the restraint of the child; (3-30-01)

e. A description in sufficient details to provide a clear understanding of the incident which resulted in the child being restrained and the staff's attempts to help avoid the restraint; (3-30-01)

f. Detailed observation notes by the person assigned to monitor the child while in restraint; and (3-30-01)

g. The time and date of termination of the restraint. (3-30-01)

09. **Counsel**. When a child has been released from restraint, staff must counsel with the child about behavior and problems experienced which resulted in the restraint use. (7-1-09)

10. **Re-Introduction**. The child is re-introduced to the group in a sensitive and non-punitive manner as soon as he has regained control. (3-30-01)

11. **Review**. When a child has been in restraint, there must be within twenty-four (24) hours a review by the chief administrator or his designee. The review is to determine the suitability of the child remaining in the children's residential care facility and whether modifications to the child's service plan is warranted and if staff need further training or disciplinary action. Appropriate action must be taken based on the findings of the review. The person doing the review must be knowledgeable about the proper use of the restraint device and its impact on the child. (7-1-09)

768. TRANSPORTATION OF CHILDREN IN RESTRAINTS PROHIBITED.
A children's residential facility or its agents are prohibited from transporting children in restraints. (7-1-09)

769. (RESERVED)

ADDITIONAL PROVISIONS FOR CHILDREN'S RESIDENTIAL MATERNITY CARE (Sections 770 - 779)

770. ADDITIONAL PROVISIONS FOR CHILDREN'S RESIDENTIAL MATERNITY CARE.
(Sections 770 through 779, see also Sections 500 through 599 and 700 through 769.) (3-30-01)

771. SERVICE WORKER AVAILABLE.
A service worker shall be available to each pregnant minor and minor mother to provide information on options open to her and to assist her in making decisions that are in her best interest and her child. The decision for final plans for the minor mothers child rests with the minor parent. A pregnant minor is prohibited from signing a statement committing to any definitive plan prior to the birth of her child and shall not be subject to coercion to release her child before or after the birth of her child. (3-30-01)

772. PRENATAL AND POSTPARTUM CARE.
Prenatal and postpartum care for residents and newborns shall be performed only by a physician licensed to practice medicine in Idaho and shall include: (3-30-01)

01. **Obstetric History**. The obtaining of an obstetric history; (3-30-01)

02. **Obstetrical Exam**. Within ten (10) days of entering care, a complete obstetrical exam; (3-30-01)

03. **Ongoing Medical Care**. Ongoing medical care with examinations as prescribed by the physician;

(3-30-01)

04. Infant Medical Care Plan. A planned program of medical and nursing care of all infants in care, approved by the physician; (3-30-01)

05. Hospital Delivery Required. Infants shall only be delivered in a hospital licensed by the state of Idaho; and (3-30-01)

06. Prenatal and Postnatal Education. A pregnant resident shall be provided educational information on prenatal and postnatal care as appropriate. (3-30-01)

773. DISCHARGE PLANS.
Discharge plans shall be developed in a timely manner with the service worker and the new parent to ensure an infant does not remain in a children's residential maternity care facility apart from parental care and supervision. (3-30-01)

774. -- 779. (RESERVED)

ADDITIONAL PROVISIONS FOR CHILDREN'S ALCOHOL-DRUG ABUSE RESIDENTIAL CARE FACILITIES
(Sections 780 - 789)

780. ADDITIONAL PROVISIONS FOR CHILDREN'S ALCOHOL-DRUG ABUSE RESIDENTIAL CARE FACILITIES.
In addition to complying with Sections 500 through 599, 700 through 769, and 800 through 899 of these rules, children's alcohol and drug abuse residential care facilities must be approved under IDAPA 16.07.17, "Substance Use Disorders Services"; and IDAPA 16.07.15, "Behavioral Health Programs." (7-1-09)

781. --789. (RESERVED)

ADDITIONAL PROVISIONS FOR NON-ACCREDITED CHILDREN'S RESIDENTIAL SCHOOLS
(Sections 790 - 793)

790. ADDITIONAL PROVISIONS FOR NON-ACCREDITED CHILDREN'S RESIDENTIAL SCHOOLS.
(Sections 790 through 793, see also Sections 500 through 599 and 700 through 769.) (3-30-01)

791. APPLICATION PROCESS.
A non-accredited children's residential school shall file with the Division of Family and Community Services of the Department, an affidavit addressing the following elements and the listed attachments: (3-30-01)

01. Affidavit Statement. Affiant shall make this affidavit based upon their own personal knowledge and belief. (3-30-01)

02. Affiant Administrative Employees. Affiants state that they are the administrative employees responsible for operation of the school and the head of the governing body of the named school. (3-30-01)

03. School Administrative Description. The school is a non-accredited children's residential school as defined in this Chapter and as demonstrated by the attached by-laws or an attached organizational statement of purpose detailing organizational structure, philosophy, program, intake and enrollment policy, services, geographic area served, and children served according to their legal status, physical, intellectual, and behavioral characteristics. (3-30-01)

792. STAFF RATIOS REQUIRED.
Non-accredited children's residential schools shall have at least one (1) staff member on duty and one (1) on call and available within (10) minutes for each twenty-five (25) children or fraction thereof, when children are awake and

present. During normal sleeping hours, children in each sleeping quarters shall be under close supervision and within easy call of a staff member, with one (1) on-call staff available within ten (10) minutes. The facility shall at all times have a staff coverage plan to ensure the safety and needs of the children that is approved by the Department. (3-30-01)

793. CHILD'S RECORD.
The school shall maintain a record on each child. (3-30-01)

01. Content. The child's record shall contain the following information: (3-30-01)

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

b. Birth date; (3-30-01)

c. Gender; (3-30-01)

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

e. Name, address and telephone number of responsible parent, guardian or legal custodian of the child; (3-30-01)

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

g. Medical care authorizations; (3-30-01)

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

i. Reason for referral or placement; and (3-30-01)

j. Special problems and needs. (3-30-01)

02. Record Entries. For record entries by professional and clinical staff, the entries shall be signed and dated by the person providing the service. (3-30-01)

794. -- 799. (RESERVED)

ADDITIONAL STANDARDS FOR CHILDREN'S THERAPEUTIC OUTDOOR PROGRAMS
(Sections 800 - 899)

800. ADDITIONAL STANDARDS FOR CHILDREN'S THERAPEUTIC OUTDOOR PROGRAMS.
(See sections 800 through 899, also see Sections 500 through 599.) (5-3-03)

801. (RESERVED)

802. POLICIES AND PROCEDURES.
In addition to the requirements for policies in Sections 500 through 599 of these rules, a children's therapeutic outdoors program must have policies and procedures in place addressing the licensing standards required in Sections 800 through 899 of these rules. (7-1-09)

803. -- 804. (RESERVED)

805. BASE CAMP REQUIREMENTS.

01. Base Camp. A children's therapeutic outdoor program must have a base camp or field office in Idaho, here after referred to as a base camp. Base camp at a minimum must: (7-1-09)

a. Be staffed and monitored twenty-four (24) hours a day when there are children in care in the base camp or on expeditions; (5-3-03)

b. Have current staff personnel files; (5-3-03)

c. Have a current list of the names of staff and children in each field group; (5-3-03)

d. Have a master map of all activity areas used by the program; (5-3-03)

e. Have copies of each group's expeditionary route with its schedule and itinerary, copies of which must be provided to the Department and local law enforcement when requested; (7-1-09)

f. Maintain current logs of all communications with each field group away from the base camp; and (5-3-03)

g. Have an emergency response plan that is developed by the organization and updated annually. (7-1-09)

02. Proof of Compliance. A children's therapeutic outdoor program which operates in Idaho must comply with federal, state, and local regulations and must maintain proof of compliance at the base camp. (7-1-09)

806. HIGH ADVENTURE REQUIREMENTS.

01. High Adventure Activities. High adventure activities may include the following: (5-3-03)

a. Target sports; (5-3-03)

b. Aquatics; (5-3-03)

c. Hiking; (5-3-03)

d. Adventure challenge courses; (5-3-03)

e. Climbing and rappelling; (5-3-03)

f. Winter camping; (5-3-03)

g. Soloing; (5-3-03)

h. Spelunking; (5-3-03)

i. Expeditioning; (5-3-03)

j. Swimming in a river, stream, lake, or pond; (5-3-03)

k. White water activities; and (5-3-03)

l. Animal related activities. (5-3-03)

02. High Adventure Activity Policy and Procedures. For the high adventure activities identified in Subsection 806.01 of this rule and for any activity identified by the children's therapeutic outdoor program or the Department as a high adventure activity, there must be a written policy and procedure to be followed which include: (7-1-09)

a. Training, experience, and qualifications for leader and staff; (5-3-03)

b. Specific staff-to-participant ratios appropriate to the activity; (5-3-03)

c. Classification and limitations for each child's participation; (5-3-03)

d. Arrangement, maintenance, and inspection of the activity area; (5-3-03)

e. Appropriate equipment and the inspection and maintenance of the equipment; and (5-3-03)

f. Safety precautions to reduce the possibility of an accident or injury. (5-3-03)

03. High Adventure Activities Leader. An activity leader who is at least twenty-one (21) years of age and who has documented training and experience in conducting the activity must conduct high adventure activities. (7-1-09)

807. -- 809. (RESERVED)

810. STAFF QUALIFICATIONS FOR CHILDREN'S THERAPEUTIC OUTDOOR PROGRAMS. Qualifications of staff, interns, and volunteers must be verified through written verification of a completed criminal history and background check as required by IDAPA 16.05.06, "Criminal History and Background Checks," work experience, education, and classroom instruction. A program which provides children's therapeutic outdoor programs shall have the following staff: (7-1-09)

01. Chief Administrator. A children's therapeutic outdoor program must have a chief administrator who is primarily responsible for ensuring that the program is at all times in compliance with applicable licensing rules and that staff are familiar with all program policies and procedures. The chief administrator may also function as the field director. The chief administrator must: (7-1-09)

a. Be at least twenty-five (25) years of age; (5-3-03)

b. Have two (2) years experience working with children and three (3) years experience in staff supervision and administration; and either; (5-3-03)

i. At the time of appointment, at a minimum, have a Bachelor's degree in a relevant discipline; or (5-3-03)

ii. Have completed a career development program which includes work related experience, training, or college credits that provide a level of achievement equivalent to the Bachelor's degree; and (5-3-03)

c. Have a minimum of thirty (30) semester hours or forty-five (45) quarter hours in recreational therapy or related experience, or one (1) year of outdoor youth program field experience; and (5-3-03)

d. Demonstrate or obtain proficiency in the required training criteria described in Subsection 812.02 of this rule. (7-1-09)

02. Field Director. A children's therapeutic outdoor program must have a field director who is primarily responsible for the quality of the field activities, coordinates field operation, supervises direct care staff, and manages the field office. The field director is responsible for compliance with applicable licensing rules and ensure that staff are familiar with all program policies and procedures. The field director must: (7-1-09)

a. Be at least twenty-five (25) years of age; (5-3-03)

b. Have a minimum of thirty (30) semester hours or forty-five (45) quarter hours in recreational therapy or related experience, or one (1) year of outdoor youth program field experience; (5-3-03)

c. Have a minimum of forty (40) twenty-four (24) hour field days of program experience or equivalent experience in outdoor programs documented in his personnel file; and (5-3-03)

d. Demonstrate or obtain proficiency in the required training criteria described in Subsection 812.02

of these rules within ninety (90) days of assuming administrative responsibilities and prior to any provision of direct care to children; and (7-1-09)

e. Be certified to provide cardiopulmonary resuscitation (CPR) and first aid. (5-3-03)

03. **Senior Field Staff**. A children's therapeutic outdoor program must have a senior field staff working directly with each group of program participants. Each senior field staff must: (7-1-09)

a. Be at least twenty-one (21) years of age; (5-3-03)

b. Have an associate degree or high school diploma or equivalent with thirty (30) semester hours or forty-five (45) quarter hours of education and training or comparable experience and training in a field related to recreation and adventure activities; (5-3-03)

c. Have a minimum of forty (40) twenty-four (24) hour field days of program experience or equivalent experience in outdoor programs documented in his personnel file; (5-3-03)

d. Demonstrate or obtain proficiency in the required training criteria described in Subsection 812.02 of these rules prior to assuming direct care responsibilities; and (7-1-09)

e. Be Certified to provide cardiopulmonary resuscitation (CPR) and first aid. (5-3-03)

04. **Field Staff**. Each field staff must: (7-1-09)

a. Be at least twenty-one (21) years of age; (5-3-03)

b. Have a high school diploma or equivalent; (5-3-03)

c. Have completed staff training and field course work as required by Subsection 812.02 of these rules prior to assuming direct care responsibilities; and (7-1-09)

d. Be certified to provide cardiopulmonary resuscitation (CPR) and first aid. (5-3-03)

05. **Program Consultants**. A children's therapeutic outdoor program must have a multidisciplinary staff or program consultants that have knowledge of the physical and emotional demands of the program and be available to program participants upon the recommendation of the field director or senior field staff. At a minimum the team must consist of: (7-1-09)

a. A licensed physician; and (5-3-03)

b. A licensed treatment professional including either a licensed psychologist, certified social worker, marriage and family counselor, or professional counselor. (5-3-03)

06. **Intern**. Each intern must: (7-1-09)

a. Be in a learning program to meet personal educational goals; (5-3-03)

b. Be at least nineteen (19) years of age; (5-3-03)

c. Have at least a high school diploma or its equivalent; (5-3-03)

d. Have completed staff training and field course work as required by Subsection 812.02 of these rules prior to assuming direct care responsibilities; and (5-3-03)

e. Be under the supervision of a licensed therapist if they are in a clinical internship pursuing a professional degree or license. (5-3-03)

07. **Volunteers**. Each volunteer must: (7-1-09)

a. Be at least eighteen (18) years of age; (5-3-03)

b. Be under the direct, constant supervision of qualified staff; and (5-3-03)

c. Have completed the staff training and course work required by Subsection 812.02 of these rules prior to assuming direct care responsibilities. (5-3-03)

811. STAFF HEALTH REQUIREMENTS.
Prior to engaging in any field activities with children, staff, interns, and volunteers must have a written statement from a licensed physician, physician's assistant or nurse practitioner verifying they are physically fit to perform the duties of the job. A new written physician's statement must be obtained at least every three (3) years. The medical professional who provides the written statement must be given a form to use which clearly describes the physical demands for the job and the environmental conditions the person being evaluated is required to work in. The administrator or designee must review the form and maintain it in the individual's personnel file. (7-1-09)

812. SKILLS AND TRAINING.
Skills and training for each staff, intern, and volunteer must be documented and kept on file at the base camp. (7-1-09)

01. **Skills**. Each staff must demonstrate specific skills to the administrator or designee, prior to assuming field supervision. The skill assessment procedures must be approved by the agency and results of the assessment must be documented and kept on file at the base camp. (7-1-09)

02. **Training**. Training must supplement any deficiencies. The curriculum will include at a minimum: (7-1-09)

a. Four (4) days of practicum field training; (5-3-03)

b. Supervision of program participants; (5-3-03)

c. Water, food, and shelter procurement, preparation and conservation; (5-3-03)

d. Low impact wilderness expedition and environmental conservation skills and procedures; (5-3-03)

e. Child management including containment control, safety, conflict resolution, and behavior management; (5-3-03)

f. Instruction in safety procedures and safe equipment use of fuel, fire, and life protection; (5-3-03)

g. Sanitation procedures related to food, water, and waste; (5-3-03)

h. Special instruction for staff who conduct and staff who supervise high adventure activities; (5-3-03)

i. Wilderness medicine, including health issues related to acclimation, exposure to the environment, and environmental elements; (5-3-03)

j. First aid kit contents and use; (5-3-03)

k. Navigation skills including map and compass use, contour and celestial navigation, and Global Positioning System (GPS); (5-3-03)

l. Local environmental precautions, including terrain, weather, insects, poisonous plants, wildlife, and proper response to adverse situations; (5-3-03)

m. Report writing, including development and maintenance of logs and journals; (5-3-03)

n. Federal, state, and local regulations including Idaho State Department of Health and Welfare, Idaho State Department of Fish and Game, Idaho Outfitters and Guides, and State and Federal land use agencies; and (5-3-03)

o. Ongoing training for direct care staff to upgrade their skills, including mandatory training to maintain skills, certifications and licenses. (5-3-03)

813. STAFF RATIOS AND GROUP SIZE.

01. Staffing Ratio. Each group of children must be staffed as follows: (7-1-09)

a. One (1) staff for every four (4) children or fraction thereof, but where there are less than four (4) children there must be at least two (2) staff; and (7-1-09)

b. Where the gender of a group is mixed, there must be at least one (1) female staff and one (1) male staff member. (7-1-09)

02. Interns and Volunteers. Interns and volunteers must never be counted in the staff ratio and never have sole responsibility to supervise the youth. (7-1-09)

814. STAFF USE OF ALCOHOL OR CONTROLLED SUBSTANCES PROHIBITED.
Staff engaging in field activities, whether on or off duty, are prohibited from using alcohol or controlled substances, or any other substance that impairs their ability to function and ensure the health and safety of the children in the program. (7-1-09)

815. -- 820. (RESERVED)

821. ASSESSMENTS.
Preadmission and subsequent assessments must be performed for each child. (7-1-09)

01. Preadmission Assessment. Admission assessments must be done for each child by a qualified treatment professional familiar with the children's therapeutic outdoor program prior to enrollment. This must include a review of the child's social and psychological history. (7-1-09)

02. Subsequent Assessments. Subsequent assessments must be done at least one (1) week before the child leaves for the field portion of the program away from the main base of operations. The assessment must include: (7-1-09)

a. An interview with the child by the senior field staff assigned to the child's field experience prior to entrance into the field; and (5-3-03)

b. A review of the child's health history and physical examination by a medically trained field staff assigned to the child's field experience. (5-3-03)

03. Psychological Problems. For a child with a history of psychological problems, a psychological evaluation must be obtained and reviewed by the multidisciplinary team prior to the child's entrance into the field portion of the program. (7-1-09)

822. PHYSICAL EXAMINATION.
A child must have a physical examination within thirty (30) days prior to entrance into the children's therapeutic outdoor program. (7-1-09)

01. Standard Physical Examination Requirements. The result of the physical exam must be recorded on a standard form provided by the program. The form must clearly document the type and extent of physical activity in which the child will be engaged. The exam must be completed by a licensed physician,

physician's assistant, or nurse practitioner, who signs the form, and includes: (7-1-09)

a. A urinalysis; (5-3-03)

b. A pregnancy test for each female participant; (5-3-03)

c. A physical assessment to determine fitness given the climate and temperature in which the child will be participating, and the child's age, weight, and physical condition; and (5-3-03)

d. A determination whether detoxification is indicated for the child prior to entrance into the field portion of the program. (5-3-03)

02. Prior Physical Examination. A physical examination of a child who is coming into a children's therapeutic outdoor program directly from a children's residential care facility, must be acceptable provided the physical examination is current as required by Section 571 of these rules, meets the criteria provided in Subsection 822.01 of this rule, and occurred prior to entrance into the field. (7-1-09)

03. Medical Special Needs. If a child is currently taking or has been taking prescribed medication within the past six (6) months prior to placement in the children's therapeutic outdoor program, a specific notation must be made on the physical examination form by the medical professional. The medical professional must also include approval for the child's participation in an outdoor, high impact environment and a description of any possible special needs due to the use of medication in said environment. (5-3-03)

04. Physical Examination Availability. The physical examination form must be copied and the original maintained at the base camp and a copy carried by staff in a waterproof container when the child is away from the base camp. The physical examination form must be maintained in a manner that assures the confidentiality of all medical and identifying information. (7-1-09)

823. GROUPING BY AGE.
Children must be assigned to groups according to age and ability. (7-1-09)

01. Age. A child must be at least eleven (11) years of age and less than eighteen (18) years of age unless the individual meets the definition of continued care as provided in Sections 010, 530, and 531 of these rules. (7-1-09)

02. Placement. A licensed treatment professional familiar with the children's therapeutic outdoor program must determine whether children eleven (11) years of age through thirteen (13) years of age are to be placed in a younger program group or in an older program group. The decision must be based upon the child's needs and level of maturity, both physical and mental. The basis for the decision must be documented in the child's record. (7-1-09)

824. EXPEDITIONS.
Expeditions include any excursion that will take the children away from the base camp. (5-3-03)

01. Written Description. There must be a written description of expedition programming, approved by the organization's governing body and signed by the Chief Administrator. The expedition must not expose children to unreasonable risk. (7-1-09)

02. Group Size. For an expedition group, the number of participants must not exceed fifteen (15) children. (7-1-09)

03. Wilderness First Responder (WFR). At least one (1) staff member per expedition group must have a current WFR Certificate. (7-1-09)

04. Global Positioning System (GPS). Each group must be equipped with a GPS system for use on all expeditions. (7-1-09)

05. Staff Briefing. Staff must be briefed prior to any expedition. The briefing at a minimum must include: (7-1-09)

a. The expedition route, terrain, time schedule, weather forecast and any potential hazards; (5-3-03)

b. Any procedures unique to that expedition; and (5-3-03)

c. Participant backgrounds and any potential problems. (5-3-03)

06. Expedition Evaluations. Each expedition must be evaluated at least every seven (7) days, either in person by a field director or as detailed in the organization's approved policies and procedures. If the expedition is longer in duration than three (3) weeks, on-site visits by a field director must occur at minimum increments of three (3) weeks. (7-1-09)

07. Staff De-Briefing. Staff must be de-briefed after returning from any expedition. (7-1-09)

08. Participant De-Briefing. Children must be de-briefed after returning from any expedition. The de-briefing must include a written summary of the child's participation and progress achieved and be retained in the child's record. (7-1-09)

09. Expedition Summary. Results of the evaluation of the conditions of the children, interactions of children and staff, briefings, de-briefings, and compliance with program policies and procedures must be summarized, documented, and records retained for seven (7) years. (7-1-09)

825. SAFETY.
Each children's therapeutic outdoor program must have appropriate safety procedures and equipment. (7-1-09)

01. Environmental Hazards. Each program participant must have instruction on environmental hazards and precautions. (7-1-09)

02. First Aid Kit. There must be a first aid kit with sufficient supplies available at all times. The first aid kit must at a minimum: (7-1-09)

a. Meet the standards of an appropriate national organization for the activity being conducted and the location and environment being used; (5-3-03)

b. Be reviewed with new staff for contents and use; (5-3-03)

c. Be reviewed at least annually with all staff for contents and use; and (5-3-03)

d. Be inventoried after each expedition and restocked as needed. (5-3-03)

826. COMMUNICATIONS.

01. Communication Support System. There must be a communication system that includes: (7-1-09)

a. A reliable two (2) way radio communication with extra charged battery packs for each group away from the base camp; and (5-3-03)

b. A back up plan for re-establishing communication to be implemented in the event regular communication fails. (5-3-03)

02. Communication Requirements. There must be daily verbal communication between each field group and the base camp unless alternative arrangements have been made and documented in a communications log maintained at the base camp and must never exceed seventy-two (72) hours. (7-1-09)

03. Emergencies. The base camp support personnel must have immediate access to emergency telephone numbers, contact personnel and procedures for an emergency evacuation or field incident requiring emergency medical support. (7-1-09)

827. EMERGENCY PLAN.
A children's therapeutic outdoor program must have and follow a written emergency plan and specific procedures for evacuations, disasters, medical emergencies, hostage situations, casualties, and missing children. (7-1-09)

01. Written Plan. The plan must at a minimum include: (7-1-09)

a. Designation of authority and staff assignments; (5-3-03)

b. Transportation and relocation of program participants when necessary; (5-3-03)

c. Instruction to all participants on how to respond in the event of an emergency; (5-3-03)

d. Notification to the base camp of the nature of the emergency and an accounting of each participant's location and status; (5-3-03)

e. Supervision of program participants after an evacuation or a relocation; and (5-3-03)

f. Arrangements for medical care and notification of a child's physician and identified parent or guardian. (5-3-03)

02. Emergency Drills. Emergency plan drills must be conducted and recorded at least annually. (5-3-03)

828. EXPEDITION AND HIKING LIMIT REQUIREMENTS.

01. Physical Capability. Hiking must not exceed the physical capability of the weakest member of the group. (7-1-09)

02. Maximum Temperature. There must be no hiking when the temperature is above ninety-five (95) degrees Fahrenheit. (7-1-09)

03. Inability or Refusal to Hike. When a child cannot or refuses to hike, the group cannot continue hiking unless it is necessary for obvious safety reasons, and a contingency plan, based on preapproved polices and procedures, must be used. The contingency plan must ensure there is staff coverage for each group, if the group is split, and that communication between the groups is maintained. (7-1-09)

04. Maps and Itinerary. Copies of map routes, anticipated schedules including arrival and departure times must be maintained by the field staff and base camp when a group is on an outing away from the base camp. (7-1-09)

05. Acclimation to Environment. Staff must closely monitor children for acclimation to the temperature, climate, altitude, environment and situation. (7-1-09)

06. Log. There must be a common written log that is signed and dated by the participating staff immediately following the termination of an outing away from the base camp. The log must contain information on health problems, accidents, injuries, medications used, behavioral problems, and unusual occurrences. The log must be recorded in permanent ink with any corrections initialed and dated. (7-1-09)

829. WATER REQUIREMENTS.

01. Water. Children must have access to potable water while hiking. At a minimum the program must: (7-1-09)

a. Provide each child with six (6) quarts of potable water a day, unless a child's weight exceeds one hundred fifty (150) pounds, then one (1) additional quart of potable water will be provided for every twenty-five (25) pounds of body weight over one hundred fifty (150) pounds; and (5-3-03)

b. Encourage each child to consume at least three (3) quarts of potable water per day. (5-3-03)

02. Water for Cooling. When the temperature is eighty (80) degrees Fahrenheit or higher, adequate water must be available for coating each child's body for the purpose of cooling when needed. (7-1-09)

03. Water Caches. When water caches are used, each water cache must be placed at predetermined sites prior to the day the group leaves the camp. Field staff must verify the water cache locations before the group leaves the base camp each day. (7-1-09)

04. Aerial Water Drops. An expedition group must not depend on aerial drops for its water supply. Aerial water drops must be used only in the event of an emergency. (7-1-09)

05. Water From a Natural Source. Water from a natural source used for drinking or cooking must be treated to eliminate health hazards. (7-1-09)

06. Electrolyte Replacement. Each group must have a supply of electrolyte replacement, quantities to be determined by group size and environment conditions. (7-1-09)

830. NUTRITIONAL AND SANITARY REQUIREMENTS.

01. Menu. There must be a written menu approved annually by a professional nutritionist or dietitian with knowledge of program activity levels and environmental factors. The menu will list the necessary or recommended food supplies and caloric intake for each group. The current menu must be readily available and any change or substitution noted on the menu. Menus must be maintained on file for six (6) months. (7-1-09)

02. Food. Each child must be provided a sufficient amount of food and calories based on the approved menu. The food provided must include fresh fruit and vegetables at least twice a week. (7-1-09)

03. Special Needs. The menu must take into consideration a child's special nutritional needs, including food allergies or religious restrictions. (7-1-09)

04. Fasting. There must be no imposed food fasting. (7-1-09)

05. Cleansing of Hands. Cleansing of hands is required after each latrine use and prior to food preparation and food consumption. (7-1-09)

831. -- 834. (RESERVED)

835. HEALTH CARE.

01. First Aid. First aid treatment must be provided in as prompt a manner as the location and circumstances allow. (7-1-09)

02. Field Treatment. A child with an illness or physical complaint needing care or treatment beyond what can be provided in the field must be immediately transported to appropriate medical care. (7-1-09)

03. Documentation. Complaints or reports by a child of illness and injuries must be recorded in the daily log along with any treatment provided. (7-1-09)

04. Negative Consequences. There must be no negative consequences imposed on a child for reporting an injury or illness or for requesting to see a health care professional. (7-1-09)

05. Daily Physical Assessment. Children's hydration, skin condition, extremities, and general physical

condition must be evaluated and recorded by field staff in the daily log on a daily basis. (7-1-09)

06. Weekly Physical Assessment. At least every seven (7) days, each child's physical condition must be assessed by a Wilderness First Responder (WFR), an Emergency Medical Technician (EMT), or a qualified medical professional. The results of the assessment must be recorded in the daily log and at a minimum includes: (7-1-09)

a. Blood pressure; (5-3-03)

b. Heart rate; (5-3-03)

c. Condition of extremities; (5-3-03)

d. Condition of skin; (5-3-03)

e. Hydration level; (5-3-03)

f. Allergies, if any; (5-3-03)

g. General physical condition; and (5-3-03)

h. Provision of appropriate medical treatment if needed. (5-3-03)

836. MEDICATION STORAGE AND ADMINISTRATION.
A children's therapeutic outdoor program must have and follow policies and procedures on the storage, administration, and disposal of prescription and nonprescription medication. (7-1-09)

01. Medication Storage and Administration. Prescription and over-the-counter medication must be stored under lock and key safeguarded from children. For medications taken on field outings, all medication must be in the possession of a staff member qualified to administer medications. (7-1-09)

02. Trained Staff. Staff who administer and assist with self-administration of medications must be trained by a qualified medical professional. (7-1-09)

03. Prescription Medication. All prescription medications must be issued by a qualified medical professional's valid order that includes the dosage to be given. (7-1-09)

04. Psychotropic Medication. The administration of psychotropic medication is prohibited unless a qualified medical professional determines that the medication is clinically indicated. Under no circumstances will psychotropic medication be administered for disciplinary purposes, for the convenience of staff, or as a substitute for appropriate treatment services. (7-1-09)

05. Documentation. There must be a written record of all medications given to the child. The record must include: (7-1-09)

a. The child's name; (5-3-03)

b. The name of the medication; (5-3-03)

c. The date and time the medication was given; (5-3-03)

d. The dosage given and whether the child did or did not take the medication; and (5-3-03)

e. The person who administered or assisted in self-administration of the medication. (5-3-03)

06. Medication Changes. Prescribed medication must not be stopped or changed in dosage or administration without consulting with the prescribing physician. If the prescribing physician is not available, a

qualified medical professional must be consulted. Results of the consultation and any resulting medication changes must be recorded in the child's record. (7-1-09)

07. Disposal of Unused Medication. All unused and expired medication must be disposed of so it is not available to anyone. When medication is disposed of, this must be witnessed by at least one (1) other staff member and the disposal documented in the child's record. (5-3-03)

837. -- 839. (RESERVED)

840. PARTICIPANT CLOTHING, EQUIPMENT AND SUPPLIES.
Each program participant must have appropriate clothing, equipment and supplies appropriate for the types of activities and for the weather conditions likely to be encountered. (7-1-09)

01. Clothing, Equipment, and Supplies Requirements. Clothing, equipment and supplies include at a minimum: (7-1-09)

a. Sunscreen; (5-3-03)

b. Insect repellent; (5-3-03)

c. A commercially available backpack or the materials to construct a safe backpack or bedroll; (5-3-03)

d. Personal hygiene items necessary for cleansing; (5-3-03)

e. Appropriate feminine hygiene supplies; (5-3-03)

f. Wool blankets or an appropriate sleeping bag and a tarp or poncho when the average nighttime temperature is expected to be forty (40) degrees Fahrenheit or higher; (7-1-09)

g. Shelter, appropriate sleeping bag and ground pad when the average night time temperature is expected to be thirty-nine (39) degrees Fahrenheit or lower; (5-3-03)

h. Clothing appropriate for temperature changes generally expected for the area; (5-3-03)

i. Each child must be provided a clean change of clothing at least once a week or an opportunity to wash his clothes at least once a week; and (7-1-09)

j. Each child must be provided clean undergarments and a means to clean his body at least twice a week. Additional clean undergarments must be provided to a child as may be needed for health or sanitary reasons. (7-1-09)

02. Denial of Clothing, Equipment, and Supplies. Appropriate clothing, equipment, and supplies must not be removed, denied, or made unavailable for any reason. (7-1-09)

841. CONTRABAND.
A children's therapeutic outdoor program must define prohibited contraband in a written policy. (7-1-09)

01. Confiscation. Contraband found in the possession of children or staff must be confiscated by staff and secured in a location inaccessible to children. (7-1-09)

02. Law Enforcement Notification. Local law enforcement must be notified when illegal contraband is confiscated. (7-1-09)

03. Disposal. It is the responsibility of the administrator or designee to dispose of all contraband not confiscated by law enforcement, in accordance with the program's contraband policy. When contraband is disposed of, this must be witnessed by at least one (1) other staff member and the disposal documented in the child's record.

(7-1-09)

842. SEARCHES.
If a children's therapeutic outdoor program conducts searches of children, staff or visitors, it must have and follow written policies and procedures. Searches must be completed in the least intrusive manner possible for the type of search being conducted. All contraband will be disposed of in accordance with Section 841 of these rules. All searches must be documented, including the reasons for the search, the persons conducting the search, and any results. The policies and procedures at a minimum must include those in Subsections 842.01 and 842.02 of this rule. (7-1-09)

01. Pat Down Searches. Pat down searches of children may only be conducted when the therapeutic outdoor program feels it is necessary to discourage the introduction of contraband or to promote the safety of staff and other children. Pat down searches must be conducted as follows: (7-1-09)

a. Staff must be trained in proper search techniques; (7-1-09)

b. There must be a staff member of the same sex as the child being searched and the presence of another staff member; (7-1-09)

c. The child must be told he is about to be searched; (7-1-09)

d. The child must remove all outer clothing (gloves, coat, hat, and shoes) and empty all pockets; (7-1-09)

e. The staff person must pat the clothing of the child using only enough contact to conduct an appropriate search; (7-1-09)

f. If the staff detects anything unusual, the child will be asked to identify the item and appropriate steps taken to remove the item for inspection; (7-1-09)

g. If the child refuses to comply, the administrator or designee must be notified immediately and is responsible for resolving the matter; and (7-1-09)

h. All searches must be documented in writing. (7-1-09)

02. Strip Searches are Prohibited. (7-1-09)

03. Body Cavity Searches are Prohibited. (7-1-09)

843. BEHAVIOR MANAGEMENT AND DISCIPLINE POLICY.

01. Behavior Management. A children's therapeutic outdoor program must have and follow a behavioral management and discipline policy which identifies appropriate methods of behavioral management and ensures that any discipline is positive and consistent. Individual behavioral management must be based on an assessment of the child's needs, behavior, and stage of development with the goal of promoting self-control, self-direction, self-esteem, and an acceptable pattern of social behavior appropriate to the age and development level of the child. The policy must include the concept and application of least restrictive effective treatment and positive reinforcement and prohibit the following: (7-1-09)

a. Physical force, except as permitted under Section 573 of these rules; (5-3-03)

b. Any kind of punishment inflicted on the body, including spanking, hitting, slapping, spitting, kicking, shaking, pulling hair, pinching skin, twisting of an arm or leg in a way that would cause pain or injury to the child, kneeling and sitting on the chest of a child, placing a choke hold on a child, bending back a finger, and shoving or pushing a child into a stationary object; (5-3-03)

c. The placing of anything in or over a child's mouth; (5-3-03)

d. Cruel or excessive physical exercise, prolonged positions, or work assignments that produce unreasonable discomfort; (5-3-03)

e. Verbal abuse, ridicule, humiliation, profanity, and other forms of degradation directed at a child or a child's family; (5-3-03)

f. Locked seclusion as described under Section 764 of these rules; (5-3-03)

g. Mechanical restraint as described under Section 766 of these rules; (5-3-03)

h. Alternative forms of restraint as described in Section 767 of these rules; (5-3-03)

i. Withholding of necessary food, clothing, shelter, bedding, rest, medical care, and toilet use; (5-3-03)

j. Denial of visits or communication with the child's family except as specified in the child's plan or court order; and (5-3-03)

k. Disciplining a child or group of children for actions of one (1) child, unless the organization's policies and procedures for group behavior management and discipline are based on a nationally recognized peer group treatment model and clearly prescribe the circumstances and safeguards under which disciplining the group is allowed and is supervised by staff. (5-3-03)

02. Documentation. An organization must document that the policy has been provided to a child and is made available to parents, guardians, and referral sources. (7-1-09)

844. TIME-OUT.
A children's therapeutic outdoor program must have and follow written policy and procedures governing the appropriate use of time-out as required in Subsections 844.01 through 844.06 of this rule. (7-1-09)

01. Use. Time-out is only used when a child's behavior is disruptive to the child's ability to learn, to participate appropriately, or to function appropriately with other children or the activity. (5-3-03)

02. Duration. Time duration cannot exceed sixty (60) consecutive minutes. (7-1-09)

03. Observation. A staff person is designated to be responsible for visually observing the child at random intervals at least every fifteen (15) minutes. (7-1-09)

04. Documentation. A written description in sufficient detail to provide a clear understanding of the incident or behavior which resulted in the child being placed in time-out, and staff's attempts to help the child avoid time-out, and observations by staff maintained in the child's file. (5-3-03)

05. Reintroduction to the Group. The child is reintroduced to the group in a sensitive and nonpunitive manner as soon as control is regained. (5-3-03)

06. Review. If there are more than ten (10) time-outs for a child in a twenty-four (24) hour period, a review is conducted by the chief administrator or designee to determine the suitability of the child remaining in the program, whether modification to the child's plan is warranted, whether staff need additional training in alternative therapeutic behavior management techniques, and to ensure that appropriate action is taken as a result of the review. (5-3-03)

845. WORK.
Children may be given a non-vocational work assignment as a constructive experience in compliance with child labor laws, which are age appropriate and within the child's capabilities. The primary purpose of work cannot be used as a substitute for paid labor. (7-1-09)

846. ANIMALS AND PETS.
Animals, including pets, must be free from disease and cared for in a safe and clean manner. All domestic animals and pets must be vaccinated against rabies. Documentation of the vaccination against rabies will be kept on file at the base camp. (7-1-09)

847. TRANSPORTING CHILDREN.

01. Vehicle. Transportation of children in a therapeutic outdoor program must be in a vehicle that is: (7-1-09)

a. Properly registered; (5-3-03)

b. Covered by insurance for personal injury and liability; (5-3-03)

c. Driven by a person with a valid driver's license for the type of vehicle and who complies with all applicable traffic laws while transporting children; (5-3-03)

d. Maintained in a safe condition; (5-3-03)

e. Equipped with a red triangle reflector device for use in an emergency; (5-3-03)

f. Equipped with a first aid kit; and (5-3-03)

g. Equipped with a fire extinguisher that is properly secured and not readily available to children. (5-3-03)

02. Proper Seating of Children and Adults. The driver and all passengers must ride in a vehicle manufactured seat and properly use a passenger restraint device. (7-1-09)

848. FIREARMS.
Firearms are not allowed in children's therapeutic outdoor programs. (7-1-09)

849. (RESERVED)

850. PROGRAM SUMMARY.
The organization must provide the child's parent or guardian a written summary of the child's participation and progress upon completion of the therapeutic outdoor program. The parents or guardian and child must be given the opportunity and encouraged to submit a written evaluation of the therapeutic outdoor experience. (7-1-09)

851. -- 859. (RESERVED)

ADDITIONAL STANDARDS FOR SOLO EXPERIENCES IN CHILDREN'S THERAPEUTIC OUTDOOR PROGRAMS

(See also Sections 500 - 599, Rules Governing General Standards for Organizations Known as Children's Agencies and Children's Residential Care Facilities, and Sections 800 - 859, Rules Governing Standards for Children's Therapeutic Outdoor Pro grams)

860. STANDARDS FOR SOLO EXPERIENCES IN CHILDREN'S THERAPEUTIC OUTDOOR PROGRAMS.
If a children's therapeutic outdoor program conducts a solo component for children as part of the therapeutic process during expeditions, they shall have and follow written policies and procedures. Every children's therapeutic outdoor program that includes a solo component shall include a written description of the solo component as required in Section 528 of these rules. (5-3-03)

861. PLAN.
For a children's therapeutic outdoor program that conducts a solo component as part of the therapeutic process there

shall be a plan for the solo component, as well as an individual solo plan for each child. The plans shall be documented and must be approved by the senior field staff to ensure that the children are not exposed to unreasonable risks. The plans shall include the following: (5-3-03)

01. Individual Solo Plan. The goals, methods, techniques to be used, and time frames shall be listed for each participant. Each individual plan shall be reviewed with the child and signed and dated by the child and the designated staff member. (5-3-03)

02. Ability. There shall be consideration of the maturity level, health, physical ability and emotional state of the child. (5-3-03)

03. Preparation. The child shall be instructed on the solo experience, including expectations, restrictions, communication, environment, and emergency procedures. (5-3-03)

04. Back Up Plan. There shall be documented instructions for a back up plan in case the child's plan does not work. (5-3-03)

05. Responsible Staff. A designated staff member shall be responsible for coordination and implementation of the plan. (5-3-03)

862. SOLO SITES.
Staff shall be familiar with the site chosen to conduct solos. The following requirements shall apply: (5-3-03)

01. Pre-Site Investigation. A pre-site investigation shall be conducted and mapped prior to the solo. The site shall be checked at the time the child is placed to assure that no changes in the environment have taken place since the pre-site investigation that may put the child at risk. (5-3-03)

02. Hazardous Conditions. Any hazardous conditions, including terrain, are to be considered prior to the selection of a solo site, taking into account the age, physical, developmental and psychological issues of the children served in the solo experience. (5-3-03)

03. Mapping and Site Coordinates. The site selected for the solo shall be mapped and the site coordinates shall be recorded. The map and the site coordinates shall be maintained at the solo site and shall be communicated to the base camp prior to leaving for the solo component. (5-3-03)

04. Supplies. Arrangements shall be made prior to the solo for medication, food and water drop offs if needed. (5-3-03)

863. SUPERVISION.
Plans for supervision shall be in place during the solo. At a minimum these shall require the following: (5-3-03)

01. Assigned Staff. The assignment of a specific staff member to be responsible for the supervision of each solo participant. (5-3-03)

02. Observation. A predetermined procedure for observation, that ensures the health, safety and well being of the child at all times, that includes: (5-3-03)

a. Placing children at a distance from each other and the central staff site to allow for appropriate supervision and emergency communication; (5-3-03)

b. Placing children requiring special attention closer to the central staff site; (5-3-03)

c. Clearly defining physical boundaries and any other restrictions; (5-3-03)

d. Instructing children to not participate in potentially dangerous activities; (5-3-03)

e. Notification and check in systems; (5-3-03)

f. Visual checks; and (5-3-03)

g. Checking the participant's emotional and physical condition daily. (5-3-03)

864. EMERGENCY PROCEDURES.
In addition to the requirements of Section 827 of these rules, solo emergency plans shall include: (5-3-03)

01. Instruction. Instructing the participant on the safety and emergency procedures, including evacuation routes. (5-3-03)

02. Communication. Providing each participant with signaling capabilities, including a whistle, for emergency notification. (5-3-03)

03. Participant Response. Instruction to all participants on how to respond if the emergency notification system is put into use, including each participants requirement to check in to the central staff site. (5-3-03)

04. Check In. Provide a check-in system should an emergency occur, which includes notification to the base camp and an accounting of each participant's whereabouts and safety. (5-3-03)

865. -- 869. (RESERVED)

ADDITIONAL STANDARDS FOR STATIONARY CHILDREN'S THERAPEUTIC OUTDOOR PROGRAMS
(Sections 870 - 872, see also Sections 500 - 599 and 800 - 869.)

870. ADDITIONAL PROVISIONS FOR STATIONARY CHILDREN'S THERAPEUTIC OUTDOOR PROGRAMS.
A children's therapeutic outdoor program that maintains a designated location for the housing of children is considered stationary and shall be subject to additional fire, health, and safety standards. (5-3-03)

871. FIRE SAFETY REQUIREMENTS.
A stationary children's therapeutic outdoor camp shall be inspected by a state certified fire inspector before being occupied and on an annual basis thereafter. A copy of the inspection shall be maintained at the children's therapeutic outdoor camp. The inspection shall require: (5-3-03)

01. Fire Extinguishers. One (1) 2-A-10BC type fire extinguisher shall, at minimum, be in each of the following locations: (5-3-03)

a. On each floor in any building that houses children; (5-3-03)

b. In any room where cooking or heating takes place; (5-3-03)

c. In a group of tents within a seventy-five (75) foot travel distance; and (5-3-03)

d. Each fire extinguisher shall be inspected annually by a fire extinguisher service agency. (5-3-03)

02. **Smoke Detectors**. A smoke detector shall be in buildings where children sleep. (5-3-03)

03. Escape Routes. A minimum of two (2) escape routes from buildings where children sleep. (5-3-03)

04. Flammable Liquids. Flammable liquids shall not be used to start fires, be stored in structures that house children, or be stored near ignition sources. If generators are used, they will only be refueled by staff when the generator is not running and cool to the touch. (5-3-03)

05. **Electrical**. Wiring shall be properly attached and fused to prevent overloads. (5-3-03)

872. HEALTH SAFETY REQUIREMENTS.
A stationary children's therapeutic outdoor camp shall be inspected by the District Health Department before being occupied and on an annual basis thereafter. A copy of the inspection shall be maintained at the site of the camp. The inspection shall require the following: (5-3-03)

01. **Food**. Food be stored, prepared, and served in a manner that is protected from contamination. (5-3-03)

02. **Water Supply**. The water supply shall be from a source that is accepted by the local health authority according to IDAPA 58.01.08, "Idaho Rules for Public Drinking Water Systems," at the time of application and for annual renewal of such licenses. (5-3-03)

03. **Sewage Disposal**. Sewage shall be disposed of through a public system, or in absence of a public system, in a manner approved by the local health authority, according to IDAPA 58.01.03, "Individual/Subsurface Sewage Disposal Rules." (5-3-03)

873. -- 999. (RESERVED)

Subject Index

A

Access By Department Authorized Agents, Residential Care Facility 50
Additional Placement Considerations 64
  Child Placement Preparation 64
  Placement Emergency Change 64
  Placement Service Termination 64
Additional Provisions for Adoption Services 66
Additional Provisions For Adoption Services, Sections 662 Through 681 66
Additional Provisions For Children's Alcohol-drug Abuse Residential Care Facilities 89
Additional Provisions for Children's Alcohol-Drug Abuse Residential Care Facilities 89
Additional Provisions for Children's Residential Maternity Care 88
Additional Provisions For Children's Residential Maternity Care, Also See Sections 500 Through 599 & 700 Through 769 88
Additional Provisions For Foster Home Certification 62
Additional Provisions for Inter-Country Adoption Services 71
Additional Provisions For Inter-Country Adoption Services, Sections 680 Through 699 71
Additional Provisions For Non-Accredited Children's Residential Schools 89
Additional Provisions for Non-Accredited Children's Residential Schools 89
Additional Provisions For Stationary Children's Therapeutic Outdoor Programs 106
  Fire Safety Requirements 106
    Electrical 107
    Escape Routes 106
    Fire Extinguishers 106
    Flammable Liquids 106
    Smoke Detectors 106
  Health Safety Requirements 107
    Food 107
    Sewage Disposal 107
    Water Supply 107
Additional Provisions for Transitional Living Services 64
Additional Standards for Children's Agencies 60
Additional Standards for Children's Residential Care Facilities 72
Additional Standards For Children's Residential Care Facilities, Sections 700 Through 769 72
Additional Standards For Children's Therapeutic Outdoor Programs 90
Additional Standards for Children's Therapeutic Outdoor Programs 90
Additional Standards for Solo Experiences In Children's Therapeutic Outdoor Programs 104
Additional Standards for Stationary Children's Therapeutic Outdoor Programs 106
Adequate Heat, Light, & Ventilation 44
Adoption Services - Nonprofit Status, Children's Agencies 66
Adoptive Parent Information 70
  Circumstances of the Placement 70
  Date, Time & Location of Birth 70
  Family of Origin 70
  Medical Records 70
  Name 70
  Other Information 70
  Preparation for Placement 70
  Racial, Ethnic, & Religious Considerations 70
Alternative Forms Of Restraint 87
  Counsel 88
  Intervention 87
  Monitoring 87
  Re-Introduction 88
  Restraint Approval 87
  Restraint Is Prohibited 87
  Restraint Log 87
  Restraint Used as a Last Resort 87
  Review 88
  Staff Training 87
  Used Only Until the Child Has Regained Control 87
Animals & Pets, Children's Residential Care Facilities 80
Animals & Pets, Children's Therapeutic Outdoor Programs 104
Annual Audit 53
Application For Daycare License Or Renewal 25
  Additional Requirements for License Renewal 26
  Completed & Signed Application 26
  Criminal History & Background Clearance 26
  Inspection Reports 26
  Licensing Fee 26
  Other Information as Requested 26
  Proof of Insurance 26
  Statement Disclosing Revocation or Disciplinary Actions 26
  Statement to Comply 26
  Termination of Application Process 26
Application Process 89
  Affiant Administrative Employees 89
  Affidavit Statement 89
  School Administrative Description 89
Application Request Process, Children's Agencies 62
Applications For License 19
Assessments 95
  Preadmission Assessment 95
  Psychological Problems 95
  Subsequent Assessments 95
Authorizations Required, Residential Care Facility 56

B

Base Camp Requirements 90
  Base Camp 90
  Proof of Compliance 91
Bathroom Facilities, Children's Residential Care Facilities 76
Bathrooms, Water Supply, & Sewage Disposal 44
  Sewage Disposal 44
  Toilet Facilities 44
  Water Supply 44
Bedrooms 45
  Appropriate Bedding 46
  Children of the Opposite Gender 46
  Maximum Number of Children in a Bedroom 46
  Non-Ambulatory Child 46
  Number of Children in a Bed 46
  Restrictions on Sleeping Arrangements 46
  Sharing a Bedroom with a Foster Parent 46
  Sharing Bedroom with a Non-Parent Adult 46
  Sleeping Arrangements 45
Beds, Children's Residential Care Facilities 76
Behavior Management & Discipline 47

Agency Consultation 47
Authority 47
Prohibitions 47
Restraint 47
Behavior Management & Discipline Policy 82, 102
Behavior Management 82, 102
Documentation 83, 103
Buildings, Grounds, Furnishings & Equipment, Children's Residential Care Facilities 75
Buildings, Grounds, Furnishings, & Equipment 34
Appliances & Electrical Cords 35
Balconies & Stairways 35
Fueled Equipment 35
Hazard Areas Restrictions 35
Indoor Play Areas & Toys 35
Outdoor Play Areas & Toys 35
Stairway Protection 35
Water Hazards 35

C

Chief Administrator Position & Qualifications 61
Bachelor's Degree 61
Master's Degree 61
Chief Administrator Qualifications 72
Bachelor's Degree 72
Career Development Program 72
Child Care & Safety Requirements 41
Access by Children Five Years of Age & Under 42
Irrigation Canals or Similar Body of Water 42
Other Safety Water Precautions 42
Pools, Hot Tubs, Ponds, & Other Bodies of Water 42
Child Placement Requirements 44
Children Under Two Years of Age 45
Continued Care 45
Determining Factors 44
Maximum Number of Children 45
Special Circumstances Regarding Maximum Numbers of Children 45
Child Record Content Requirements 27
Child's Full Name 27
Child's Health Information 28
Date of Birth 27
Emergency Contact Information 28
Parent or Guardian's Name, Address. & Contact Information 28
Record of Attendance 28
Child Tasks 48
Child's Record 90
Content 90
Record Entries 90
Children's Residential Care Facility Building Requirements 74
Children's Agencies & Children's Residential Care Facilities 50
Children's Agency Supervision Of Child, Children's Agencies 64
Children's Residential Care Facility Building Requirements
Access to Community Resources 74
Location Restrictions 74
Occupancy Restrictions 74
Child-Staff Ratio 28
Compliance with Child-Staff Ratios 28
Daycare Child-Staff Ratio Point System 28
Napping Children 29
Overnight Daycare 29
Supervision of Children 28
Client Grievance Policy, Residential Care Facility 59
Clothing, Residential Care Facility 59
Collecting & Exchanging Information About A Child, Inter-Country Adoption, Children's Agencies 72
Communications 97
Communication Requirements 97
Communication Support System 97
Emergencies 98
Complaint Investigation, Basis, Time Requirements, Notifying Foster Parents, Contents, & Process 63
Agency Written Report 63
Conclusion of Investigation 63
Investigation Timeline & Extension 63
Summary of Findings 63
Complaints Against Daycare Centers, Group Daycare Facilities, Family Daycare Homes, Foster Homes, Children's Residential Care Facilities, Children's Therapeutic Outdoor Programs, Children's Camps, & Children's Agencies 21
Informed of Action 22
Investigation 21
Compliance Required, Residential Care Facility 50
Compliance With Applicable Laws 74
Corrective Action & Fees 74
Fire Inspection 74
Planning & Zoning 74
Sanitation Inspection 74
Conditions For Placement In An Adoptive Home, Children's Agencies 70
Confidentiality 50
Confidentiality & Privacy Protections Of Persons Served, Residential Care Facility 52
Content Of Child's Record 55
Content Of Child's Record
Child's Health Record 56
Minimum Information 55
Continued Care 52
Department or Department of Juvenile Corrections (DJC) Placed Individuals 52
Individuals Not Placed by Department or DJC 52
Continued Compliance, Reporting Changes, & Critical Incidents 36
Critical Incidents 36
Posting of License & Other Information 36
Reporting Changes 36
Contraband 101
Confiscation 101
Disposal 101
Law Enforcement Notification 101
Contraband, Children's Residential Care Facilities 81
Correspondence Policy, Residential Care Facility 59
Criminal History & Background Check For Daycare Standards 24
Cost of Criminal History & Background Check & Juvenile Justice Records 25
Criminal History & Background Check for Daycare Centers & Group Daycare Facilities 24
Criminal History & Background Check for Family Daycare Homes 25
Criminal History & Background Check for Private Schools & Private Kindergartens 25
Juvenile Justice Records 24
On-going Duty to Report Convictions 25

Criminal History & Background Check Requirements 13
Compliance with Department Criminal History & Background Check 13
Criminal History & Background Check at Any Time 14
Exceptions to Criminal History & Background Checks for Certain Youths 14
Individuals Subject to Criminal History Check Requirements 13
When License is Granted 13
Criminal History & Background Checks For Foster Care License 38
Change in Household Membership 38
Criminal History & Background Check at Any Time 38
Foster Parent's Child Turns Eighteen 38
Required Procedures 38

D

Dangerous & Hazardous Materials 43
Daycare Center Training Requirements 29
Child Development Training 29
Documented Training 29
Pediatric Rescue Breathing, Infant-Child CPR & First Aid Treatment Training 29
Staff Training Records 29
Daycare Licensing Maximum Total Fees 25
Daycare Fire Inspection Fee 25
Daycare Licensing Maximum Total Fee Amounts 25
Death Of A Child In Care Notification, Residential Care Facility 51
Definitions
A Through M 14
Accredited Residential School 14
Alcohol-Drug Abuse Treatment Facility 14
Attendance 14
Board 14
Chief Administrator 14
Child 14
Child Care 15
Children's Agency 15
Children's Camp 15
Children's Institution 15
Children's Residential Care Facility 15
Children's Therapeutic Outdoor Program 15
Child-Staff Ratio 15
Continued Care 15
Contraband 15
Daycare 16
Daycare Center 16
Department 16
Direct Care Staff 16
Director 16
Family Daycare Home 16
Foster Care 16
Foster Home 16
Foster Parent 16
Group Daycare Facility 16
Inter-Country Adoption 16
Mechanical Restraint 16
Medical Professionals 16
Member of the Household 16
N Through Z 16
Nonaccredited Residential School 16
Non-Compliance 16
Operator 16
Organization 17
Person 17
Physical Intervention 17
Placement 17
Plan of Correction 17
Regularly on the Premises 17
Relative 17
Representative 17
Residential School 17
Restraint 17
Seclusion 17
Second Degree of Relationship 17
Secure 17
Security Risk 17
Service Worker 18
Shelter Care 18
Social Worker 18
Soft Restraints 18
Staff 18
Supervision 18
Time-Out 18
Training 18
Transitional Living 18
Variance 18
Waiver 18
Delineation Of Job Responsibilities 51
Dental Services, Residential Care Facility 58
Description Of Services, Residential Care Facility 52
Diapering & Sanitation, Children's Residential Care Facilities 77
Direct Care Staff Qualifications, Children's Residential Care Facilities 73
Direct Care Staff Supervisor Qualifications 73
Associate's Degree 73
Bachelor's Degree 73
Experience 73
Discharge Plans, Children's Residential Maternity Care 89
Disposition Of Applications 19
Approval of Application 19
Denial of Application 20
Failure to Complete Application Process 21
Limited License 20
Provisional License 20
Regular License 19
Variance 20
Waiver 20
Documentation Requirements For Continued Care 53
Additional Continued Care Plans 53
Assessment for Others Safety 53
Documentation of Care Prior to Eighteenth Birthday 53
Documentation of Need for Continued Care 53
Voluntary Agreement 53

E

Education 48
Education Policy, Residential Care Facility 59
Education Program 77
Core Curriculum 77
Grading System 77
Minimum Hours 77
Release of Records 78
Special Education 77
Teacher Qualifications 77
Teacher Ratio 77
Written Transcripts & An Individual Education Plan (IEP) 77
Effect Of Previous Revocation Or Denial Of A License 23
Emergency Drills 75
Disaster Drill 75
Fire Drills 75
Emergency Evacuation Plan, Children's Agencies 64
Emergency Plan 98

Emergency Drills 98
Written Plan 98
Emergency Policies 60
Bomb Threat 60
Fire 60
Hostage Taking 60
Medical 60
Missing Child 60
Natural Disasters 60
Other Dangers Unique to the Location of an Organization 60
Power Outage 60
Serious Accident or Injury 60
Severe Weather 60
Emergency Procedures, Children's Residential Care Facilities 75
Employee & Volunteer Orientation 54
Child Abuse, Neglect, & Abandonment Reporting 55
Job Function 54
Job Responsibilities 55
Organization 54
Employee & Volunteer Training, Residential Care Facility 55
Enforcement Remedy Of Ban On Admissions 22
Enforcement Remedy Of Summary Suspension & Transfer Of Residents Or Children 23
Enforcement Remedy Revocation Of License & Transfer Of Residents Or Children 23
Endangers Health or Safety 23
Misrepresented or Omitted Information 23
No Progress to Meet Plan of Correction 23
Not in Substantial Compliance 23
Refusal to Allow Access 23
Repeat Violations 23
Violation of Terms of Provisional License 23
Equipment Storage, Children's Residential Care Facilities 75
Exits 43
Expedition & Hiking Limit Requirements 98
Acclimation to Environment 98
Inability or Refusal to Hike 98
Log 98
Maps & Itinerary 98
Maximum Temperature 98
Physical Capability 98
Expeditions 96
Expedition Evaluations 97
Expedition Summary 97
Global Positioning System (GPS) 96
Group Size 96
Participant De-Briefing 97
Staff Briefing 97
Staff De-Briefing 97
Wilderness First Responder (WFR) 96
Written Description 96

F

Facility Capacity & Determining Occupant Load 31
Area for Daycare Use Only 31
Exit Signs 31
Facilities With An Occupancy Load Of Fifty Or More 31
Failure To Comply 36
Misdemeanor to Operate a Family Daycare Home for Four or More Children Without Obtaining a Criminal History Check 37
Misdemeanor to Provide Daycare if Guilty of Certain Offenses 37
Misdemeanors to Operate Without a License 36
Family Home Study, Adoption, Application Process & Content 68
Background Information 68
Required Information 68
Financial, Inter-Country Adoption Services, Children's Agencies 71
Fire Extinguishers & Safety Requirements 31
Automatic Sprinkler Systems 31
Facilities Over Three Thousand Square Feet 31
Fire Alarm System 31
Fire Extinguishers 31
Kitchen Area 31
Portable Fire Extinguisher 31
Smoke Detectors 31
Fire Safety & Evacuation Plans 31
Annual Review 32
Assembly Point 32
Evacuation 32
Evacuation Routes 32
Location of Fire Alarms 32
Location of Fire Extinguishers 32
Locations of Facility Exits 32
Fire Safety Requirements 75
Carbon Monoxide Detecting Devices 75
Fire Extinguishers 75
Smoke Detecting Devices 75
Fire Safety Standards 30
Inspections 30
Unobstructed Exits 30
Firearms & Ammunition 43
Gun Safe 43
Locked Cabinet or Container 43
Trigger Locks 43
Unassembled & Inoperable 43
Firearms, Children's Residential Care Facilities 77
Firearms, Children's Therapeutic Outdoor Programs 104
First Aid Kit, Children's Residential Care Facilities 80
Flammable Liquids, Children's Residential Care Facilities 77
Food & Nutrition 48
Foster Parent Duties 41
Reporting Progress & Problems 41
Service Plan Implementation 41
Termination of Placement by the Foster Family 41
Written Policies & Procedures for Foster Families 41
Foster Parent Qualifications & Suitability, Foster Homes 37
Acceptance of Foster Children 38
Availability for Child Placement 37
Character 37
Child Care & Supervision 37
Compliance with Licensing Rules 38
Family Supports 38
Harmonious Home Life 37
Health 37
Income & Resources 37
Knowledge & Skill 37
Minimum Age 37
Personal Attributes & Experiences 37
Foster Parent Training 41
Annual Training 41
Individualized Training 41
Initial Training 41
Orientation 41
Required Training 41
Frequency of Fire & Emergency Evacuation Drills 32

G

General Safety Provisions 77
Balconies & Stairways 77
Hazard Areas Restrictions 77
Reasonable Precaution 77
Stairway Protection 77

General Standards For Organizations Known As Children's Agencies & Children's Residential Care Facilities 50
Governing Body Required 51
Grouping By Age 96
Age 96
Placement 96

H

Hazardous Materials Or Toxins, Children's Residential Care Facilities 76
Health Care 99
Daily Physical Assessment 99
Documentation 99
Field Treatment 99
First Aid 99
Negative Consequences 99
Weekly Physical Assessment 100
Health Services, Residential Care Facility 58
Health Standards 32
Adequate Heat, Light & Ventilation 34
Diaper Changing 33
Dishwashing Sanitizing 32
Food Contact Surfaces 32
Food Preparation 32
Food Source 32
Food Storage 32
Food Temperatures 32
Garbage 33
Hand Washing 33
Immunizations 34
Medication 34
Restrooms, Water Supply & Sewage 33
Sewage Disposal 33
Sleeping Areas 33
Smoke Free Environment 33
Use of Alcohol & Illegal Drugs 33
Utensil Storage 33
Water Supply 33
Heating, Children's Residential Care Facilities 76
High Adventure Requirements 91
High Adventure Activities 91
High Adventure Activities Leader 92
High Adventure Activity Policy & Procedures 91
House Parent Relief Staff, Children's Residential Care Facilities 74
Human Resources Needed, Residential Care Facility 53

I

Initial & Subsequent Family Foster Home Evaluation Study Process & Contents, Children's Agencies 62
Initial Evaluation 38
Applicant Participation 39
Disclosure of Information 39
Members of the Household Physical & Mental Health 39
Installation, Maintenance & Inspection Of Flame & Heat Producing Equipment 42
Fire Inspections 43
Installation & Maintenance of Flame & Heat-Producing Equipment 43
Portable Heating Devices 43
Insurance Coverage, Residential Care Facility 51
Intake Policy, Residential Care Facility 52
Interagency Placement Of Children 45
Inter-Country Adoption Services To Adoptive Parents 71
Adoption Finalization 72
Determination of Adoptive Applicant's Ability 71
Documenting Child's Legal Status 71
Eligibility Criteria Disclosure 71
Information Disclosure 72
Inter-Country Adoption Orientation 71
Post-Placement Supervision 72
Procedures for United States Placement 71
Inter-Country Adoption Services, Children's Agencies 71
Issuance Of License 26
Denial of Licensure 27
Department Action 26
Incomplete Application 27
Issuance of a Regular License 26
List of Licensed Daycare Facilities 27
Notification of License Renewal 27

L

Legal 44
Legal Requirements For Inter-Country Adoption Services 71
Adoptive Home Standards 71
Children's Agency, Foreign Government Agreement Review 71
Citizenship 71
Legal Rights Protection 71
Licensing Standard Compliance Requirement 71
Licensing 18
Responsibilities of the Foster Parent or Operator 18
Responsible for Agency Staff Knowledge 19
Responsible for Knowledge of Standards 18
Return of License 19
Licensing & Certification 18
Licensing & Certification Agency Policies & Procedures For Foster Homes 62
Licensing Provisions Related To The Indian Child Welfare Act, Foster Homes 37
Lighting, Children's Residential Care Facilities 76
Locked Seclusion 84
Duration 84
Locked Seclusion Log 84
Observation 84
Potentially Harmful Objects 84
Re-Introduction 85
Review 85
Locked Seclusion Room Requirements, Children's Residential Care Facilities 85

M

Mail 48
Maintenance Of Records 57
Organization of Record 57
Record Confidentiality 57
Record Storage 57
Record Storage for Closed Organizations 57
Maintenance, Children's Residential Care Facilities 75
Mandatory Reporting Of Abuse, Abandonment, Or Neglect 29
Mandatory Visitations 21
Mechanical Restraint 85
Administrator Approval 85
Intervention 85
Mechanical Restraint Log 86
Mechanical Restraint Use as a Last Resort 85
Monitoring 86
Professional Opinion 86
Prohibitions on Mechanical Restraints 86
Re-Introduction 86
Restraint Type 85
Review 87
Staff Training 85

Used Only Until Child Has Regained Control 86
Medical & Dental Care 47
Child Injury & Illness 47
Dispensing of Medications 47
Health Care Services 47
Storage of Medication 47
Medication Storage & Administration 79, 100
Disposal of Unused Medication 80, 101
Documentation 80, 100
Medication Changes 80, 100
Medication Storage & Administration 79, 100
Prescription Medication 100
Psychotropic Medication 80, 100
Trained Staff 80, 100
Member Of Household Qualifications & Suitability 38
Miscellaneous Safety Requirements 34
Animals & Pets 34
Heat Producing Equipment 34
Portable Heating Devices 34
Storage of Hazardous Materials 34
Storage of Weapons, Firearms, & Ammunition 34
Telephone 34

N

National Electrical Code Compliance, Children's Residential Care Facilities 74
Necessary Clothing 48
Nonrenewal, Denial, Revocation, Or Suspension Of License 22
Criminal Conviction or Relevant Record 22
Other Misconduct 22
Non-Violent Physical Intervention 58
Conditions Limiting Restraint 58
Intervention Documentation 58
Intervention Time Guidelines 58
Intervention Training Requirements 58
Prohibition of Prone Restraints 58
Protection from Harm to Self or Others 58
Subsequent Review 59
Notification To The Licensing Authority No Later Than One Day 51
Change in Administrator 51
Employee Investigated 51
Fire 51
Injured Child 51
Notification To The Licensing Authority, Residential Care Facility 50
Nutrition, Children's Residential Care Facilities 80
Nutritional & Sanitary Requirements 99
Cleansing of Hands 99
Fasting 99
Food 99
Menu 99
Special Needs 99

O

Organizational Chart, Policies & Procedures 51

P

Participant Clothing, Equipment & Supplies 101
Clothing, Equipment, & Supplies Requirements 101
Denial of Clothing, Equipment, & Supplies 101
Payment Limitations In Adoption, Children's Agencies 68
Permanent Register, Residential Care Facility 55
Person Filling More Than One Position 54
Personal Care & Hygiene 48
Personal Possessions, Allowance, & Money Policy 60
Child's Personal Possessions 60
Financial Accounting 60
Signature Required 60
Personal Possessions, Allowances, & Money 48
Pets & Domestic Animals 43
Physical Examination 95
Medical Special Needs 96
Physical Examination Availability 96
Prior Physical Examination 96
Standard Physical Examination Requirements 95
Placement Agreement Required Contents, Children's Agencies 62
Policies & Procedures For Transitional Living Services, Children's Agencies 65
Policies & Procedures, Children's Therapeutic Outdoor Programs 90
Post-Placement & Post-Finalization Adoption Services, Inter-Country Adoption 72
Adoption Disruption Re-Placement 72
Child Origin Information Access 72
Crisis Counseling 72
Post-Finalization Counseling 72
Post-Placement Reports 72
Prenatal & Postpartum Care 88
Hospital Delivery Required 89
Infant Medical Care Plan 89
Obstetric History 88
Obstetrical Exam 88
Ongoing Medical Care 88
Prenatal & Postnatal Education 89
Program Description, Children's Agencies 62
Program Statement 66
Delineation of Expenses 67
Description of Services Available 66
Eligibility 66
Program Statement For Transitional Living Services, Children's Agencies 64
Program Summary, Children's Therapeutic Outdoor Programs 104
Prohibition Of Contributions In Adoptions, Children's Agencies 68
Prohibition Of Staff Adoptions, Children's Agencies 68
Public Health District Inspection 75
Drinking Water Systems 75
Food Safety & Sanitation Standards 75

Q

Quality Of Services Environment 51
Assess Compliance 52
Assess Disrupted Placement 52
Corrective Action for Non-Compliance. 52
Expeditious Correction 52

R

Racial, Ethnic, & Cultural Considerations, Selection of an Adoptive Placement, Children's Agencies 69
Reasonable & Prudent Parent Standard 48
Reasonable & Prudent Parent Standard Defined 48
Training 49
Reasonable & Prudent Parent Standard For An Organization Providing Services To Children Placed By The Department 60

Record Management & Reporting Requirements 49
Behavioral Problems 49
Emotional & Psychological Needs 49
Health 49
History of Abuse & Neglect 49
Personal Data 49
Record Management, Transitional Living, Children's Agencies 65
Record Retention, Residential Care Facility 57
Records Management, Maintenance, Availability To Foster Parent, & Contents 63
Placement Record 63
Record Contents 63
Recreation 48
Recreation, Physical Exercise, & Leisure Time Activities, Children's Residential Care Facilities 78
Recruitment Of Adoptive Applicants, Children's Agencies 68
Religious & Cultural Practices 48
Religious & Culture Policy 59
Organizations That Accept Only Private Placements 59
Organizations That Accept State Placements 59
Reporting Foster Home Changes 49
Additional Licensing Application 50
Admission or Release From Facilities 49
Arrests, Citations, Withheld Judgements or Criminal Convictions 49
Change of Residence 50
Counseling, Treatment or Therapy 50
Employment 49
Illness, Injury, or Death 49
Parole & Probation 49
Reporting Of Child Abuse, Neglect, & Abandonment 58
Required Information For Youth At Service Termination, Transitional Living, Children's Agencies 66
Required Staff Ratios 73
Emergency Staff Access 73
Medical Emergency 73
Service Worker or Social Worker Ratios 74
Staff-Child Ratio-Daytime 73
Staff-Child Ratio-Sleeping Hours 73
Supervisor-Staff Ratio 73
Research Protections For Persons Served, Residential Care Facility 52
Restrictions On Applicability & Nontransfer 21
Change in Ownership, Operator, or Location 21
Issued License 21
Nontransferable 21
Revisit & Relicense 21

S

Safety 97
Environmental Hazards 97
First Aid Kit 97
Searches 81, 102
Body Cavity Searches are Prohibited 82, 102
Pat Down Searches 81, 102
Strip Searches are Prohibited 82, 102
Selection Of An Adoptive Placement 69
Self-Supervision Prohibited, Children's Agencies 61
Service Components 65
Activities 65
Aftercare 65
Counseling 65
Legal 65
Medical Care 65
Planning 65
Skills 65
Training 65
Service Plans 56
Initial Service Plan 56
Updated Service Plan 57
Service Plans & Participants, Children's Agencies 64
Service Sink, Children's Residential Care Facilities 76
Service Worker Available, Children's Residential Maternity Care 88
Service Worker Or Social Worker 53
Service Worker Position & Qualifications 61
Qualification 61
Training 61
Service Worker Supervisor Position 61
Bachelor's Degree Provision 61
Master's Degree Provision 61
Service Worker Supervisor Qualifications 73
Bachelor's Degree 73
Master's Degree 73
Services For Adoptive Applicants 67
Counseling 68
Legal Assessment 67
Orientation 67
Preparation for Placement 68
Selections and Services for a Specific Child 67
Suitability Criteria 67
Termination of Services 67
Services For Adoptive Parents 69
Adoption Finalization Assistance 69
Disclosure of Non-Identifying Child Information 69
Post-Finalization Services 69
Post-Placement Services 69
Provision of Resources 69
Specific Training 69
Services For Child's Birth Parents, Children's Agencies, Adoption 67
Services For Children Shall Be The Primary Consideration, Children's Agencies, Adoption 67
Shelter Care Admission & Plans 57
Shelter Care in Excess of Thirty Days 57
Shelter Care More Than Sixty Days 57
Skills & Training 94
Skills 94
Training 94
Sleep, Children's Residential Care Facilities 78
Sleeping Rooms 76
Restrictions 76
Size 76
Window Space 76
Smoke & Carbon Monoxide Detecting Devices 43
Carbon Monoxide Detecting Devices 43
Smoke Detecting Devices 43
Social Worker Or Service Worker Responsibilities, Children's Agencies 61
Social Worker Position & Qualifications, Children's Agencies 61
Staff & Other Individual Record Requirements 27
Certification 27
Legal Name 27
Phone Number 27
Proof of Age 27
Record of Hours 27
Record of Training 27
Results of Juvenile Justice Records 27

Verification of Criminal History & Background Check Clearance 27
Staff Health Requirements, Children's Therapeutic Outdoor Programs 94
Staff Qualifications For Children's Therapeutic Outdoor Programs 92
Chief Administrator 92
Field Director 92
Field Staff 93
Intern 93
Program Consultants 93
Senior Field Staff 93
Volunteers 94
Staff Ratios & Group Size 95
Interns & Volunteers 95
Staffing Ratio 95
Staff Ratios Required, Non-Accredited Children's Residential Schools 89
Staff Recruitment, Hiring, Supervision, Training, Evaluation, Promotion & Discipline 53
Job Descriptions 53
Personnel Records 54
Staff Training, Children's Residential Care Facilities 74
Staff Use Of Alcohol Or Controlled Substances Prohibited 95
Staff Workloads 61
Caseload Limitations 62
Supervisor to Staff Ratio 62
Standards For Day Care 24
Daycare Standards 24
Minimum Age of Applicant 24
Standards for Day Care 24
Standards For Foster Homes 37
Standards for Foster Homes 37
Standards For Solo Experiences In Children's Therapeutic Outdoor Programs 104
Emergency Procedures 106
Check In 106
Communication 106
Instruction 106
Participant Response 106
Plan 104
Ability 105
Back Up Plan 105
Individual Solo Plan 105
Preparation 105
Responsible Staff 105
Solo Sites 105
Hazardous Conditions 105
Mapping & Site Coordinates 105
Pre-Site Investigation 105
Supplies 105
Supervision 105
Assigned Staff 105
Observation 105
Storage Of Poisonous & Toxic Materials, Children's Residential Care Facilities 76
Subsequent Evaluations 40
Family Functioning 41
Other Circumstances 41
Reasonable Access 40
Update Information 41
Written Plan of Correction 41
Substitute Care Placement & Children's Agency Notification 45
Notification to Agency 45
Substitute Care 45
Sufficient Financial Resources, Residential Care Facility 53
Sufficient Recreational Space, Children's Residential Care Facilities 77
Suicide Prevention Plan, Residential Care Facility 59
Supervision 70
Documentation of Adjustment 70
Results of Assessment 70
Special Needs Adoption 70
Supervision & Support 65
Contact Documentation 66
Monthly Contact 66
Plan of Supervision 65
Twenty-Four Hour Agency Telephone Access 66
Written Contract & Reviews 66
Supervision Of Recreational Activity 79
Cardiopulmonary Resuscitation (CPR) & First Aid 79
Instruction 79
Rescue Equipment 79
Safety Equipment 79
Staff Coverage 79
Suspension For Circumstances Beyond Control Of Foster Parent Or Operator 22
Suspension Or Revocation For Infractions 22
Swimming Pool, Pond, Or Other Body Of Water 78
Access by Children Five Years of Age & Under 78
Irrigation Canals or Similar Body of Water 79
Other Water Safety Precautions 79
Pools, Hot Tubs, Ponds, & Other Bodies of Water 78
Staff Person with Lifesaving or Lifeguard Certificate 78

T

Telephone 44
Termination Of Transitional Living Services, Children's Agencies 66
Time-Out 83, 103
Children Six Years of Age or Older 83
Children Under Six Years of Age 83
Documentation 83, 103
Duration 103
Observation 103
Observations 83
Prohibited Locations 83
Re-Introduction to the Group 83
Reintroduction to the Group 103
Review 83, 103
Use 83, 103
Training, Children's Agencies 62
Transitional Living Placement 65
Basis 65
Essential Services 65
Living Arrangements 65
Self-Care 65
Youths Need for Supervision 65
Transportation 44
Legal Requirements for Transporting Children 44
Prohibitions of Foster Child Transportation 44
Reliable Transportation 44
Transportation Of Children In Restraints Prohibited, Children's Residential Care Facilities 88
Transporting Children 81, 104
Proper Seating of Children & Adults 81, 104
Vehicle 81, 104
Tuberculosis Screening, Residential Care Facility 54
Types Of Daycare Licenses 24
Daycare Center License 24
Family Daycare Home 24
Group Daycare Facility 24

U

Unauthorized Absences, Residential Care Facility 51
Universal Precautions, Children's Residential Care Facilities 80
Unlocked Seclusion 83
Children Under Six Years of Age 84

Documentation 84
Re-Introduction 84
Restrictions on Seclusion 84
Review 84
Staff Supervision 84
Supervisory Approval 84
Time Needed 84
Use of Unlocked Seclusion 83
Unusual Incident Notification 50
Death 50
Illness 50
Law Enforcement Authorities 50
Missing 50
Removal of Child 50
Suicide 50
Unusual Incident Policy, Children's Agencies 64
Use Of Tobacco Products, Alcohol, & Illegal Drugs Prohibited, Children's Residential Care Facilities 81

V

Visitation & Access 29
Denied or Limited Visitation Rights by Court Order 29
Department Access 30
Visitation Rights 29
Visitation Policy, Residential Care Facility 59
Volunteer Supervision 54

W

Water Front, Children's Residential Care Facilities 79
Water Requirements 98
Aerial Water Drops 99
Electrolyte Replacement 99
Water 98
Water Caches 99
Water for Cooling 99
Water From a Natural Source 99
Wheelchair Access 44
Work, Children's Residential Care Facilities 78
Written Bylaws, Residential Care Facility 51
Written Policies & Procedures - Adoption, Children's Agencies 67