



OFFICE OF THE LEGISLATIVE SECRETARY

ACKNOWLEDGMENT RECEIPT

CARL T.C. GUTIERREZ
GOVERNOR OF GUAM

Received By: [Signature]

Time: 1:00 PM

Date: 1-2-97

OFFICE OF THE SPEAKER

Date: 1-2-97

Time: 1:35 pm

Received By: [Signature]

Print Name: Artene B. Torres

JAN 02 1997

The Honorable Don Parkinson
Speaker
Twenty-Third Guam Legislature
Guam Legislature Temporary Building
155 Hesler Street
Agana, Guam 96910

Dear Mr. Speaker:

Enclosed please find a copy of Substitute Bill No. 616 (LS), "AN ACT TO ESTABLISH RULES AND REGULATIONS OF THE DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES PURSUANT TO §2407 OF CHAPTER 2, TITLE 10, GUAM CODE ANNOTATED RELATIVE TO STANDARDS FOR FAMILY FOSTER HOMES AND CERTIFICATION AND LICENSING OF PERSONS INTERESTED IN FOSTER PARENTING CARE", which I have signed into law today as **Public Law No. 23-143**.

Although this legislation purports to establish rules and regulations for the standards for family foster homes and certification and licensing of persons interested in foster parenting care, it establishes a statute instead.

Rule-making is an Executive Branch activity. In order to make a rule, an Executive Branch agency must hold a public hearing, forward the rule to the Governor for approval, and submit the rule to the Legislature. The Legislature does not have to do anything, but may approve, disapprove, or amend the rule within a time limit.

Since the attached provisions went through the legislative process rather than the rule-making process, it is more probable that the provisions are statutes rather than rules and regulations.

The Department of Public Health is in the process of revising the rules and regulations that are herein enacted as a statute. The Attorney General has

recommended that some changes be made. The Governor has not transmitted rules and regulations to the Legislature on this subject at this time.

A copy has also been delivered to the Office of the Legislative Secretary.

Very truly yours,



Carl T. C. Gutierrez
Governor of Guam

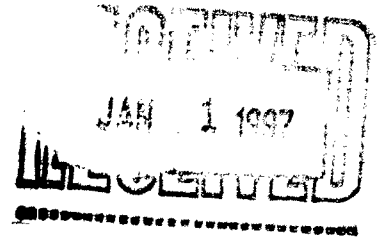
Attachment

231637



CARL T.C. GUTIERREZ
GOVERNOR OF GUAM

JAN 02 1997



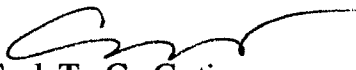
The Honorable Hope A. Cristobal
Acting Legislative Secretary
Twenty-Third Guam Legislature
Guam Legislature Temporary Building
155 Hesler Street
Agana, Guam 96910

Dear Madame Legislative Secretary:

Enclosed please find a copy of Governor's message and copy of Substitute Bill No. 616 (LS), "AN ACT TO ESTABLISH RULES AND REGULATIONS OF THE DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES PURSUANT TO §2407 OF CHAPTER 2, TITLE 10, GUAM CODE ANNOTATED RELATIVE TO STANDARDS FOR FAMILY FOSTER HOMES AND CERTIFICATION AND LICENSING OF PERSONS INTERESTED IN FOSTER PARENTING CARE", which I have signed into law today as **Public Law No. 23-143**.

Governor's message and copy of the public law have been delivered to the Office of the Speaker.

Very truly yours,


Carl T. C. Gutierrez
Governor of Guam

Attachments
231627

*(for file purposes
only)*
Same as Doc. No. 231637

OFFICE OF THE LEGISLATIVE SECRETARY	
ACKNOWLEDGMENT RECEIPT	
Received By	<u><i>Ally</i></u>
Time	<u>2:45</u>
Date	<u>1/2/97</u>

TWENTY-THIRD GUAM LEGISLATURE
1996 (SECOND) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR

This is to certify that Bill No. 616 (LS), "AN ACT TO ESTABLISH RULES AND REGULATIONS OF THE DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES PURSUANT TO §2407 OF CHAPTER 2, TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO STANDARDS FOR FAMILY FOSTER HOMES AND CERTIFICATION AND LICENSING OF PERSONS INTERESTED IN FOSTER PARENTING CARE," was on the 23rd day of December, 1996, duly and regularly passed.



DON PARKINSON
Speaker

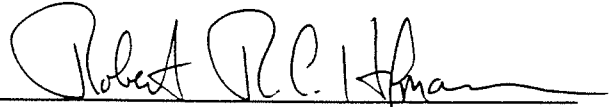
Attested:



SONNY LUJAN ORSINI


Senator and Legislative Secretary, Acting

This Act was received by the Governor this 23 day of December,
1996, at 4:55 o'clock P.M.



Assistant Staff Officer
Governor's Office

APPROVED:



CARL T. C. GUTIERREZ
Governor of Guam

Date: 1-2-97

Public Law No. 23-143

TWENTY-THIRD GUAM LEGISLATURE
1996 (SECOND) Regular Session

Bill No. 616 (LS)

Introduced by:

E. Barrett-Anderson

J. M. S. Brown

L. Leon Guerrero

AN ACT TO ESTABLISH RULES AND REGULATIONS OF THE DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES PURSUANT TO §2407 OF CHAPTER 2, TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO STANDARDS FOR FAMILY FOSTER HOMES AND CERTIFICATION AND LICENSING OF PERSONS INTERESTED IN FOSTER PARENTING CARE.

1 **BE IT ENACTED BY THE PEOPLE OF THE TERRITORY OF GUAM:**

2 **Section 1. (a) Legislative authority to establish rules and**
3 **regulations.** Pursuant to §2407 of Chapter 2, Title 10, Guam Code
4 Annotated, the Department of Public Health and Social Services is
5 authorized to make rules and regulations governing the operations of all
6 child care facilities.

7 **(b) Rules and regulations in bill form.** Pursuant to Public Law 22-96,
8 the rules and regulations governing the standards for family foster homes
9 and certification and licensing of persons interested in foster parenting care is
10 hereby submitted to the Legislature in bill form. Unless changed by statute,
11 the rules and regulations submitted in bill form shall be approved pursuant to
12 the Administrative Adjudication Law and be effective as the rules and

1 regulations subject to further change according to the provisions of the
2 Administrative Adjudication Law.

3 **Section 2. Department of Public Health and Social Services Standards**
4 **for Family Foster Homes rules and regulations.** Notwithstanding any other
5 provision of law, rule, regulation, or Executive Order, the rules and
6 regulations to establish Standards for Family Foster Homes of the
7 Department of Public Health and Social Services, as hereby incorporated by
8 reference as appendix A, are hereby approved by the Twenty-Third Guam
9 Legislature pursuant to Subsection (b) of §9303, Title 5, Guam Code
10 Annotated.

11 **Section 3.** The Rules and Regulations adopted by this Act shall not
12 affect the provisions of establishing Standards for Family Foster Homes,
13 Chapter 2 of Title 10, Guam Code Annotated. Any provision or application of
14 these Rules and Regulations which conflicts with establishing Standards for
15 Family Foster Homes or is held invalid shall be null and void. The invalidity
16 of a provision or application shall not affect other provisions or applications
17 of the Rules and Regulations which can be given effect without the invalid
18 provision or application, and to this end the provisions of the Rules and
19 Regulations are severable.

**STANDARDS FOR
FAMILY FOSTER HOMES**

(APPENDIX A TO BILL NO. ____.)

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STANDARDS FOR FAMILY FOSTER HOMES
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A. PURPOSE

The purpose of these rules and regulations is to formulate standards for family foster homes, and to provide guidelines for certification, issuance and operation of licensing to persons interested in fostering parenting care.

These standards are applicable to all family foster homes, and are hereafter referred to as the "STANDARDS FOR FAMILY FOSTER HOMES".

B. AUTHORITY

The Department of Public Health and Social Services (hereinafter referred to as the "Department") is responsible for the placement of foster homes pursuant to 10 Guam Code Annotated §2401 et seq., the Child Welfare Services Act, and Public Law 96-272. The Adoption Assistance and Child Welfare Act of 1980, as amended.

C. DEFINITIONS

1. **CERTIFICATE:** A license of approval issued by the Department of Public Health and Social Services authorizing the operation of a family foster home.
2. **FAMILY FOSTER HOME:** A home certified by the Department of Public Health and Social Services which provides substitute family care on a twenty-four (24) hour basis for no more than six (6) children, to include the number of children of the foster parents.

D. PROCEDURES FOR CERTIFICATION OF FAMILY FOSTER HOMES

All family foster homes shall be licensed by the Department through issuance of a "Certificate for Family Foster Home" (hereinafter referred to as the "Certificate"), indicating that the standards for the care of foster children under these regulations have been met. All applications for Certification shall be submitted to the Bureau of Social Services Administration (BOSSA), Department of Public Health and Social Services (hereinafter referred to as the "Bureau").

STANDARDS FOR FAMILY FOSTER HOMES

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1. QUALIFICATION OF APPLICANTS

- a. Married couples may apply to become foster parents by filing a joint application with the Bureau. A copy of the couple's marriage license should be attached to the application form.
- b. Domestic partners may apply to become foster parents by filing a joint application with the Bureau. A domestic partner may apply alone to become a foster parent in the same manner as a single adult.
- c. A single person who is eighteen (18) years or older, may apply to become a foster parent by filing an application with the Bureau. This would also include single parents, eighteen (18) years or older.
- d. All applicants must provide the Bureau a consent for background check to include the following information:
 - 1) Guam Police Clearance;
 - 2) National Crime Information Center Clearance;
 - 3) Medical History;
 - 4) Employment Information;
 - 5) Copy of recent check stub.
 - 6) Any additional information from whatever source the Bureau deems necessary to complete the required background check.

Active duty military applicants, or their dependents, must obtain clearance from their respective investigative agency (Navy Criminal Investigative Services; Office of Special Investigation).
- e. All applicants must be residents of the Territory of Guam, unless they qualify as active duty military or their dependents; United States citizens, or resident aliens.
- f. All applicants are required to submit three (3) letters of reference, preferably within the Territory of Guam, from persons who have adequate personal knowledge of the applicant(s) within the past twelve (12) months prior to application, and who can attest to the good moral character of the applicant(s), members of the applicant(s) immediately family, and ability of the applicant(s) to provide for a good healthy family environment for children.

STANDARDS FOR FAMILY FOSTER HOMES

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- g. Any person desiring to become a foster parent is not eligible to apply for adoption proceedings during the initial placement of foster children in their home.
- h. Relative applicants (persons who are not related by blood or through marriage to the foster child) will be required to apply for foster parent certification. Relative applicants will be referred to the Bureau of Economic Security (BES) for Aid to Families with Dependent Children (AFDC).
 - 1) AFDC compensation is retroactive to day of application.
 - 2) Foster care supplemental payments will be made to eligible applicants.

2. SOCIAL EVALUATION

- a. The Bureau will conduct a social evaluation of the applicant(s), as well as the home environment, to determine qualifications under these regulations. The social evaluation shall be maintained in the applicant(s)' file.
- b. The social evaluation will take into account the applicant's personal character, fitness, and factors which show competency for the care of foster children.

3. APPROVAL AND ISSUANCE OF CERTIFICATE

- a. On the basis of the social evaluation indicating the applicant has satisfactorily met the requirements under these regulations, the Department shall issue a Certificate showing approval for licensing as a family foster home. The Certificate shall provide for the name of the applicant, maximum number of foster children permitted, and the period for which the Certificate is issued.
- b. If the foster home under evaluation will accept only a specific child, or a child for whom service is requested, who is already living in the foster home, the Department may issue a Certificate for a specific child if the home meets the requirements under these regulations. Studies on foster homes for a specific child already living in the home shall be completed no later than two (2) months from the date the Bureau became aware of the placement.

STANDARDS FOR FAMILY FOSTER HOMES

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- c. The Certificate shall be effective for a period of two (2) years from the date of issuance. The Certificate is non-transferable or assignable, and any attempt to transfer or assign the Certificate is void. The Certificate may be terminated sooner either by revocation, decision of the foster parent to no longer engage in the services as a foster parent, displacement of the child by order of the Court, or change of residency.
- d. A Provisional Certificate may be issued for a period of sixty (60) days for those unable to meet requirements under the social evaluation, if it has been reasonably determined that all requirements will be met no later than forty-five (45) days from date of issuance of the provisional certificate, and provided that the health and safety of the child is not in jeopardy by such temporary placement.
- e. The Certificate should be available for inspection by the Bureau upon request.

4. RENEWAL OF CERTIFICATE

A Certificate may be renewed by the Bureau every two (2) years upon submittal of a satisfactory re-evaluation report indicating that the home continues to provide the standard of care which meets the requirements of these regulations. A Provisional Certificate cannot be renewed.

5. DENIAL, SUSPENSION, REVOCATION OF CERTIFICATE

- a. The Department may deny a Certificate when an applicant fails to meet the standards for issuance of a Certificate under these regulations, has been convicted of a felony, or a crime involving violence, alcohol or drug abuse, sex offenses, crimes involving moral turpitude, or any other offense which indicates that the applicant may pose a threat to the welfare of the foster child.

The Bureau must provide the Director of Public Health and Social Services (hereinafter referred to as the "Director") in writing, the basis for its recommendation and reasons for denial of the Certificate. The applicant is entitled to a written explanation of the Bureau's recommendation for denial. The applicant may request to meet with the Director after denial, to discuss the basis for the denial. No hearing is required or mandated. The decision of the Director is final.

STANDARDS FOR FAMILY FOSTER HOMES

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- b. A Certificate may be suspended for a period of ninety (90) days by the Bureau if it has been determined that the foster parent has fallen into non-compliance with the Standards for Family Foster Homes. The foster parent will be informed of the specific violations of the standards in writing, and will be allowed to correct the failures within a given period of time not to exceed the period of suspension. If the foster parent continues to violate the standards without effort for corrective action for the period of the suspension, the Bureau may recommend that the Certificate be revoked.
- c. A Certificate will be revoked if it is determined by the Bureau that the foster parent is in violation of any of the provisions of 10 GCA 2408, has been convicted of a crime involving violence, alcohol, drug abuse, sex offense, moral turpitude, or any offense which would indicate the foster parent presented a threat to the welfare of the foster child. The Bureau shall provide the foster parent a notice of intent to revoke the Certificate, and allow the foster parent ten (10) days to respond to the notice. The foster parent may request to meet informally with the Bureau to discuss the basis for the notice to revoke. After the ten (10) days has elapsed, whether or not response is made by the foster parent, the Bureau may forward its recommendation to revoke to the Director. The foster parent is entitled to a hearing before a decision is made by the Director. The Director shall make a final determination no later than thirty (30) days after the hearing. The final decision shall be provided to the foster parent in writing in the same manner as the service of all notices.
- d. All notices required under this section to be provided, shall be made by registered mail, or by personal service.

E. ADMINISTRATION OF THE FAMILY FOSTER HOME

1. NUMBER OF CHILDREN TO BE CARED

- a. There shall be no more than six (6) children in a foster home, including the foster parents' own children. In the event the foster family is interested in providing day care to children, in addition to caring for foster children, the total number of children shall not exceed six (6). This does not prevent older foster children from providing day care for younger children, provided it is not detrimental to the children in the home. The foster home, however, must meet the requirements under both the standards herein and those under family day care homes.

STANDARDS FOR FAMILY FOSTER HOMES
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- b. No more than two (2) children under the age of two (2), shall be cared for in a home by one (1) foster mother, unless there is additional help approved by the Bureau. At no time should there be more than four (4) children under the age of two (2), including the foster parent's children.
- c. A home which accepts Bureau placements, shall not accept children from any source without the Bureau's permission.

2. RECORDS

- a. A current register of all children admitted shall be kept by the family foster home, and shall be open to inspection by the Bureau upon request. The register shall include:
 - 1) A listing of children accepted for placement by name, age, date placed and date removed, Power of Attorney, foster child's attorney name, and contact person from the Bureau;
 - 2) A health record including proof of medical/dental insurance coverage, on each foster child with a record of immunization dates, name of physician and the physician's address, telephone number, and the information of how and when to contact the Bureau;
- b. All records concerning the foster child shall be kept confidential and available only to duly authorized persons of the Department.

3. CONTACTS WITH THE FAMILY FOSTER HOME

The family foster home shall be visited by the Bureau staff once a month, or as frequently as needed to assure the continued well-being of the foster child and that the family foster home continues to meet the requirements for certification.

F. RIGHTS AND RESPONSIBILITIES OF CHILD, FAMILY, FOSTER PARENTS AND CASEWORKER

The Department recognizes that the child, family and foster parents have certain rights and responsibilities as set forth herein:

STANDARDS FOR FAMILY FOSTER HOMES

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1. THE CHILD

It is important for the child to have a voice and participate in decisions, consistent with his age and ability. The child has the right to receive honest information, have regular visitation with family and significant others, as per the service plan agreement, and to have and contact a Guardian Ad Litem or Attorney appointed by the Court. The child has a right to participate in permanency planning at the earliest possible time.

2. THE FAMILY

Responsibilities of the parent(s) include:

- a. Cooperating and planning with the Bureau for their child(ren);
- b. Retaining their parental role as much as possible;
- c. Maintaining contact with their child(ren); and
- d. Maintaining contact with the Bureau.

Parent(s) have certain basic rights as it relates to their child(ren), these include:

- a. The right to be informed about major decisions regarding their child(ren);
- b. The right to consent to: adoption, surgery, enlistment in the armed forces, marriage of their child(ren);
- c. To receive notification of hearings and other reviews concerning the welfare of their child(ren); and
- d. To receive current information on the child's health, status, and placement adjustment.

3. THE FOSTER PARENTS

The foster parents' rights and responsibilities include:

- a. The decision to remain a foster parent;
- b. The evaluation of their capacity to work with a particular foster child and the problems involved in the child's situation; and
- c. Being informed of decisions regarding the foster child, including placement decisions.

STANDARDS FOR FAMILY FOSTER HOMES

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4. THE CASEWORKER

The caseworker's responsibilities with the foster child include:

Openly dealing with the separation and loss from the child's family. The trauma is lessened if the worker helps the child face such feelings before removal by explaining reason for removal and the service plan. The child, dependent on age, should understand the purpose of placement, the rules of, and participate in the development of case plan.

The caseworker's responsibilities with the parents of the foster child include:

- a. Understanding the parents' feelings regarding the placement, and proceeding accordingly;
- b. Making clear the reasons for separation;
- c. Maintaining frequent contact, if possible with the parents; and
- d. Having the parents understand the rules and expectations of placement, their expected role, the type of care offered, and anticipated duration.

The caseworker's responsibilities with the foster family include:

- a. Sharing information about the child they are to care for and the child's feelings and ensuing behaviors regarding the separation; and
- b. Help the foster parents in coping with the child's reactive behavior until the child can understand separation, process feelings and adjust to the new situation.

The caseworker's responsibilities include:

- a. Assessing clothing and personal needs prior to placement of the child;
- b. Conducting visitations for the child;
- c. Arranging for all counseling services;
- d. Ensuring that educational and medical needs of the child are met;
- e. Supporting the role of the foster parents by maintaining monthly contacts with the foster parents, or more often if indicated;
- f. Assisting in respite arrangements when needed; and
- g. Keeping the foster parent abreast of the child's permanency plans.

G. CARE OF THE FOSTER CHILD

1. MEMBER OF FOSTER FAMILY

A foster child shall be cared for as a family member and shall share in the family's pleasures and responsibilities. The foster parents shall report to the Bureau any change which adversely affects the child under foster care.

2. HEALTH

A foster child shall have a complete physical examination by a licensed physician on initial placement or as soon as appointments can be secured, and at least once a year thereafter. The examinations shall indicate:

- a. The presence of any communicable condition;
- b. Known allergies;
- c. Physical and/or mental handicaps or limitations; and
- d. Other specific health needs.

The foster parents shall be provided pertinent information on the health of each child placed in their home.

3. EMERGENCIES

Foster parents shall obtain instructions from the Bureau regarding procedures to follow in case of natural disasters, and if the foster child experiences sudden illness or accidents. Severe illness, serious injuries, accident, runaway, or death of the child shall be reported immediately to the Bureau.

4. NUTRITION

Food provided for the foster child must be age-appropriate, sufficient in quantity, and adequate for good nutrition. Special care must be given to the child's nutritional needs, i.e. age factors, special health concerns, allergies, etc.

5. CLOTHING AND PERSONAL SUPPLIES

A foster child's clothing shall be kept clean and in proper condition of repair, and shall be of appropriate size. Each foster child shall be provided with individual combs, toothbrushes, and other necessary toiletries.

STANDARDS FOR FAMILY FOSTER HOMES

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6. RECREATION AND SOCIAL ACTIVITIES

A well-balanced daily program including time for rest appropriate to the child's age, regular meal hours, and recreation shall be provided for the foster child. The foster parents shall cooperate with the Bureau for the child to participate in appropriate social and recreational activities in the community. Foster parents shall cooperate with the Bureau to make it possible for the child to visit with parents and relatives.

7. TRAINING AND DISCIPLINE

Child training and discipline shall be carried out with kindness and understanding. No child shall be subjected to any form of punishment or action which would endanger the child's physical or emotional well-being. As a member of the family, a foster child shall participate in home duties commensurate with the child's age, which do not interfere with school, health, and necessary recreation, and which are shared with any other children in the foster home.

8. EDUCATION

Regular school attendance shall be expected of all children in accordance with state laws. Attention shall be given to the special educational needs of the foster child.

9. RELIGION

The religious faith of each child shall be respected and the child shall be afforded the opportunity to attend the church, Sunday school, or both, of the child's parent, or legal guardian or, in their absence, of the child's choice.

10. ABSENCE FROM FAMILY FOSTER HOME

When a child is to be absent from the family foster home overnight or longer, the foster parents shall secure permission from the Bureau. Absence of a child without permission of the foster parents shall be reported immediately by the foster parents to the Bureau. After working hours, runaways shall be reported to the Bureau as soon as possible.

H. FOSTER FAMILY AND HOME ENVIRONMENT

1. HEALTH OF FOSTER FAMILY

- a. All members of the household shall be free from communicable disease(s) and from physical and emotional conditions which may adversely affect the foster parents' ability to care for the children.
- b. The following written medical reports shall be submitted by the foster parents to the Bureau prior to the initial approval of a family foster home:
 - 1) Physical examination of the foster parent by a licensed physician;
 - 2) Tuberculosis clearance in accordance with current Department regulations.
- c. Annual tuberculosis clearance shall be required of all household members with known positive tuberculin reactions.
- d. Any person who moves into the family foster home after a Certificate has been issued, shall have a tuberculosis clearance and a physical examination certification.
- e. Failure to comply with this section may result in revocation of the Family Foster Home Certificate.

2. INCOME

- a. Income of the foster family shall be reasonably steady and sufficient to maintain an adequate standard of living. The foster family shall have an income adequate to meet their needs from a source other than board payments for the care of foster children.
- b. No business shall be conducted on the premises which would adversely affect the welfare of the children under the foster parents' care.

3. EMPLOYED FOSTER PARENTS

The employment of the foster parents shall not interfere with the care of the children. Child care arrangements must have prior approval by the Bureau.

STANDARDS FOR FAMILY FOSTER HOMES

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4. ABSENCE FROM THE HOME

When the foster parents are absent from the home because of emergencies or planned vacations or other reasons, the arrangements for the supervision of the foster child(ren) must be approved by the Bureau prior to the implementation of such arrangement.

I. HOUSING AND SANITATION

1. REQUIREMENTS

The home shall comply with acceptable state standards on housing and sanitation as follows:

a. Sleeping Arrangements

- 1) The sleeping arrangement for a foster child shall include: suitable light, ventilation, and provision for proper rest.
- 2) The foster parents' own child(ren) shall not be displaced because of the presence of a foster child(ren).
- 3) Sleeping arrangements should be such that a separate bed can be provided for each child.
- 4) There should be sufficient sleeping space for the foster family and foster child(ren).
- 5) Sleeping rooms should not be shared by children of opposite sexes over the age of five (5), or with other adults, unless approved by the Bureau.
- 6) Except for infants, sleeping arrangements should be such that a space is provided within the sleeping room for the child's personal possessions and for a reasonable degree of privacy.
- 7) No foster child shall sleep in a detached building without supervision, or in an unfurnished attic, basement, hallway, or stairwell.

b. Running water shall be available for bathing facilities and the waste from the running water shall be connected to a public sewage system or other approved method.

c. The home shall have sanitary flush toilets.

STANDARDS FOR FAMILY FOSTER HOMES

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- d. There shall be adequate artificial and natural light and ventilation available where the foster home is located.
- e. Storage of food in the home shall be free from vermin infestation and perishable food shall be stored in a refrigerator.
- f. Preparation of food shall be in a kitchen properly screened with adequate sink facilities.
- g. All eating and drinking utensils shall be thoroughly cleaned after each usage.
- h. The home shall have an approved source of potable water.
- i. Adequate laundering facilities shall be available.
- j. The home shall have adequate facilities for the proper disposal of sewage with all plumbing connected to a public sewage system or other approved method.
- k. The home shall have proper facilities for the disposal of garbage and refuse.
- l. The premises shall be kept in a sanitary and safe condition. There shall be protection from fire hazards, medications, poisons, household cleaning supplies, dangerous tools, and weapons.

2. EQUIPMENT AND FURNISHINGS

- a. Each child shall be provided adequate space for clothing and belongings.
- b. Each child shall be provided with an individual bed, except that two (2) brothers or two (2) sisters may share a double bed, preferably for a temporary period only. Bunk beds with no more than two (2) tiers shall be used only on a selected basis as appropriate to the child's age and situation. Proper ladders and guards must be provided for upper bunks.
- c. Each bed or crib shall be of a size as to insure comfort of the child, shall have good level springs and mattress, clean, comfortable bedding and linen, and waterproof covering, if needed.

J. SAVINGS CLAUSE

Existing licensed family foster homes shall continue to operate for the term of their license. Thereafter, they will be subjected to certification requirements.

VOTING SHEET

Bill No. 616
 Resolution No. _____
 Question: _____

NAME	YEAS	NAYS	NOT VOTING/ ABSTAINED	ABSENT/ OUT DURING ROLL CALL
ADA, Thomas C.	✓			
AGUON, John P.	✓			
BARRETT-ANDERSON, Elizabeth	✓			
BLAZ, Anthony C.	✓			
BROWN, Joanne S.	✓			
CAMACHO, Felix P.	✓			
CHARFAUROS, Mark C	✓			
CRISTOBAL, Hope A.	✓			
FORBES, MARK				✓
LAMORENA, Alberto C., V	✓			
LEON GUERRERO, Carlotta	✓			
LEON GUERRERO, Lou	✓			
NELSON, Ted S.	✓			
ORSINI, Sonny L.	✓			
PANGELINAN, Vicente C	✓			
PARKINSON, Don	✓			
SAN AGUSTIN, Joe T.	✓			
SANTOS, Angel L. G.	✓			
SANTOS, Francis E.	✓			
UNPINGCO, Antonio R.	✓			
WONPAT-BORJA, Judith				✓

TOTAL 19 0 0 2

CERTIFIED TRUE AND CORRECT:

 Recording Secretary

23-143



TWENTY-THIRD
GUAM LEGISLATURE

324 W. SOLEDAD AVENUE
AGAÑA, GUAM 96910
TEL: (671) 472-3543/44/45
FAX: (671) 472-3832

SENATOR LOU LEON GUERRERO, RN, MPH

CHAIRPERSON
COMMITTEE ON HEALTH, WELFARE, AND SENIOR CITIZENS

27 November 1996

The Honorable
Don Parkinson
Speaker, 23rd Guam Legislature
Agana, Guam

via: Committee on Rules

Dear Mr. Speaker:

The Committee on Health, Welfare & Senior Citizens to which was referred Bill No. 616: **AN ACT TO ESTABLISH RULES AND REGULATIONS OF THE DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES PURSUANT TO §2407 OF CHAPTER 2, TITLE 10, GUAM CODE ANNOTATED RELATIVE TO STANDARDS FOR FAMILY FOSTER HOMES AND CERTIFICATION AND LICENSING OF PERSONS INTERESTED IN FOSTER PARENTING CARE**, has had the same under consideration and reports, **To Do Pass As Subsited by the Author.**

Votes of committee members are as follows:

- To Pass
- Not To Pass
- To The Inactive File
- Abstained
- Off-Island
- Not Available


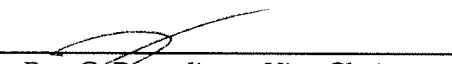
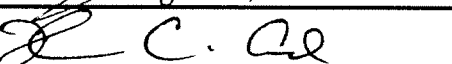
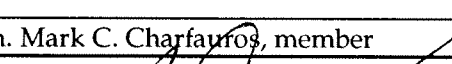
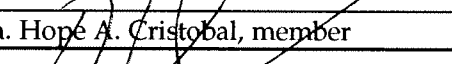
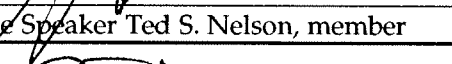
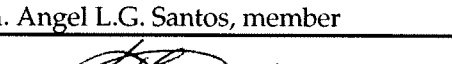

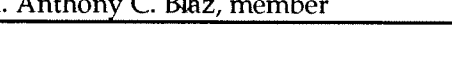
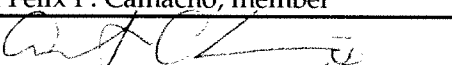


Sincerely,

Lou Leon Guerrero, RN, MPH
attachments

**Committee On Health, Welfare, And Senior Citizens
VOTE SHEET**

on

Bill No. 616: AN ACT TO ESTABLISH RULES AND REGULATIONS OF THE DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES PURSUANT TO §2407 OF CHAPTER 2, TITLE 10, GUAM CODE ANNOTATED RELATIVE TO STANDARDS FOR FAMILY FOSTER HOMES AND CERTIFICATION AND LICENSING OF PERSONS INTERESTED IN FOSTER PARENTING CARE.

COMMITTEE MEMBER	TO PASS	NOT TO PASS	ABSTAIN	INACTIVE FILE
 Sen. Lou Leon Guerrero, RN, MPH, Chair	✓			
 Sen. Ben C. Pangelinan, Vice Chair	✓			
 Sen. Tom C. Ada, member	✓			
 Sen. Mark C. Charfauros, member				
 Sen. Hope A. Cristobal, member				
 Vice Speaker Ted S. Nelson, member	✓			
 Sen. Angel L.G. Santos, member	✓			
 Sen. Judith Won Pat-Borja, member	✓			
 Sen. Anthony C. Blaz, member	✓			
 Sen Felix P. Camacho, member				
 Sen. Alberto Lamorena V, member				
 Sen. Carlotta Leon Guerrero, member				

**COMMITTEE ON HEALTH, WELFARE & SENIOR CITIZENS
COMMITTEE REPORT**

Legislature Public Hearing Room
Monday, June 24, 1996, 9:00 a.m.

Senator Lou Leon Guerrero, RN, MPH, Chairperson

Senator Ben C. Pangelinan, Vice Chair

Senator Tom C. Ada, member

Senator Felix P. Camacho, member

PUBLIC HEARING

Senator Lou Leon Guerrero, Health, Welfare & Senior Citizens Chairperson held a public hearing on Tuesday, June 25, 1996 at 9:00 a.m. to hear testimonies on Bill No. 616.

Bill No. 616: AN ACT TO ESTABLISH RULES AND REGULATIONS OF THE DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES PURSUANT TO §2407 OF CHAPTER 2, TITLE 10, GUAM CODE ANNOTATED RELATIVE TO STANDARDS FOR FAMILY FOSTER HOMES AND CERTIFICATION AND LICENSING OF PERSONS INTERESTED IN FOSTER PARENTING CARE.

PURPOSE

The Rules and Regulations relative to Standards for Family Foster Homes were revised to address the homeless children who are staying at the Children's Emergency Shelter, Cottage Homes at DYA or Sanctuary. They are either orphans, are under protective custody, are adolescents attending the drug and alcohol abuse group, or are disabled and have been physically or emotionally abused or abandoned. The revisions will contribute to an easier application process while still safeguarding the safety and welfare of the children involved. The revised standards does away with "unnecessary building, environmental and fire licensing requirements; streamlines the application process; and requires National Crime Information Center Clearance (NCIC).

BACKGROUND

Pursuant to §2407 of Chapter 2, Title 10, Guam Code Annotated, the Department of Public Health and Social Services is authorized to make rules and regulations governing the operations of all child care facilities.

TESTIMONY

Testimonies were submitted and/or presented by Deputy Attorney General, Margaret Bean; Judge, Family Division, Katherine A. Maraman; Acting Director of Public Health and Social Services, Don Weakly: presented by Lydia Tenorio; foster parent, Rufina Tainatongo and Executive Director of Sanctuary, Stephanie X. Smith supporting the overall intent of Bill 616. Fred Nishihira represented Senator E. Barrett-Andersen and extended her apologies for not being able to attend the meeting.

Katherine A. Maraman, Judge, Family Division

Judge Maraman supports the intent of Bill 616. She states Page 3, paragraph h, only refers to AFDC payments to relatives. She recommends the regulations be amended to require prompt payment to foster care families to assure the foster children will receive the necessities of life without being a financial burden on their foster families. This concern, as well as, the payments not being sufficient has also been voiced by constituents who are foster parents.

Deputy Attorney General, Margaret Bean

Deputy AG Bean supported Bill 616 with the following changes:

1. Page 3, D.1.h. Relative applicants (persons who are not related by blood or through marriage to the foster child) will be required to apply for foster parent certification. It is recommended that "not" be deleted since it conflicts with the definition of "Relative", 10 G.C.A §2402 F.

2. There is a need for the provision of the foster care supplemental payment in D.1.h. to assure that a relative receive the same amount of remuneration for providing foster care, as would a stranger. Foster care payments, however, are greater per child, per month, than are AFDC payments. This concern has been voiced by constituents who are related foster parents. It is recommended D.1.h. 2nd sentence be changed to read "**Relative applicants will be referred to the Bureau of Economic Security (BES) to apply for Aid to Families with Dependent Children (AFDC) for the related foster child placed with them. AFDC compensation is retroactive to day of application for benefits. In addition, foster care supplemental payments will be made to eligible relative applicants, up to an amount, which when combined with AFDC payments assures that a relative applicant receives the same remuneration in any month as would be received by an unrelated applicant serving the same child.**"

3. Page 6. E. 2. RECORDS a. 1) Change to read: "**A listing of children accepted for placement and date removed, Power of Attorney, the identity of the foster child's guardian ad litem or attorney, and contact person from the Bureau.**"

Don Weakly, Acting Director of Public Health and Social Services: Presented by Lydia Tenorio

Lydia Tenorio presented on behalf of the Acting Director in support of Bill 559.

Stephanie X. Smith, Sanctuary Executive Director

Stephanie Smith supported Bill 616 and expressed a major concern, from their perspective, that the Standards for Foster Family Homes does not address Group Foster Homes. She recommended that standards be established for Group Foster Homes either as an addendum to Bill 616 or in a separate Bill.

The following additional recommendations were submitted to the committee:

1. Page 1. C. DEFINITIONS add **"2. Director: Director of the Department of Public Health and Social Services."**

2. Page 2, D. 1. QUALIFICATION OF APPLICANTS a, b, c, amend to read: a. **"Is 18 years or older, single person, parent, domestic partner (s), or married couple (must produce marriage license)";** d. amend to read: **"Has consented and cleared the following:"**; e. amend to read: **"Is a resident of the Territory of Guam, unless active duty military or dependent; United States citizens or resident alien.";** f. amend to read: **"Has submitted three (3) letters of reference...";** Page 3. g. amend to read: **"Has not applied for adoption proceedings..."**.

3. Page 3 D. 3.a. amend to read: **"The Department shall issue a Certificate showing approval for licensing as a family foster home when the applicant has satisfactorily met the qualifications, requirements and social evaluations. The Certificate shall indicate the name of the applicant,...";** b. amend to read: **"The Department may issue a Certificate for a specific child if the home meets the requirements under these regulations. Evaluations on foster homes..."**

4. Page 4 D. 4. RENEWAL OF CERTIFICATE amend last sentence to read: **"A Provisional Certificate is not renewable."**

5. Page 6 E. 1. b. add the word "foster" to read: **"There shall be no more than two (2) foster children, under the age of two (2), per foster parent. unless there is additional help approved by the Bureau."**

6. Page 12 I. 1. This section does not indicate space requirements per individual.

FINDINGS

The Committee returned Bill No. 616 to the author, Senator Elizabeth Barrett-Anderson with the recommendations and concerns voiced during the Public Hearing held June 24th. Senator Barrett-Anderson has made revisions on a substitute Bill addressing the concerns of the Committee. Although the author did not define children as minor children and simplify the language of section D.1. so that it is consistent, the Committee is reporting out the Bill as substituted by the author.

RECOMMENDATION

The Committee is recommending Bill No. 616 be passed as substituted by the author.



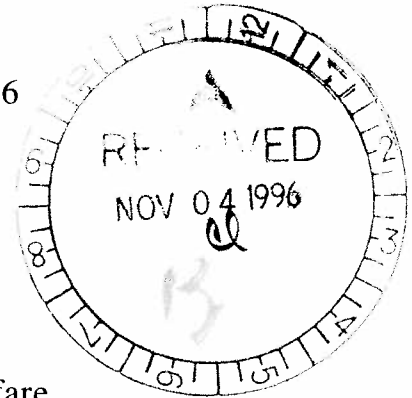
23rd Guam Legislature
Office of
Senator Elizabeth Barrett-Anderson

Tel: (671) 472-3431

Capitol Plaza Building,
120 Father Duenas Ave., Suite 110
Agana, Guam 96910

Fax: (671) 472-3432

October 31, 1996



MEMORANDUM

TO: Chairperson
Committee on Health, Ecology and Welfare

FROM: Senator Elizabeth Barrett-Anderson

SUBJECT: Bill No. 616 - Standards for Family Foster Homes

I am in receipt of your memorandum dated July 6, 1996 which my Office received via fax on September 25, 1996. Attached, please find a substitute Bill addressing the concerns of the Committee.

If you have any further questions please do not hesitate to contact me.


Elizabeth Barrett-Anderson

A. PURPOSE

The purpose of these rules and regulations is to formulate standards for family foster homes, and to provide guidelines for certification, issuance and operation of licensing to persons interested in fostering parenting care.

These standards are applicable to all family foster homes, and are hereafter referred to as the "STANDARDS FOR FAMILY FOSTER HOMES".

B. AUTHORITY

The Department of Public Health and Social Services (hereinafter referred to as the "Department") is responsible for the placement of foster homes pursuant to 10 Guam Code Annotated §2401 et seq., the Child Welfare Services Act, and Public Law 96-272. The Adoption Assistance and Child Welfare Act of 1980, as amended.

C. DEFINITIONS

1. CERTIFICATE: A license of approval issued by the Department of Public Health and Social Services authorizing the operation of a family foster home.
2. FAMILY FOSTER HOME: A home certified by the Department of Public Health and Social Services which provides substitute family care on a twenty-four (24) hour basis for no more than six (6) children, to include the number of children of the foster parents.

D. PROCEDURES FOR CERTIFICATION OF FAMILY FOSTER HOMES

All family foster homes shall be licensed by the Department through issuance of a "Certificate for Family Foster Home" (hereinafter referred to as the "Certificate"), indicating that the standards for the care of foster children under these regulations have been met. All applications for Certification shall be submitted to the Bureau of

Social Services Administration (BOSSA), Department of Public Health and Social Services (hereinafter referred to as the "Bureau").

1. QUALIFICATION OF APPLICANTS

a. Married couples, eighteen (18) years of age or older may apply to become foster parents by filing a joint application with the Bureau. A copy of the couple's marriage license should be attached to the application form.

b. Domestic partners, eighteen (18) years or older, may apply to become foster parents by filing a joint application with the Bureau. A domestic partner may apply alone to become a foster parent in the same manner as a single adult.

c. A single person who is eighteen (18) years or older, may apply to become a foster parent by filing an application with the Bureau. This would also include single parents, eighteen (18) years or older.

d. All applicants must provide the Bureau a consent for background check to include the following information:

1) Guam Police Clearance; 2) National Crime Information Center Clearance; 3) Medical History; 4) Employment Information; 5) Copy of recent check stub. 6) Any additional information from whatever source the Bureau deems necessary to complete the required background check.

Active duty military applicants, or their dependents, must obtain clearance from their respective investigative agency (Navy Criminal Investigative Services; Office of Special Investigation).

e. All applicants must be residents of the Territory of Guam, unless they qualify as active duty military or their dependents; United States citizens, or resident aliens.

f. All applicants are required to submit three (3) letters of reference, preferably within the Territory of Guam, from persons who have adequate personal knowledge of the applicant(s) within the past

twelve (12) months prior to application, and who can attest to the good moral character of the applicant(s), members of the applicant(s) immediately family, and ability of the applicant(s) to provide for a good healthy family environment for children .

g. Any person desiring to become a foster parent is not eligible to apply for adoption proceedings during the initial placement of foster children in their home.

h. Relative applicants (persons who are related by blood or through marriage to the foster child) will be required to apply for foster parent certification. Relative applicants will be referred to the Bureau of Economic Security (BES) to apply for Aid to Families with Dependent Children (AFDC) for the related foster child placed with them. AFDC compensation is retroactive to the day of application for benefits. In addition, foster care supplemental payments will be made to eligible relative applicants up to an amount which, when combined with AFDC payments, assures that a relative applicant receives the same remuneration in any month, as would be received by an unrelated applicant serving the same child.

i. Supplemental Payments: (See back of page)

2. SOCIAL EVALUATION

a. The Bureau will conduct a social evaluation of the applicant(s), as well as the home environment, to determine qualifications under these regulations. The social evaluation shall be maintained in the applicant(s)' file.

b. The social evaluation will take into account the applicant's personal character, fitness, and factors which show competency for the care of foster children.

3. APPROVAL AND ISSUANCE OF CERTIFICATE

a. On the basis of the social evaluation indicating the applicant has satisfactorily met the requirements and qualifications under these regulations, the Department shall issue a Certificate showing approval

for licensing as a family foster home. The Certificate shall provide for the name of the applicant, maximum number of foster children permitted, and the period for which the Certificate is issued.

b. If the foster home under evaluation will accept only a specific child, or a child for whom service is requested, who is already living in the foster home, the Department may issue a Certificate for a specific child if the home meets the requirements under these regulations. Evaluations on foster homes for a specific child already living in the home shall be completed no later than two (2) months from the date the Bureau became aware of the placement.

c. The Certificate shall be effective for a period of two (2) years from the date of issuance. The Certificate is non-transferable or assignable, and any attempt to transfer or assign the Certificate is void. The Certificate may be terminated sooner either by revocation, decision of the foster parent to no longer engage in the services as a foster parent, displacement of the child by order of the Court, or change of residency.

d. A Provisional Certificate may be issued for a period of sixty (60) days for those unable to meet requirements under the social evaluation, if it has been reasonably determined that all requirements will be met no later than forty-five (45) days from date of issuance of the provisional certificate, and provided that the health and safety of the child is not in jeopardy by such temporary placement.

The Certificate should be available for inspection by the Bureau upon request.

4. RENEWAL OF CERTIFICATE

A Certificate may be renewed by the Bureau every two (2) years upon submittal of a satisfactory re-evaluation report indicating that the home continues to provide the standard of care which meets the requirements of these regulations. A Provisional Certificate is not renewable.

5. DENIAL, SUSPENSION, REVOCATION OF CERTIFICATE

The Department may deny a Certificate when an applicant fails to meet the standards for issuance of a Certificate under these regulations, has been convicted of a felony, or a crime involving violence, alcohol or drug abuse, sex offenses, crimes involving moral turpitude, or any other offense which indicates that the applicant may pose a threat to the welfare of the foster child.

The Bureau must provide the Director of Public Health and Social Services (hereinafter referred to as the "Director") in writing, the basis for its recommendation and reasons for denial of the Certificate. The applicant is entitled to a written explanation of the Bureau's recommendation for denial. The applicant may request to meet with the Director after denial, to discuss the basis for the denial. No hearing is required or mandated. The decision of the Director is final.

b. A Certificate may be suspended for a period of ninety (90) days by the Bureau if it has been determined that the foster parent has fallen into noncompliance with the Standards for Family Foster Homes. The foster parent will be informed of the specific violations of the standards in writing, and will be allowed to correct the failures within a given period of time not to exceed the period of suspension. If the foster parent continues to violate the standards without effort for corrective action for the period of the suspension, the Bureau may recommend that the Certificate be revoked.

c. A Certificate will be revoked if it is determined by the Bureau that the foster parent is in violation of any of the provisions of 10 GCA 2408, has been convicted of a crime involving violence, alcohol, drug abuse, sex offense, moral turpitude, or any offense which would indicate the foster parent presented a threat to the welfare of the foster child. The Bureau shall provide the foster parent a notice of intent to revoke the Certificate, and allow the foster parent ten (10) days to respond to the notice. The foster parent may request to meet informally with the Bureau to discuss the basis for the notice to revoke. After the ten (10) days has elapsed, whether or not response is made by the foster parent, the Bureau may forward its recommendation to revoke to the Director. The foster parent is

entitled to a hearing before a decision is made by the Director. The Director shall make a final determination no later than thirty (30) days after the hearing. The final decision shall be provided to the foster parent in writing in the same manner as the service of all notices.

d. All notices required under this section to be provided, shall be made by registered mail, or by personal service.

E. ADMINISTRATION OF THE FAMILY FOSTER HOME

1. NUMBER OF CHILDREN TO BE CARED

a. There shall be no more than six (6) children in a foster home, including the foster parents' own children. In the event the foster family is interested in providing day care to children, in addition to caring for foster children, the total number of children shall not exceed six (6). This does not prevent older foster children from providing day care for younger children, provided it is not detrimental to the children in the home. The foster home, however, must meet the requirements under both the standards herein and those under family day care homes.

b. No more than two (2) children under the age of two (2), shall be assigned per foster parent [~~shall be cared for in a home by one (1) foster mother~~], ~~unless there is additional help approved by the Bureau. [At no time should there be more than four (4) children under the age of two (2), including the foster parent's children.]~~

c. A home which accepts Bureau placements, shall not accept children from any source without the Bureau's permission.

2. RECORDS

a. A current register of all children admitted shall be kept by the family foster home, and shall be open to inspection by the Bureau, Guardian Ad Litem and the child's attorney upon request. The register shall include:

1) A listing of children accepted for placement by name, age, date placed and date removed, Power of Attorney, the identity of the foster child's guardian ad litem or attorney name, and contact person from the Bureau;

2) A health record including proof of medical/dental insurance coverage, on each foster child with a record of immunization dates, name of physician and the physician's address, telephone number, and the information of how and when to contact the Bureau;

b. All records concerning the foster child shall be kept confidential and available only to duly authorized persons of the Department, Guardian Ad Litem and the child's attorney.

3. CONTACTS WITH THE FAMILY FOSTER HOME

The family foster home shall be visited by the Bureau staff once a month, or as frequently as needed to assure the continued well-being of the foster child and that the family foster home continues to meet the requirements for certification.

F. RIGHTS AND RESPONSIBILITIES OF CHILD, FAMILY, FOSTER PARENTS AND CASEWORKER

The Department recognizes that the child, family and foster parents have certain rights and responsibilities as set forth herein:

1. THE CHILD

It is important for the child to have a voice and participate in decisions, consistent with his age and ability. The child has the right to receive honest information, have regular visitation with family and significant others, as per the service plan agreement, and to have and contact a Guardian Ad Litem or Attorney appointed by the Court. The child has a right to participate in permanency planning at the earliest possible time.

2. THE FAMILY

Responsibilities of the parent(s) include:

a. Cooperating and planning with the Bureau for their child(ren); b. Retaining their parental role as much as possible; c. Maintaining contact with their child(ren); and d. Maintaining contact with the Bureau.

Parent(s) have certain basic rights as it relates to their child(ren), these include:

a. The right to be informed about major decisions regarding their child(ren); b. The right to consent to: adoption, surgery, enlistment in the armed forces, marriage of their child(ren); c. To receive notification of hearings and other reviews concerning the welfare of their child(ren); and d. To receive current information on the child's health, status, and placement adjustment.

3. THE FOSTER PARENTS

The foster parents' rights and responsibilities include:

a. The decision to remain a foster parent; b. The evaluation of their capacity to work with a particular foster child and the problems involved in the child's situation; and c. Being informed of decisions regarding the foster child, including placement decisions.

4. THE CASEWORKER

The caseworker's responsibilities with the foster child include:

Openly dealing with the separation and loss from the child's family. The trauma is lessened if the worker helps the child face such feelings before removal by explaining reason for removal and the service plan. The child, dependent on age, should understand the purpose of placement, the rules of, and participate in the development of case plan.

The caseworker's responsibilities with the parents of the foster child include:

- a. Understanding the parents' feelings regarding the placement, and proceeding accordingly;
- b. Making clear the reasons for separation;
- c. Maintaining frequent contact, if possible with the parents; and
- d. Having the parents understand the rules and expectations of placement, their expected role, the type of care offered, and anticipated duration.

The caseworker's responsibilities with the foster family include:

- a. Sharing information about the child they are to care for and the child's feelings and ensuing behaviors regarding the separation; and
- b. Help the foster parents in coping with the child's reactive behavior until the child can understand separation, process feelings and adjust to the new situation.

The caseworker's responsibilities include:

- a. Assessing clothing and personal needs prior to placement of the child;
- b. Conducting visitations for the child;
- c. Arranging for all counseling services;
- d. Ensuring that educational and medical needs of the child are met;
- e. Supporting the role of the foster parents by maintaining monthly contacts with the foster parents, or more often if indicated;
- f. Assisting in respite arrangements when needed; and
- g. Keeping the foster parent abreast of the child's permanency plans.

G. CARE OF THE FOSTER CHILD

1. MEMBER OF FOSTER FAMILY

A foster child shall be cared for as a family member and shall share in the family's pleasures and responsibilities. The foster parents shall report to the Bureau any change which adversely affects the child under foster care.

2. HEALTH

A foster child shall have a complete physical examination by a licensed physician on initial placement or as soon as appointments

can be secured, and at least once a year thereafter. The examinations shall indicate:

a. The presence of any communicable condition; b. Known allergies; c. Physical and/or mental handicaps or limitations; and d. Other specific health needs.

The foster parents shall be provided pertinent information on the health of each child placed in their home.

3. EMERGENCIES

Foster parents shall obtain instructions from the Bureau regarding procedures to follow in case of natural disasters, and if the foster child experiences sudden illness or accidents. Severe illness, serious injuries, accident, runaway, or death of the child shall be reported immediately to the Bureau.

4. NUTRITION

Food provided for the foster child must be age-appropriate, sufficient in quantity, and adequate for good nutrition. Special care must be given to the child's nutritional needs, i.e. age factors, special health concerns, allergies, etc.

5. CLOTHING AND PERSONAL SUPPLIES

A foster child's clothing shall be kept clean and in proper condition of repair, and shall be of appropriate size. Each foster child shall be provided with individual combs, toothbrushes, and other necessary toiletries.

6. RECREATION AND SOCIAL ACTIVITIES

A well-balanced daily program including time for rest appropriate to the child's age, regular meal hours, and recreation shall be provided for the foster child. The foster parents shall cooperate with the Bureau for the child to participate in appropriate social and recreational activities in the community. Foster parents shall

cooperate with the Bureau to make it possible for the child to visit with parents and relatives.

7. TRAINING AND DISCIPLINE

Child training and discipline shall be carried out with kindness and understanding. No child shall be subjected to any form of punishment or action which would endanger the child's physical or emotional well-being. As a member of the family, a foster child shall participate in home duties commensurate with the child's age, which do not interfere with school, health, and necessary recreation, and which are shared with any other children in the foster home.

8. EDUCATION

Regular school attendance shall be expected of all children in accordance with ~~[state laws]~~ the laws of Guam. Attention shall be given to the special educational needs of the foster child.

9. RELIGION

The religious faith of each child shall be respected and the child shall be afforded the opportunity to attend the church, Sunday school, or both, of the child's parent, or legal guardian or, in their absence, of the child's choice.

10. ABSENCE FROM FAMILY FOSTER HOME

When a child is to be absent from the family foster home overnight or longer, the foster parents shall secure permission from the Bureau. Absence of a child without permission of the foster parents shall be reported immediately by the foster parents to the Bureau. After working hours, runaways shall be reported to the Bureau as soon as possible.

H. FOSTER FAMILY AND HOME ENVIRONMENT

1. HEALTH OF FOSTER FAMILY

a. All members of the household shall be free from communicable disease(s) and from physical and emotional conditions which may adversely affect the foster parents' ability to care for the children.

b. The following written medical reports shall be submitted by the foster parents to the Bureau prior to the initial approval of a family foster home:

- 1) Physical examination of the foster parent by a licensed physician;
- 2) Tuberculosis clearance in accordance with current Department regulations.

c. Annual tuberculosis clearance shall be required of all household members with known positive tuberculin reactions.

d. Any person who moves into the family foster home after a Certificate has been issued, shall have a tuberculosis clearance and a physical examination certification.

e. Failure to comply with this section may result in revocation of the Family Foster Home Certificate.

2. INCOME

a. Income of the foster family shall be reasonably steady and sufficient to maintain an adequate standard of living. The foster family shall have an income adequate to meet their needs from a source other than board payments for the care of foster children.

b. No business shall be conducted on the premises which would adversely affect the welfare of the children under the foster parents' care.

3. EMPLOYED FOSTER PARENTS

The employment of the foster parents shall not interfere with the care of the children. Child care arrangements must have prior approval by the Bureau.

4. ABSENCE FROM THE HOME

When the foster parents are absent from the home because of emergencies or planned vacations or other reasons, the arrangements for the supervision of the foster child(ren) must be approved by the Bureau prior to the implementation of such arrangement.

I. HOUSING AND SANITATION

1. REQUIREMENTS

The home shall comply with acceptable state standards on housing and sanitation as follows:

a. Sleeping Arrangements

- 1) The sleeping arrangement for a foster child shall include: suitable light, ventilation, and provision for proper rest.
- 2) The foster parents' own child(ren) shall not be displaced because of the presence of a foster child(ren).
- 3) Sleeping arrangements should be such that a separate bed can be provided for each child.
- 4) There should be sufficient sleeping space for the foster family and foster child(ren).
- 5) Sleeping rooms should not be shared by children of opposite sexes over the age of five (5), or with other adults, unless approved by the Bureau.
- 6) Except for infants, sleeping arrangements should be such that a space is provided within the sleeping room for the child's personal possessions and for a reasonable degree of privacy.
- 7) No foster child shall sleep in a detached building without supervision, or in an unfurnished attic, basement, hallway, or stairwell.

b. Running water shall be available for bathing facilities and the waste from the running water shall be connected to a public sewage system or other approved method.

c. The home shall have sanitary flush toilets.

d. There shall be adequate artificial and natural light and ventilation available where the foster home is located.

e. Storage of food in the home shall be free from vermin infestation and perishable food shall be stored in a refrigerator.

f. Preparation of food shall be in a kitchen properly screened with adequate sink facilities.

g. All eating and drinking utensils shall be thoroughly cleaned after each usage.

h. The home shall have an approved source of potable water.

i. Adequate laundering facilities shall be available.

j. The home shall have adequate facilities for the proper disposal of sewage with all plumbing connected to a public sewage system or other approved method.

k. The home shall have proper facilities for the disposal of garbage and refuse.

1. The premises shall be kept in a sanitary and safe condition. There shall be protection from fire hazards, medications, poisons, household cleaning supplies, dangerous tools, and weapons.

2. EQUIPMENT AND FURNISHINGS

a. Each child shall be provided adequate space for clothing and belongings.

b. Each child shall be provided with an individual bed, except that two (2) brothers or two (2) sisters may share a double bed, preferably for a temporary period only. Bunk beds with no more than two (2) tiers shall be used only on a selected basis as appropriate to the child's age and situation. Proper ladders and guards must be provided for upper bunks.

Each bed or crib shall be of a size as to insure comfort of the child, shall have good level springs and mattress, clean, comfortable bedding and linen, and waterproof covering, if needed.

J. SAVINGS CLAUSE

Existing licensed family foster homes shall continue to operate for the term of their license. Thereafter, they will be subjected to certification requirements.



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The Bureau requests that Bill No(s). 616(LS) be granted a waiver pursuant to Public Law 12-229 for the following reasons:

Bill No. 616(LS) is an act to establish rules and regulations of the Department of Public Health & Social Services pursuant to Section 2407 of Chapter 2, Title 10, Guam Code Annotated relative to standards for Family Foster Homes and Certification and Licensing of Persons interested in Foster Parenting Care. The proposed legislation is administrative in nature and will not impact on the General Fund.

Joseph Rivera
Joseph E. Rivera, Acting



MAY 21 1996

Bill No. 616 (LS)

Introduced by:

E. BARRETT-ANDERSON *EBA*
J.S. BROWN *J.S.B.*

AN ACT TO ESTABLISH RULES AND REGULATIONS OF THE DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES PURSUANT TO §2407 OF CHAPTER 2, TITLE 10, GUAM CODE ANNOTATED RELATIVE TO STANDARDS FOR FAMILY FOSTER HOMES AND CERTIFICATION AND LICENSING OF PERSONS INTERESTED IN FOSTER PARENTING CARE

1 **BE IT ENACTED BY THE PEOPLE OF THE TERRITORY OF GUAM:**

2 **Section 1. (a) Legislative authority to establish rules**
3 **and regulations.** Pursuant to §2407 of Chapter 2, Title 10, Guam
4 Code Annotated, the Department of Public Health and Social Services
5 is authorized to make rules and regulations governing the operations
6 of all child care facilities.

7 **(b) Rules and regulations in bill form.** Pursuant to
8 Public Law 22-96, the rules and regulations governing the standards
9 for family foster homes and certification and licensing of persons
10 interested in foster parenting care is hereby submitted to the
11 Legislature in bill form. Unless changed by statute, the rules and
12 regulations submitted in bill form shall be approved pursuant to the
13 Administrative Adjudication Law and be effective as the rules and

1 regulations subject to further change according to the provisions of
2 the Administrative Adjudication Law.

3 **Section 2. Department of Public Health and Social**
4 **Services Standards for Family Foster Homes rules and**
5 **regulations.** Notwithstanding any other provision of law, rule,
6 regulation, or Executive Order, the rules and regulations to establish
7 Standards for Family Foster Homes of the Department of Public
8 Health and Social Services, as hereby incorporated by reference as
9 appendix A, are hereby approved by the Twenty-Third Guam
10 Legislature pursuant to Subsection (b) of §9303, Title 5, Guam Code
11 Annotated.

12 **Section 3.** The Rules and Regulations adopted by this Act
13 shall not affect the provisions of establishing Standards for Family
14 Foster Homes, Chapter 2 of Title 10, Guam Code Annotated. Any
15 provision or application of these Rules and Regulations which
16 conflicts with establishing Standards for Family Foster Homes or is
17 held invalid shall be null and void. The invalidity of a provision or
18 application shall not affect other provisions or applications of the
19 Rules and Regulations which can be given effect without the invalid
20 provision or application, and to this end the provisions of the Rules
21 and Regulations are severable.

**STANDARDS FOR
FAMILY FOSTER HOMES**

(APPENDIX A TO BILL NO. ____.)

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STANDARDS FOR FAMILY FOSTER HOMES

Page 1

A. PURPOSE

The purpose of these rules and regulations is to formulate standards for family foster homes, and to provide guidelines for certification, issuance and operation of licensing to persons interested in fostering parenting care.

These standards are applicable to all family foster homes, and are hereafter referred to as the "STANDARDS FOR FAMILY FOSTER HOMES".

B. AUTHORITY

The Department of Public Health and Social Services (hereinafter referred to as the "Department") is responsible for the placement of foster homes pursuant to 10 Guam Code Annotated §2401 et seq., the Child Welfare Services Act, and Public Law 96-272. The Adoption Assistance and Child Welfare Act of 1980, as amended.

C. DEFINITIONS

1. **CERTIFICATE:** A license of approval issued by the Department of Public Health and Social Services authorizing the operation of a family foster home.
2. **FAMILY FOSTER HOME:** A home certified by the Department of Public Health and Social Services which provides substitute family care on a twenty-four (24) hour basis for no more than six (6) children, to include the number of children of the foster parents.

D. PROCEDURES FOR CERTIFICATION OF FAMILY FOSTER HOMES

All family foster homes shall be licensed by the Department through issuance of a "Certificate for Family Foster Home" (hereinafter referred to as the "Certificate"), indicating that the standards for the care of foster children under these regulations have been met. All applications for Certification shall be submitted to the Bureau of Social Services Administration (BOSSA), Department of Public Health and Social Services (hereinafter referred to as the "Bureau").

STANDARDS FOR FAMILY FOSTER HOMES

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1. QUALIFICATION OF APPLICANTS

- a. Married couples may apply to become foster parents by filing a joint application with the Bureau. A copy of the couple's marriage license should be attached to the application form.
- b. Domestic partners may apply to become foster parents by filing a joint application with the Bureau. A domestic partner may apply alone to become a foster parent in the same manner as a single adult.
- c. A single person who is eighteen (18) years or older, may apply to become a foster parent by filing an application with the Bureau. This would also include single parents, eighteen (18) years or older.
- d. All applicants must provide the Bureau a consent for background check to include the following information:
 - 1) Guam Police Clearance;
 - 2) National Crime Information Center Clearance;
 - 3) Medical History;
 - 4) Employment Information;
 - 5) Copy of recent check stub.
 - 6) Any additional information from whatever source the Bureau deems necessary to complete the required background check.

Active duty military applicants, or their dependents, must obtain clearance from their respective investigative agency (Navy Criminal Investigative Services; Office of Special Investigation).

- e. All applicants must be residents of the Territory of Guam, unless they qualify as active duty military or their dependents; United States citizens, or resident aliens.
- f. All applicants are required to submit three (3) letters of reference, preferably within the Territory of Guam, from persons who have adequate personal knowledge of the applicant(s) within the past twelve (12) months prior to application, and who can attest to the good moral character of the applicant(s), members of the applicant(s) immediately family, and ability of the applicant(s) to provide for a good healthy family environment for children.

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- g. Any person desiring to become a foster parent is not eligible to apply for adoption proceedings during the initial placement of foster children in their home.
- h. Relative applicants (persons who are not related by blood or through marriage to the foster child) will be required to apply for foster parent certification. Relative applicants will be referred to the Bureau of Economic Security (BES) for Aid to Families with Dependent Children (AFDC).
 - 1) AFDC compensation is retroactive to day of application.
 - 2) Foster care supplemental payments will be made to eligible applicants.

2. SOCIAL EVALUATION

- a. The Bureau will conduct a social evaluation of the applicant(s), as well as the home environment, to determine qualifications under these regulations. The social evaluation shall be maintained in the applicant(s)' file.
- b. The social evaluation will take into account the applicant's personal character, fitness, and factors which show competency for the care of foster children.

3. APPROVAL AND ISSUANCE OF CERTIFICATE

- a. On the basis of the social evaluation indicating the applicant has satisfactorily met the requirements under these regulations, the Department shall issue a Certificate showing approval for licensing as a family foster home. The Certificate shall provide for the name of the applicant, maximum number of foster children permitted, and the period for which the Certificate is issued.
- b. If the foster home under evaluation will accept only a specific child, or a child for whom service is requested, who is already living in the foster home, the Department may issue a Certificate for a specific child if the home meets the requirements under these regulations. Studies on foster homes for a specific child already living in the home shall be completed no later than two (2) months from the date the Bureau became aware of the placement.

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- c. The Certificate shall be effective for a period of two (2) years from the date of issuance. The Certificate is non-transferable or assignable, and any attempt to transfer or assign the Certificate is void. The Certificate may be terminated sooner either by revocation, decision of the foster parent to no longer engage in the services as a foster parent, displacement of the child by order of the Court, or change of residency.
- d. A Provisional Certificate may be issued for a period of sixty (60) days for those unable to meet requirements under the social evaluation, if it has been reasonably determined that all requirements will be met no later than forty-five (45) days from date of issuance of the provisional certificate, and provided that the health and safety of the child is not in jeopardy by such temporary placement.
- e. The Certificate should be available for inspection by the Bureau upon request.

4. RENEWAL OF CERTIFICATE

A Certificate may be renewed by the Bureau every two (2) years upon submittal of a satisfactory re-evaluation report indicating that the home continues to provide the standard of care which meets the requirements of these regulations. A Provisional Certificate cannot be renewed.

5. DENIAL, SUSPENSION, REVOCATION OF CERTIFICATE

- a. The Department may deny a Certificate when an applicant fails to meet the standards for issuance of a Certificate under these regulations, has been convicted of a felony, or a crime involving violence, alcohol or drug abuse, sex offenses, crimes involving moral turpitude, or any other offense which indicates that the applicant may pose a threat to the welfare of the foster child.

The Bureau must provide the Director of Public Health and Social Services (hereinafter referred to as the "Director") in writing, the basis for its recommendation and reasons for denial of the Certificate. The applicant is entitled to a written explanation of the Bureau's recommendation for denial. The applicant may request to meet with the Director after denial, to discuss the basis for the denial. No hearing is required or mandated. The decision of the Director is final.

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- b. A Certificate may be suspended for a period of ninety (90) days by the Bureau if it has been determined that the foster parent has fallen into non-compliance with the Standards for Family Foster Homes. The foster parent will be informed of the specific violations of the standards in writing, and will be allowed to correct the failures within a given period of time not to exceed the period of suspension. If the foster parent continues to violate the standards without effort for corrective action for the period of the suspension, the Bureau may recommend that the Certificate be revoked.
- c. A Certificate will be revoked if it is determined by the Bureau that the foster parent is in violation of any of the provisions of 10 GCA 2408, has been convicted of a crime involving violence, alcohol, drug abuse, sex offense, moral turpitude, or any offense which would indicate the foster parent presented a threat to the welfare of the foster child. The Bureau shall provide the foster parent a notice of intent to revoke the Certificate, and allow the foster parent ten (10) days to respond to the notice. The foster parent may request to meet informally with the Bureau to discuss the basis for the notice to revoke. After the ten (10) days has elapsed, whether or not response is made by the foster parent, the Bureau may forward its recommendation to revoke to the Director. The foster parent is entitled to a hearing before a decision is made by the Director. The Director shall make a final determination no later than thirty (30) days after the hearing. The final decision shall be provided to the foster parent in writing in the same manner as the service of all notices.
- d. All notices required under this section to be provided, shall be made by registered mail, or by personal service.

E. ADMINISTRATION OF THE FAMILY FOSTER HOME

1. NUMBER OF CHILDREN TO BE CARED

- a. There shall be no more than six (6) children in a foster home, including the foster parents' own children. In the event the foster family is interested in providing day care to children, in addition to caring for foster children, the total number of children shall not exceed six (6). This does not prevent older foster children from providing day care for younger children, provided it is not detrimental to the children in the home. The foster home, however, must meet the requirements under both the standards herein and those under family day care homes.

STANDARDS FOR FAMILY FOSTER HOMES

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- b. No more than two (2) children under the age of two (2), shall be cared for in a home by one (1) foster mother, unless there is additional help approved by the Bureau. At no time should there be more than four (4) children under the age of two (2), including the foster parent's children.
- c. A home which accepts Bureau placements, shall not accept children from any source without the Bureau's permission.

2. RECORDS

- a. A current register of all children admitted shall be kept by the family foster home, and shall be open to inspection by the Bureau upon request. The register shall include:
 - 1) A listing of children accepted for placement by name, age, date placed and date removed, Power of Attorney, foster child's attorney name, and contact person from the Bureau;
 - 2) A health record including proof of medical/dental insurance coverage, on each foster child with a record of immunization dates, name of physician and the physician's address, telephone number, and the information of how and when to contact the Bureau;
- b. All records concerning the foster child shall be kept confidential and available only to duly authorized persons of the Department.

3. CONTACTS WITH THE FAMILY FOSTER HOME

The family foster home shall be visited by the Bureau staff once a month, or as frequently as needed to assure the continued well-being of the foster child and that the family foster home continues to meet the requirements for certification.

F. RIGHTS AND RESPONSIBILITIES OF CHILD, FAMILY, FOSTER PARENTS AND CASEWORKER

The Department recognizes that the child, family and foster parents have certain rights and responsibilities as set forth herein:

STANDARDS FOR FAMILY FOSTER HOMES

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1. THE CHILD

It is important for the child to have a voice and participate in decisions, consistent with his age and ability. The child has the right to receive honest information, have regular visitation with family and significant others, as per the service plan agreement, and to have and contact a Guardian Ad Litem or Attorney appointed by the Court. The child has a right to participate in permanency planning at the earliest possible time.

2. THE FAMILY

Responsibilities of the parent(s) include:

- a. Cooperating and planning with the Bureau for their child(ren);
- b. Retaining their parental role as much as possible;
- c. Maintaining contact with their child(ren); and
- d. Maintaining contact with the Bureau.

Parent(s) have certain basic rights as it relates to their child(ren), these include:

- a. The right to be informed about major decisions regarding their child(ren);
- b. The right to consent to: adoption, surgery, enlistment in the armed forces, marriage of their child(ren);
- c. To receive notification of hearings and other reviews concerning the welfare of their child(ren); and
- d. To receive current information on the child's health, status, and placement adjustment.

3. THE FOSTER PARENTS

The foster parents' rights and responsibilities include:

- a. The decision to remain a foster parent;
- b. The evaluation of their capacity to work with a particular foster child and the problems involved in the child's situation; and
- c. Being informed of decisions regarding the foster child, including placement decisions.

STANDARDS FOR FAMILY FOSTER HOMES

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4. THE CASEWORKER

The caseworker's responsibilities with the foster child include:

Openly dealing with the separation and loss from the child's family. The trauma is lessened if the worker helps the child face such feelings before removal by explaining reason for removal and the service plan. The child, dependent on age, should understand the purpose of placement, the rules of, and participate in the development of case plan.

The caseworker's responsibilities with the parents of the foster child include:

- a. Understanding the parents' feelings regarding the placement, and proceeding accordingly;
- b. Making clear the reasons for separation;
- c. Maintaining frequent contact, if possible with the parents; and
- d. Having the parents understand the rules and expectations of placement, their expected role, the type of care offered, and anticipated duration.

The caseworker's responsibilities with the foster family include:

- a. Sharing information about the child they are to care for and the child's feelings and ensuing behaviors regarding the separation; and
- b. Help the foster parents in coping with the child's reactive behavior until the child can understand separation, process feelings and adjust to the new situation.

The caseworker's responsibilities include:

- a. Assessing clothing and personal needs prior to placement of the child;
- b. Conducting visitations for the child;
- c. Arranging for all counseling services;
- d. Ensuring that educational and medical needs of the child are met;
- e. Supporting the role of the foster parents by maintaining monthly contacts with the foster parents, or more often if indicated;
- f. Assisting in respite arrangements when needed; and
- g. Keeping the foster parent abreast of the child's permanency plans.

STANDARDS FOR FAMILY FOSTER HOMES

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G. CARE OF THE FOSTER CHILD

1. MEMBER OF FOSTER FAMILY

A foster child shall be cared for as a family member and shall share in the family's pleasures and responsibilities. The foster parents shall report to the Bureau any change which adversely affects the child under foster care.

2. HEALTH

A foster child shall have a complete physical examination by a licensed physician on initial placement or as soon as appointments can be secured, and at least once a year thereafter. The examinations shall indicate:

- a. The presence of any communicable condition;
- b. Known allergies;
- c. Physical and/or mental handicaps or limitations; and
- d. Other specific health needs.

The foster parents shall be provided pertinent information on the health of each child placed in their home.

3. EMERGENCIES

Foster parents shall obtain instructions from the Bureau regarding procedures to follow in case of natural disasters, and if the foster child experiences sudden illness or accidents. Severe illness, serious injuries, accident, runaway, or death of the child shall be reported immediately to the Bureau.

4. NUTRITION

Food provided for the foster child must be age-appropriate, sufficient in quantity, and adequate for good nutrition. Special care must be given to the child's nutritional needs, i.e. age factors, special health concerns, allergies, etc.

5. CLOTHING AND PERSONAL SUPPLIES

A foster child's clothing shall be kept clean and in proper condition of repair, and shall be of appropriate size. Each foster child shall be provided with individual combs, toothbrushes, and other necessary toiletries.

STANDARDS FOR FAMILY FOSTER HOMES

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6. RECREATION AND SOCIAL ACTIVITIES

A well-balanced daily program including time for rest appropriate to the child's age, regular meal hours, and recreation shall be provided for the foster child. The foster parents shall cooperate with the Bureau for the child to participate in appropriate social and recreational activities in the community. Foster parents shall cooperate with the Bureau to make it possible for the child to visit with parents and relatives.

7. TRAINING AND DISCIPLINE

Child training and discipline shall be carried out with kindness and understanding. No child shall be subjected to any form of punishment or action which would endanger the child's physical or emotional well-being. As a member of the family, a foster child shall participate in home duties commensurate with the child's age, which do not interfere with school, health, and necessary recreation, and which are shared with any other children in the foster home.

8. EDUCATION

Regular school attendance shall be expected of all children in accordance with state laws. Attention shall be given to the special educational needs of the foster child.

9. RELIGION

The religious faith of each child shall be respected and the child shall be afforded the opportunity to attend the church, Sunday school, or both, of the child's parent, or legal guardian or, in their absence, of the child's choice.

10. ABSENCE FROM FAMILY FOSTER HOME

When a child is to be absent from the family foster home overnight or longer, the foster parents shall secure permission from the Bureau. Absence of a child without permission of the foster parents shall be reported immediately by the foster parents to the Bureau. After working hours, runaways shall be reported to the Bureau as soon as possible.

STANDARDS FOR FAMILY FOSTER HOMES

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H. FOSTER FAMILY AND HOME ENVIRONMENT

1. HEALTH OF FOSTER FAMILY

- a. All members of the household shall be free from communicable disease(s) and from physical and emotional conditions which may adversely affect the foster parents' ability to care for the children.
- b. The following written medical reports shall be submitted by the foster parents to the Bureau prior to the initial approval of a family foster home:
 - 1) Physical examination of the foster parent by a licensed physician;
 - 2) Tuberculosis clearance in accordance with current Department regulations.
- c. Annual tuberculosis clearance shall be required of all household members with known positive tuberculin reactions.
- d. Any person who moves into the family foster home after a Certificate has been issued, shall have a tuberculosis clearance and a physical examination certification.
- e. Failure to comply with this section may result in revocation of the Family Foster Home Certificate.

2. INCOME

- a. Income of the foster family shall be reasonably steady and sufficient to maintain an adequate standard of living. The foster family shall have an income adequate to meet their needs from a source other than board payments for the care of foster children.
- b. No business shall be conducted on the premises which would adversely affect the welfare of the children under the foster parents' care.

3. EMPLOYED FOSTER PARENTS

The employment of the foster parents shall not interfere with the care of the children. Child care arrangements must have prior approval by the Bureau.

STANDARDS FOR FAMILY FOSTER HOMES

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4. ABSENCE FROM THE HOME

When the foster parents are absent from the home because of emergencies or planned vacations or other reasons, the arrangements for the supervision of the foster child(ren) must be approved by the Bureau prior to the implementation of such arrangement.

I. HOUSING AND SANITATION

1. REQUIREMENTS

The home shall comply with acceptable state standards on housing and sanitation as follows:

- a. Sleeping Arrangements
 - 1) The sleeping arrangement for a foster child shall include: suitable light, ventilation, and provision for proper rest.
 - 2) The foster parents' own child(ren) shall not be displaced because of the presence of a foster child(ren).
 - 3) Sleeping arrangements should be such that a separate bed can be provided for each child.
 - 4) There should be sufficient sleeping space for the foster family and foster child(ren).
 - 5) Sleeping rooms should not be shared by children of opposite sexes over the age of five (5), or with other adults, unless approved by the Bureau.
 - 6) Except for infants, sleeping arrangements should be such that a space is provided within the sleeping room for the child's personal possessions and for a reasonable degree of privacy.
 - 7) No foster child shall sleep in a detached building without supervision, or in an unfurnished attic, basement, hallway, or stairwell.
- b. Running water shall be available for bathing facilities and the waste from the running water shall be connected to a public sewage system or other approved method.
- c. The home shall have sanitary flush toilets.

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- d. There shall be adequate artificial and natural light and ventilation available where the foster home is located.
- e. Storage of food in the home shall be free from vermin infestation and perishable food shall be stored in a refrigerator.
- f. Preparation of food shall be in a kitchen properly screened with adequate sink facilities.
- g. All eating and drinking utensils shall be thoroughly cleaned after each usage.
- h. The home shall have an approved source of potable water.
- i. Adequate laundering facilities shall be available.
- j. The home shall have adequate facilities for the proper disposal of sewage with all plumbing connected to a public sewage system or other approved method.
- k. The home shall have proper facilities for the disposal of garbage and refuse.
- l. The premises shall be kept in a sanitary and safe condition. There shall be protection from fire hazards, medications, poisons, household cleaning supplies, dangerous tools, and weapons.

2. EQUIPMENT AND FURNISHINGS

- a. Each child shall be provided adequate space for clothing and belongings.
- b. Each child shall be provided with an individual bed, except that two (2) brothers or two (2) sisters may share a double bed, preferably for a temporary period only. Bunk beds with no more than two (2) tiers shall be used only on a selected basis as appropriate to the child's age and situation. Proper ladders and guards must be provided for upper bunks.
- c. Each bed or crib shall be of a size as to insure comfort of the child, shall have good level springs and mattress, clean, comfortable bedding and linen, and waterproof covering, if needed.

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J. SAVINGS CLAUSE

Existing licensed family foster homes shall continue to operate for the term of their license. Thereafter, they will be subjected to certification requirements.