

**FOSTER PARENT
RULES AND REGULATIONS**



TURNING POINT FAMILY CARE
PO BOX 789, WASHINGTON, UT. 84780
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Table of Contents

- [R501-12-1. Authority.](#)
- [R501-12-2. Purpose Statement.](#)
- [R501-12-3. Definitions.](#)
- [R501-12-4. Licensing and Renewal.](#)
- [R501-12-5. Training.](#)
- [R501-12-6. Foster and Proctor Parent Requirements.](#)
- [R501-12-7. Physical Aspects of Home.](#)
- [R501-12-8. Safety.](#)
- [R501-12-9. Emergency Plans.](#)
- [R501-12-10. Infectious Disease.](#)
- [R501-12-11. Medication.](#)
- [R501-12-12. Transportation.](#)
- [R501-12-13. Behavior Management.](#)
- [R501-12-14. Child's Rights in Foster and Proctor Care.](#)
- [R501-12-15. Record Keeping.](#)

[R501-12-1. Authority.](#)

(1) Pursuant to 62A-2-101 et seq., the Office of Licensing, shall license child foster care services according to the following rules. Child foster care services are provided pursuant to 62A-4a-106 for the Division of Child and Family Services, hereinafter referred to as DCFS, and 62A-7-104 for the Division of Juvenile Justice Services, hereinafter referred to as DJJS.

[R501-12-2. Purpose Statement.](#)

(1) The purpose of these rules is to establish the minimum requirements for licensure of child foster homes and proctor homes for children in the custody of the Department of Human Services, herein after referred to as DHS. Rules applying to child foster care are also applicable to proctor care unless otherwise specified below.

[R501-12-3. Definitions.](#)

(1) "Child foster care" means the provision of care which is conducive to the physical, social, emotional and mental health of children or adjudicated youth who are temporarily unable to remain in their own homes.

(2) "Proctor care" means the provision of child foster care for only one youth at a time placed in a licensed or certified proctor home. The youth shall be adjudicated to the custody of DJJS.

(3) "Foster care agency" is any authorized licensed private agency certifying providers for foster or proctor care services, hereinafter referred to as Agency.



TURNING POINT FAMILY CARE
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(4) "Child" means anyone under 18 years of age with the exception of DJJS where custody and guardianship may be maintained to 21 years of age.

R501-12-4. Licensing and Renewal.

(1) Application: An individual or legally married couple age 21 and over may apply to be foster or proctor parents. The applicant shall be provided with an application and a copy of the foster care licensing rules. The application shall require the applicant to list each member of the applicant's household.

(2) Medical Information:

(a) At the time of application, each potential foster and proctor parent shall obtain and submit to the Agency or the Office of Licensing, a medical reference letter, completed by a licensed health care professional, which assesses the physical ability of the individual to be a foster or proctor parent. On an annual basis thereafter, each foster and proctor parent shall submit a personal health status statement.

(b) A psychological examination of a potential or current foster and proctor parent may be required by the Office of Licensing or the Agency if there are questions regarding the individual's mental status which may impair functioning as a foster or proctor parent. The psychological examination shall be arranged and paid for by the foster or proctor parent.

(3) References:

The applicant shall submit the names of no more than four individuals, two not related and one related, who may be contacted by the Agency or the Office of Licensing for a reference. These individuals, shall be knowledgeable of the ability of the potential foster or proctor parents to nurture children. Three acceptable letters of reference must be received by the Agency or the Office of Licensing before a license will be issued.

(4) Background Screening:

(a) Pursuant to 62A-2-120 and R501-14, criminal background screening, referred to as CBS, requires that all child foster or proctor care applicants or persons 18 years of age or older living in the home must have the criminal background screening successfully completed. This shall be completed on initial home approval and yearly thereafter.

(b) Pursuant to 62A-2-121 and R501-18, child abuse and neglect licensing data base shall also be screened for each applicant or persons 18 years of age or older living in the home to see if a report of a severe type of abuse and neglect has been substantiated by the Juvenile Court. This shall be done on initial home approval and yearly thereafter.

(5) Home Study: There shall be a current home study report on record prepared, or reviewed and signed off, by a licensed Social Worker. A home study shall be completed for each potential foster or proctor home. The home study shall be updated annually with a home visit.

(6) Provider Code of Conduct: Each foster and proctor care applicant shall read, abide by, and sign a current copy of the DHS Provider Code of Conduct.



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(7) Training: Each foster and proctor care applicant shall complete the required pre-service training as specified in R501-12-5 prior to receiving a license.

(8) Approval or Denial:

(a) Following pre-service training and submission of all required documentation, the home study and an assessment of an applicant shall be completed.

(b) A license shall be issued for applicants who meet Foster Care Licensing Rules.

(c) The decision to approve or deny the applicant shall be made on the basis of facts, health and safety factors, and the professional judgment of the Agency or the Office of Licensing.

(d) No person may be denied a foster or proctor care license on the basis of race, color, or national origin of the person, or a child, involved, pursuant to the Social Security Act, Section 471(a)(18)(A).

(e) The provider shall be evaluated annually for compliance with foster care rules when renewing a license.

(f) Kinship and Specific Home Approval: An applicant may be licensed for placement of one specific child or sibling group. The home study shall be completed and all licensing requirements met. This license is valid for the duration of the specific placement only and must be renewed annually.

(g) Licensure approval is not a guarantee that a child will be placed in the home. Additional requirements for adoptive parents and adoptive assessments for children in State custody are included in R512-41(3)(4).

(h) Providers shall not be licensed or certified to provide foster or proctor care for children in the same home in which they are providing child care, as defined in UCA 26-39-102, or a licensed human service program, as defined in UCA 62A-2-101.

(i) The Office Director or designee may grant a time limited variance to a rule if it is in the best interest of the specific child and addresses how basic health and safety requirements shall be maintained in accordance with R501-1-8.

(j) All providers shall report any major changes in their lives to the Office of Licensing or Agency within 48 hours. These changes shall be re-evaluated within one month of the change by the Office of Licensing or Agency. A major change in the lives of the foster or proctor parents shall include, but is not limited to the following;

(i) death or serious illness among the members of the foster or proctor family,

(ii) separation or divorce,

(iii) loss of employment,

(iv) change of residence, or

(v) suspected abuse or neglect of any child in the foster or proctor home.



TURNING POINT FAMILY CARE
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R501-12-5. Training.

- (1) Applicants shall attend training required and approved by the applicable DHS Division or other approved entity and submit verification of completed training to the Office of Licensing or Agency annually.
- (2) At least one spouse shall complete the entire training series in order for the home to be licensed. The other spouse shall attend at least one third of the training.
- (3) Providers associated with an Agency that is contracted to provide foster care or proctor care services shall meet the training requirements specified by the contract.

R501-12-6. Foster and Proctor Parent Requirements.

- (1) Personal characteristics of foster and proctor parents shall include the following:
 - (a) Foster and proctor parents shall be in good health, able to provide for the physical and emotional needs of the child.
 - (b) Foster and proctor parents shall be emotionally stable and responsible persons over 21 years of age. Legally married couples and single individuals, may be foster or proctor parents.
 - (c) Foster and proctor parents shall document and verify legal residential status when appropriate.
 - (d) Foster or proctor parents shall have the ability to help the child grow and change in behavior.
 - (e) Foster or proctor parents shall not be dependent on the foster care payment for their expenses beyond those associated with foster or proctor care, and shall allocate funds as directed by Division policy. Verification of income shall be submitted with the application to the Office of Licensing or Agency on an annual basis.
 - (f) Division employees shall not be approved as foster or proctor parents to care for children in the custody of their respective Divisions. An employee may provide care for children in the custody of a different Division with approval of the Regional Director in accordance with DHS conflict of interest policy.
 - (g) Owners, directors, and members of the governing body for foster and proctor care agencies shall not serve as foster or proctor parents.
 - (h) Foster and proctor parents shall follow Agency rules and work cooperatively with the Agency, Courts, and law enforcement officials.
- (2) Family Composition shall meet the following:
 - (a) The number, ages, and gender of persons in the home shall be taken into consideration as they may be affected by or have an effect upon the child.



TURNING POINT FAMILY CARE
PO BOX 789, WASHINGTON, UT. 84780
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- (b) No more than two children under the age of two, shall reside in a foster home, including natural children.
- (c) No more than two non-ambulatory children shall be in a foster home including infants under the age of two.
- (d) No more than four foster children shall be in any one home.
- (e) No more than one foster child shall be in any one home designated for proctor care by agencies contracted with DJJS.

R501-12-7. Physical Aspects of Home.

- (1) The foster and proctor home shall be located in a vicinity in which school, church, recreation, and other community facilities are reasonably available.
- (2) The physical facilities of the foster and proctor home shall be clean, in good repair, and shall provide for normal comforts in accordance with accepted community standards.
- (3) The foster and proctor home shall be free from health and fire hazards. Each foster and proctor home shall have a working smoke detector on each floor and at least one approved fire extinguisher. An approved fire extinguisher shall be inspected annually and be a minimum of 2A:10BC five point, rated multi-purpose, dry chemical fire extinguisher.
- (4) There shall be sufficient bedroom space to provide for the following:
 - (a) rooms are not shared by children of the opposite sex, except infants under the age of two years,
 - (b) children do not sleep in the parents' room, except infants under the age of two years,
 - (c) each child has his or her own solidly constructed bed adequate to the child's size,
 - (d) a minimum of 80 square feet is provided in a single occupant bedroom and a minimum of 60 square feet per child is provided in a multiple occupant bedroom excluding storage space, and
 - (e) no more than four children are housed in a single bedroom.
- (5) Sleeping areas shall have a source of natural light and shall be ventilated by mechanical means or equipped with a screened window that opens.
- (6) Closet and dresser space shall be provided within the bedroom for the children's personal possessions and for a reasonable degree of privacy.
- (7) There shall be adequate indoor and outdoor space for recreational activities.
- (8) Foster and proctor homes shall offer sufficiently balanced meals to meet the child's needs.



TURNING POINT FAMILY CARE
PO BOX 789, WASHINGTON, UT. 84780
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- (9) All indoor and outdoor areas shall be maintained to ensure a safe physical environment.
- (10) Areas determined to be unsafe, including but not limited to, steep grades, cliffs, open pits, swimming pools, hot tubs, high voltage boosters, or high speed roads, shall be fenced off or have natural barriers.
- (11) Equipment: All furniture and equipment shall be maintained in a clean and safe condition. Furniture and equipment shall be of sufficient quantity, variety, and quality to meet individual needs.
- (12) Exits: There shall be at least two means of exit on each level of the foster and proctor home.

R501-12-8. Safety.

- (1) Foster and Proctor families shall conduct fire drills at least quarterly and provide documentation to the Office of Licensing and Agency.
- (2) Foster and proctor parents shall provide and document training to children regarding response to fire warnings and other instructions for life safety.
- (3) The foster or proctor home shall have a telephone. Telephone numbers for emergency assistance shall be posted next to the telephone.
- (4) The foster or proctor home shall have an adequately supplied first aid kit such as recommended by the American Red Cross.
- (5) Foster and Proctor parents who have firearms, ammunition, or other weapons shall assure that they are inaccessible to children at all times. Firearms and ammunition that are stored together shall be kept securely locked in security vaults or locked cases, not in glass fronted display cases. Firearms that are stored in display cases shall be rendered inoperable with trigger locks, bolts removed or other disabling methods. Ammunition for those firearms shall be kept securely locked in a separate location. This does not restrict constitutional or statutory rights regarding concealed weapons permits, pursuant to UCA 53-5-701 et seq.
- (6) Foster and Proctor parents shall not provide a weapon to a minor or permit a minor to possess a weapon in violation of Sections 76-10-509 through 76-10-509.7.
 - (a) The Office shall identify whether a foster or proctor parent possesses or uses a firearm or other weapon and shall provide this information to the Division of Juvenile Justice Services and the Division of Children and Family Services for use in accordance with R512-302-4 and Section 63-46b-2.1.
- (7) Foster and Proctor parents who have alcoholic beverages in their home shall assure that the beverages are kept inaccessible to children at all times.
- (8) There shall be locked storage for hazardous chemicals and materials.

R501-12-9. Emergency Plans.

- (1) Foster and Proctor parents shall have a written plan of action for emergencies and disaster to include the following:



TURNING POINT FAMILY CARE
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- (a) evacuation with a pre-arranged site for relocation,
 - (b) transportation and relocation of children when necessary,
 - (c) supervision of children after evacuation or relocation, and
 - (d) notification of appropriate authorities.
- (2) Foster and Proctor parents shall have a written plan for medical emergencies, including arrangements for medical transportation, treatment and care.
- (3) Foster or Proctor parents shall immediately report any serious illness, injury or death of a foster or proctor child to the appropriate Division or Agency and the Office of Licensing.

R501-12-10. Infectious Disease.

- (1) Foster and Proctor parents shall contact their local health department for assistance in preventing or controlling infectious and communicable diseases in the home. In the event of an infectious or communicable disease outbreak, foster and proctor parents shall follow specific instructions given by the local health department.

R501-12-11. Medication.

- (1) Foster and Proctor parents shall administer prescribed medication, according to the written directions of a licensed physician. Medicine shall only be given to the child for whom it was prescribed.
- (2) Medication shall not be discontinued without the approval of the licensed physician, side effects shall be reported to the licensed physician.
- (3) Non-prescriptive medications may be administered by foster or proctor parents according to manufacturer's instructions.
- (4) Medications shall not be administered by the foster or proctor child.
- (5) Medication shall not be used for behavior management or restraint unless prescribed by a licensed physician with notification to the Division or Agency worker.
- (6) There shall be locked storage for medication.

R501-12-12. Transportation.

- (1) Foster and Proctor parents shall provide transportation. In case of an emergency a means of transportation shall be arranged by the foster or proctor parents.
- (2) Drivers of vehicles shall have a valid Utah Drivers License and follow safety requirements of the State.



TURNING POINT FAMILY CARE
PO BOX 789, WASHINGTON, UT. 84780
VOX: 435.674.7421 FAX: 435.674.3175

- (3) Transportation shall be provided in an enclosed vehicle which has been safety inspected and equipped with seatbelts and an appropriate restraint for infants and young children.
- (4) An emergency telephone number shall be in the vehicle used to transport children.
- (5) Each vehicle shall be equipped with an adequately supplied first aid kit such as recommended by the American Red Cross.

R501-12-13. Behavior Management.

- (1) Foster and Proctor parents shall provide supervision at all times.
- (2) Foster and Proctor parents shall not use, nor permit the use of corporal punishment, physical or chemical restraint, infliction of bodily harm or discomfort, deprivation of meals, rest or visits with family, humiliating or frightening methods to control the actions of children.
- (3) The foster or proctor parents' methods of discipline shall be constructive. In exercising discipline, the child's age, emotional make-up, intelligence and past experiences shall be considered.
- (4) Passive restraint shall be used only in behaviorally related situations as a temporary means of physical containment to protect the child, other persons, or property from harm. Passive restraint shall not be associated with punishment in any way.
- (5) Foster and Proctor parents shall inform the Division or Agency worker of any extreme or repeated behavioral problems of a child placed in the foster or proctor home.

R501-12-14. Child's Rights in Foster and Proctor Care.

- (1) The foster and proctor parent shall adhere to the following:
 - (a) allow the child to eat meals with the family, and to eat the same food as the family unless the child has a special prescribed diet,
 - (b) allow the child to participate in family activities,
 - (c) protect privacy of information,
 - (d) not make copies of the child's records,
 - (e) explain the child's responsibilities, including household tasks, privileges, and rules of conduct,
 - (f) not allow discrimination,
 - (g) treat the child with dignity,
 - (h) allow the child to communicate with family, attorney, physician, clergyman, and others, except where documented otherwise,



TURNING POINT FAMILY CARE
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- (i) follow visitation rights as provided by DHS or Agency worker,
- (j) allow the child to send and receive mail providing that security and general health and safety requirements are met, foster or proctor parents may only censor or monitor a foster or proctor child's mail or phone calls by court order,
- (k) provide for personal needs and clothing allowance, and
- (l) respect the child's religious and cultural practices.

R501-12-15. Record Keeping.

- (1) Foster and Proctor parents shall maintain the following:
 - (a) current license certificate,
 - (b) copy of each contract with DHS,
 - (c) record of money provided to each foster or proctor child,
 - (d) record of expenditures for each foster or proctor child, and
 - (e) documentation of special need payments on behalf of the foster or proctor child.
- (2) The Office of Licensing and Agency staff shall maintain a separate record for each child