

Minimum Standards for Foster Care Homes

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I. INTRODUCTION

The Alabama Department of Human Resources has established policies and procedures for a program of foster care for adults which prescribes minimum standards to be met by the homes to provide such care. Authority for the Department to approve foster homes for adults is given in Section 38-2-6 (18) Code of Alabama, 1975.

As designated agents of the Alabama Department of Human Resources, each County Department of Human Resources is authorized to approve and re-approve homes within its borders that meet the standards prescribed here. Only homes that have received such approval are to provide foster care for adults referred by the County Department. Families and individuals wishing to provide such foster care may apply directly to the appropriate County Department.

The programs of the Department of Human Resources are available to all persons regardless of race, color, sex, national origin, or handicap, in accordance with the Civil Rights Act of 1964 and the Rehabilitation Act of 1973.

II. MINIMUM STANDARDS FOR FOSTER HOMES FOR ADULTS

A. Adults in Foster Care

Foster care for adults is a service provided in private homes for persons who are in need of residential care in a family setting. This service must be provided in the permanent personal residence of the individual(s) approved to provide this level of care. It serves eligible adults who are in need of protective services and are unable to live in their own homes and cannot live with their families because of the family's inability or unwillingness to provide adequate care.

Foster care placement may be arranged after a protective service investigation reveals the client cannot protect himself from abuse, neglect, or exploitation. It may be the best plan for the adult of any age who has received maximum benefit from institutional care and can return to the community with appropriate support services. It may also be used to prevent inappropriate institutional care.

B. Application and Procedures

Application is made to the local County Department of Human Resources to operate a foster home. Forms to be used for that purpose may be secured at the county office.

- 1) Upon receipt of the completed application, an examination of the foster family home and an investigation of the foster family shall be made by a representative of the Department.
- 2) Upon completion of the examination and investigation, a decision to approve or to deny the application will be made by the County Department based upon the findings. If the decision is to approve the application, the "Approval to Provide Foster Care for Adults" will be issued to the applicant.
- 3) All approvals are dated from date of issuance and expire one year from that date unless terminated by either party. Homes may be re-approved based upon the re-examination and evaluation by the Department if they continue to conform to standards and regulations.
- 4) Approval to provide foster care for adults applies to the residence occupied by the applicant at the time approval is given. If change of residence is made, the foster family must notify the County Department, which must determine if approval is to be continued. The decision of the County Department will be furnished to the foster family in writing.
- 5) The number of clients for which a foster home may be approved to provide adult foster care is limited to a maximum of three. Factors to be considered are: space in the home, the number of persons making up the foster family and the care they require, the ability of the foster family to care for the number of persons being considered for foster care, etc. Based on these factors, a home may be approved to care for less than three adult foster care clients.
- 6) Applicants conducting a rooming or boarding house will not be approved to provide foster care for adults.

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- 7) The foster home shall accept no unrelated individuals into the home except those persons placed by the County Department of Human Resources.
- 8) Approval to provide foster care for adults may be revoked by the County Department of Human Resources when the home fails to meet standards prescribed and regulations set forth here. In such cases, the County Department will furnish a written notice to the home stating the reason(s) for revocation.

C. Foster Family Home Requirements

- 1) The house shall meet regulations regarding sanitation, fire protection and building safety of the city or county in which it is located. The foster family home and grounds shall be free from anything which constitutes a danger such as: abandoned automobiles and household appliances, uncovered wells and cisterns, stacked lumber with exposed nails, and explosives. Safeguards must be provided against potential hazards such as: guns, poisons, medications, open fires, and heaters. Guns and medications must be kept locked. Inspections by the state or local fire department and by the state or local health department shall be requested as determined necessary by the Department.
- 2) A smoke detector shall be installed and maintained in operating condition within ten feet of each bedroom and no more than 30 feet apart in hallways. In a two-story house (upstairs or basement) a smoke detector shall be installed and maintained in operating condition at the head of the stairway. It is the responsibility of the foster care provider to maintain the smoke detector in operating condition.
- 3) A 2A-10BC dry chemical fire extinguisher no less than 5 pounds in weight, shall be installed and maintained in operating condition, in an accessible place, in plain view near room exits which provide an escape route. It is the responsibility of the foster care provider to maintain the fire extinguisher in operating condition.
- 4) All windows and doors shall be screened against insects unless the home is air-conditioned.
- 5) The foster family home shall be maintained in clean condition.
- 6) The foster family home should be located near churches, doctors and medical facilities, stores, places of recreation, etc. If this is not the case, a plan should be developed to secure access to necessary transportation.
- 7) If the foster family home has a private swimming pool, inspections by the state or local health department shall be requested as determined necessary by the Department or foster family. The foster care provider shall make the swimming pool inaccessible to the adult in foster care except when supervised by individuals who have completed a basic water safety course and have received training in Cardiovascular Pulmonary Resuscitation (CPR).
- 8) All manufactured (mobile or modular) homes shall conform to the National Manufactured Housing Construction and Safety Standard Act of 1974. An HUD red data plate,

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permanently attached to the mobile home, will indicate conformity with the 1974 Act. Manufactured homes shall comply with anchoring and tie-down requirements as specified in Code of Alabama 1975, Section 24-5-30 through Section 24-5-34. Such homes built after 1994 and currently in Baldwin and Mobile Counties must also display a Wind Zone II Certification Label on the home.

- 9) Every foster family home shall have access to a telephone. Arrangements must be made for 24-hour access if there is no telephone in the foster home.
- 10) Unvented natural gas heaters are prohibited in all bedrooms and bathrooms. Unvented propane gas space heaters equipped with oxygen depletion devices are permitted in foster homes (*except* in bedrooms and bathrooms) which are one-or two-bedroom dwellings if the heaters are installed in accordance with local and national gas codes as verified to the Department by a written statement from a qualified professional. This type of heater is not allowed in manufactured homes. No stove or combustion heater shall be so located as to block escape in case of fire arising from malfunctioning of the stove or heater.
- 11) A certificate of rabies vaccination shall be on file in the home for any animal on the premises required by law to be vaccinated. Animals posing a threat to the health or safety of an adult in foster care shall be kept in an area inaccessible to the adult.
- 12) There must be provided for each person in foster care a comfortable bed, sufficient drawer and closet space for clothing and a reasonable amount of room for other possessions (keepsakes, etc.), a comfortable chair, and a table or desk. The area provided for the client must be well lighted, adequately ventilated, and comfortably heated and cooled. If the person in foster care has physical limitations, the safeguards necessary for safety (for instance, guardrails on bathtub) must be provided. The client shall not share a room with a member of the provider's family. Clients of the same sex may share the same room and spouses can share the same room.
- 13) The foster family home shall have adequate and appropriate facilities for the storage, protection, and preparation of food.
- 14) The foster family shall provide the adult in foster care with wholesome, well-balanced meals including: meats or meat substitutes, vegetables, milk, fruits, cereal, bread and dessert. Special diets, where prescribed or recommended by a physician, shall be provided. A minimum of three meals per day will be provided.
- 15) The foster family home must supervise the client's medications as directed by the client's physician and/or social worker if assistance is needed.
- 16) The services and facilities of the foster home shall be such that the emotional, physical, and spiritual needs of the person in foster care are met in a way that will protect and promote his/her health, safety, comfort and well being.

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D. The Foster Family

- 1) The foster care provider shall be of the age of majority (nineteen). For placements made on or after September 15, 1991, the foster care provider shall be able to read and write.
- 2) The foster family must be qualified to provide foster care by virtue of training and experience. Specific training may be required to meet the needs of particular recipients.
- 3) The foster family will be required to provide names of people to serve as references. The County Department may contact additional references that have not been provided by the foster family.
- 4) All members of the foster household must be responsible people of good character and reputation (as verified by references), and all of them must be willing to accept the person in foster care into the home as a member of the family. (See Character and Suitability Requirements.)
- 5) All members of the household must be in such physical and mental health as will not be harmful to the client. Since the health of the providers/household members could pose a risk to some portion of the client population to be served, a licensed practicing medical doctor's or a physician assistant's (as defined in Section 34-24-290(4), Code of Alabama 1975) statement, indicating whether each member of the household is free of communicable and infectious disease and physically fit to provide care, is required. A new medical must be obtained every four years for providers and household members under 62 years of age or every two years for providers over 62 years of age. If there is question about the health of the provider or a household member, additional medicals may be requested.
- 6) An applicant may be single or married. Two otherwise unrelated adults heading the household may make a joint application to provide foster care.
- 7) There is no restriction on the size of the family that is to provide foster care for adults. A principal requirement is that the home is able to meet the needs of the person in foster care. The County Department must be immediately informed of any changes in the composition of the household.
- 8) The foster family members must be flexible in their attitudes and expectations towards the adult in foster care. The foster family must be willing to show understanding and patience. The family shall have the capacity and willingness to give time and attention to the needs of the adult in foster care.
- 9) If an adult is in care and the foster family desires that other plans be made for the adult, the family plans to move to another dwelling, or the family desires to relinquish the approval, the family shall give a two-week notice to the County Department prior to taking desired action.
- 10) The foster family must have prior approval from the County Department before taking an adult in foster care out of the county or state.

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- 11) The foster family home must have sufficient income to meet its own needs. The room and board payment made by the person in foster care will be used to meet the participant's needs. DHR service fee payments made to the provider may be considered when determining whether the foster family has sufficient income to meet its own needs.
- 12) The foster family must not borrow money from the foster care participant or from the participant's friends or relatives. The client's name must not be used to purchase services, to qualify for utility services, establish credit or create indebtedness for the client.
- 13) The foster family must not solicit, accept or receive gifts or money from the foster care participant or from the participant's friends or relatives. Excluded is payment to the foster care provider for room and board, service fee and/or additional services and supplies.
- 14) The foster provider may be employed outside the home if the County Department determines that such employment would not have a detrimental effect upon client's health or safety. A suitable substitute care plan must be submitted to the Department for approval. The County Department must concur that the substitute care plan provides for uninterrupted care and supervision. However, under no circumstances is the caregiver for a client receiving Adult Foster Care Model Waiver Services payment permitted to work outside the home as these individuals have been determined to require a higher level of care. There are no new admissions to this program.
- 15) If substitute care is needed, care may be provided by an approved day health, day care, or day treatment program or by an individual approved by the County Department as a substitute provider. Substitute care which is provided in the foster care home may be provided by an unrelated person who is a registered volunteer with the Department and is providing care on a volunteer basis, or by a relative. The substitute provider must agree to provide care in the absence of the provider in a manner that is in compliance with the policies and procedures governing the foster care program. The Department will meet with the potential substitute provider and discuss the foster care standards, contact references that are not related to the candidate for substitute provider, and complete medical information and criminal records checks. The foster care provider is responsible for making financial arrangements with the substitute provider. The foster care provider must notify the County Department of the use of a substitute care plan, regardless of the reason, for an absence of six or more hours.
- 16) The foster family shall:
 - a) Accept supervision by the Department of Human Resources so far as the welfare of the person in foster care is concerned.
 - b) Notify the agency about any unusual illness, accident or disturbing behavior of the person in foster care.
 - c) If necessary, help the person in foster care carry out prescribed medical plans.
 - d) If necessary, provide personal services such as help with shaving, dressing, etc.

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- e) Provide or arrange for necessary transportation to the doctor, mental health center, clinic, etc. The provider must have a valid Alabama Driver License and vehicle liability insurance if responsible for transporting a client.

E. Character and Suitability Requirements

- 1) No home can be approved where any adult (or individual tried as an adult) in the household has been convicted of a crime (felony or misdemeanor) in this or another state at any time involving:

- a) a sex-related crime. Such crimes include, but are not limited to, sexual abuse, sexual exploitation, molestation, rape, child pornography, sale or exhibition of obscene materials, sodomy, sexual mischief, incest, enticement for immoral purposes, kidnapping of a child, prostitution and obscenity; or
- b) the serious intentional, reckless or negligent physical injury, danger or death of any person. Such crimes include, but are not limited to, murder, homicide, manslaughter, assault with a weapon, reckless endangerment, kidnapping, unlawful imprisonment; or
- c) a crime against a child. In addition to those crimes listed above, such crimes include, but are not limited to, abandonment, endangerment, nonsupport, assault; or
- d) a crime against an adult in need of protective services as defined in Section 38-9-2, Code of Alabama 1975. Such crimes as defined in section 38-9-7, Code of Alabama 1975, include: intentional or reckless abuse or neglect causing physical or serious physical injury, emotional abuse, exploitation; or
- e) major intrusion upon property or use of weapon to secure property. Such crimes include, but are not limited to, burglary and robbery; or
- f) arson; or
- g) manufacture, sale, distribution or possession of controlled substances, opiates, illegal, addictive, or narcotic drugs. Such crimes include but are not limited to, convictions for the sale, distribution or possession of cocaine, heroin, LSD, marijuana, or alcohol.

2) Mandatory Criminal History Check

- a) At the time of application, each applicant including substitute provider and adult household members must submit a Mandatory Criminal History Check Notice form disclosing all convictions, two complete sets of fingerprints, a completed Criminal History Information Consent and Release form giving consent for

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release of criminal history background information to DHR, identification verification of name, date of birth, race, sex, and Social Security number.

- b) No home shall be approved with an adult household member or substitute provider who refuses to fully answer and complete a Mandatory Criminal History Notice form, or to provide identification verification.

3) Request for Reversal of Suitability Determination

- a) The applicant has thirty (30) days from the date of notification by DHR of being determined unsuitable for DHR approval to request a reversal of the determination. **No request for a reversal shall be made for a sex crime or a crime involving a child, an elderly individual, or an individual with disabilities.**
- b) Such a request shall not be made unless five (5) years have passed for misdemeanors and ten (10) years for felonies from the end of the sentence or probation or parole, whichever is the latest.
- c) Reversals will be based on the individual showing clear and convincing evidence of successful rehabilitation as well as other supportive information required.

- 4) The character and suitability of an individual foster care applicant/provider will also be assessed by a review of the past history of the individual regarding their truthfulness and their ability to care for clients. False or misleading statements made by the individual to the Department or other government personnel regarding incidents or events occurring while providing foster care or surrounding part of any adult/child abuse or neglect investigation conducted by the Department, law enforcement or other government officials are considered as evidence of unsuitable character.

F. Responsibilities of the Department of Human Resources

- 1) Recruit, inspect and approve foster family homes conforming to standards and regulations.
- 2) Provide to the foster family adequate information concerning each adult in foster care placement to assure understanding of the care to be given the adult.
- 3) Supervise the care to be given in the placement.
- 4) Assist the foster family in making suitable plans for the adults such as family visits, recreational activities, etc.
- 5) Provide the foster family specific information regarding how to contact a Department or agency representative at all times.

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- 6) Maintain confidentiality of foster family home records by keeping resource cases in locked files when unattended and by restricting any disclosures about the foster family or client to persons or agencies providing authorized services or otherwise authorized by Administrative Rules.
- 7) Visit the foster family home whenever indicated to examine and/or to investigate and offer guidance.
- 8) Assist client and provider with payment negotiation for room and board.
- 9) Assist the foster family in locating training, e.g. CPR, First Aid, diabetes, nutrition, mental illness, mental retardation or senility.
- 10) Re-approve the foster home at least once a year if the home continues to conform to standards and regulations.

G. Responsibilities of the Foster Family

- 1) Uphold standards and regulations as written in the Minimum Standards for Foster Homes for Adults.
- 2) Carry out recommended daily care of the adult in the foster family home in cooperation with the Department and other service providers authorized by the Department.
- 3) Adhere to all aspects of the Foster Home Agreement.

H. Adult Foster Care Service Fee

A service fee will be paid by the Department or by the client based on the client's financial situation as determined by the Department's regulations.