

214-RICR-40-00-3

TITLE 214 – DEPARTMENT OF CHILDREN, YOUTH AND FAMILIES

CHAPTER 40 – Licensing

SUBCHAPTER 00 - N/A

PART 3 – Foster Care and Pre-Adoptive Regulations for Licensure

3.1 PURPOSE

- A. These Regulations establish the licensing requirements for foster care and pre-adoptive homes licensed by the Department of Children, Youth and Families. The licensing requirements are designed to ensure that children in foster and pre-adoptive care are in a safe, healthy, and nurturing environment.

3.2 AUTHORITY

- A. These Regulations are promulgated pursuant to R.I. Gen. Laws Chapter 42-72, R.I. Gen. Laws §§ 42-72.1-5, 42-72.1-1, 42-72.10-1, 14-1-27, 14-1-34, and 15-7-11.

3.3 APPLICATION

- A. The terms and provisions of these Regulations shall be liberally construed to permit the Department to effectuate the purposes of state law, goals, and policies.

3.4 SEVERABILITY

- A. If any provision of these Regulations or application thereof to any person or circumstances is held invalid by a court of competent jurisdiction, the validity of the remainder of the Regulations are not affected.

3.5 DEFINITIONS

- A. "Applicant" means a person or persons applying for a Foster Care and Adoption or a Pre-Adoptive License.
- B. "Behavioral Health History Form" also referred to as a "Behavioral Health Reference," this form is required if the applicant or resource caregiver is currently receiving behavioral health therapy from a provider other than their primary medical practitioner. The form must include a recommendation from the behavioral health professional, assessing the individual's behavioral health and suitability to serve as a resource caregiver. The Department adheres to the

Americans with Disabilities Act in terms of considering the impact, if any, of an applicant's behavioral health history as a factor in their ability to provide a safe and healthy placement.

- C. "Child" means any person under 18 living in the resource caregiver's home.
- D. "Child in Care" means child, youth, or young adult, also referred to as a foster or pre-adoptive child, under the care and supervision of the Department, residing in a foster or pre-adoptive home.
- E. "Child-Specific" means to provide care for an identified child or children.
- F. "Corporal Punishment" means physical discipline, including slapping, spanking, paddling, hitting with a belt, having a child march, stand or kneel rigidly in one spot or subjecting a child to any kind of physical discomfort.
- G. "Corrective Action Plan (CAP)" means a time-specific plan developed by the DCYF Licensing Unit in collaboration with the resource caregiver to address non-compliance with regulations. The CAP supports the resource caregiver in the development and utilization of appropriate methods for meeting the needs of youth under DCYF care and supervision. Such plans are reviewed at minimum every 2 weeks to determine overall progress and if modifications to the CAP are warranted.
- H. "Department" or "DCYF" means the Rhode Island Department of Children, Youth and Families, which is responsible for child welfare, children's mental health, and juvenile correctional operations in Rhode Island.
- I. "Disruption" means the end of a foster or pre-adoptive/guardianship placement that has not yet been finalized.
- J. "Dissolution" means the termination of an adoption or guardianship after finalization.
- K. "Division of Family Services (DFS)" means the division of the Department that is comprised of the following subdivisions: Family Services Unit (FSU), Voluntary Extension of Care (VEC) and the Support and Response Unit (SRU).
- L. "Division of Licensing" The division responsible for overseeing the Licensing Unit, which is tasked with issuing Foster and Pre-Adoptive Licenses and monitoring resource caregiver homes for regulatory compliance.
- M. "Foster Care and Pre-Adoptive License" means required legal authorization granted by the Department that permits an individual to provide foster and/or pre-adoptive care.
- N. "Home Study" means a written evaluation of a home environment to determine whether a proposed placement of a child meets the individual needs of the child,

including the child's safety, permanency, health, well-being and mental, emotional, and physical development. Areas of inquiry include, but are not limited to, physical and mental health, criminal history, family history, and past and present relationships of all proposed household members.

- O. "Household Member" means adults and/or children who reside with the applicant or resource caregiver.
- P. "Kinship Care Resource Caregiver" means a relative or close family friend who provides care for a child or youth with whom they have a known connection. These individuals must obtain a Foster Care and Pre-Adoptive License; however, a child may be placed in their home for up to 180 days before the license is finalized. Kinship care is the preferred placement for children who must be removed from their birth parents, as it helps maintain familial bonds, offers greater stability, and reduces the trauma associated with separation. Also referred to as "resource caregiver or fictive kin."
- Q. "Licensing Worker" means the individual the Department assigns to complete the licensure process. Additionally, they are responsible for monitoring and updating any changes related to the licensee's address, household members, ensuring the completion of ongoing training and the relicensure of the home.
- R. "Matching Criteria" means mutually agreed upon factors considered when determining the most appropriate placement for a child in care, ensuring their safety, well-being, and stability. These factors may include, but are not limited to, the child's age, gender, sibling relationships, medical and behavioral health needs, cultural and linguistic background, educational requirements, and any specific considerations outlined in their case plan. Additionally, the resource family's capacity, training, experience, household composition, and expressed preferences are considered to support a successful placement that meets the child's best interests.
- S. "Medical Health History Form," also referred to as a "Physician's Reference," means the form completed by an applicant's or resource caregiver's primary care medical practitioner. This form includes a recommendation from the medical professional regarding the individual's physical and/or medical fitness to serve as a resource caregiver.
- T. "Non-kinship Resource Caregiver" means a person who is granted a Foster Care and Pre-Adoptive License, has no prior connection to a child or is seeking placement of a child unknown to them prior to approval. Also referred to as "resource caregiver."
- U. "Placement Unit" means the unit within the Department that receives requests for placement of a child and identifies an appropriate living arrangement.

- V. "Post-licensure Obligations" means the resource caregivers requirement to demonstrate ongoing compliance with these regulations following the issuance of the license.
- W. "Primary Service Worker" means the DCYF caseworker with main casework responsibility for the child and family.
- X. "Reasonable and Prudent Parenting Standard" means the standard characterized by careful and sensible parental decisions that maintain the health, safety, and best interests of a child while at the same time encouraging the emotional and developmental growth of the child, as outlined in Section 111 of the Preventing Sex Trafficking and Strengthening Families Act, Public Law 113-183, as amended.
- Y. "Resource Caregiver" refers to the adult head of household who is licensed by the Department to provide foster care or pre-adoptive placement subject to subsequent adoption home study and Family Court decision on the adoption petition as to a child. This individual may also be known as a resource parent, foster parent, pre-adoptive parent, kinship care provider, or fictive kin provider. The child under their care may be known or unknown to the resource caregiver prior to placement. Also referred to as "Caregiver."
- Z. "Respite Care" means the temporary, time-limited relief for substitute caregiving of a child. Respite care can be arranged in advance or requested on an emergency basis.
- AA. "Service Plan" means a written document that is developed jointly with the parent or legal guardian of the child in DCYF care, and the child if age 14 or older, and includes a discussion of how the case plan is designed to achieve a safe placement for the child in the least restrictive, most family-like setting.
- BB. "Variance" means an administrative decision that allows a foster or pre-adoptive home to meet a standard for licensure in a manner other than that specified in the regulations. A variance is granted on a case-by-case basis only when the purpose of the licensing standard is achieved and the child's safety is maintained.
- CC. "Waiver" means an administrative decision allowing case-by-case exemptions from compliance with a non-safety related standard only in child-specific foster homes.

3.6 LICENSING PROVISIONS

- A. Application Submission
 - 1. Any Rhode Island resident intending to become a foster or pre-adoptive licensed resource caregiver must complete, sign, and submit an application to the Department or a state-contracted agency provider.

Applicants can access and complete the application and licensing forms online at <https://beananchor.ri.gov>.

2. A new application may be submitted at any time, including following the denial of an application for licensure after exhaustion of all administrative appeals, except when a license has been revoked or the Department has refused to renew a license. In these instances, the licensee may not reapply for licensure as a foster or pre-adoptive family for one year after final revocation or denial of renewal date. In considering such a re-application, the Department shall not be foreclosed from considering the reasons for prior revocation or denial or from denying the re-application for those reasons as long as those reasons remain valid

B. Initial Licensing Process

1. The applicant and all household members must submit to comprehensive background checks that include:
 - a. A criminal record check for all household members aged 18 and older in accordance with § 10-00-1.8 of this Title.
 - b. Child abuse and neglect clearances for all household members to include out-of-state Adam Walsh clearances if applicable, per § 10-00-1.7 of this Title.
 - (1) Adam Walsh clearance is completed for any prospective foster parent/adult household member who has lived in another state within the past five years.
 - c. A National Sex Offender Registry search for all household members aged 18 and older.
 - d. Any additional background checks as required by state or federal law.
2. The Applicant must submit documentation that may include, but is not limited to:
 - a. Signed authorizations for release of information from the prior 12 months from physical and behavioral health providers, private foster care agencies, or other sources.
 - b. A signed foster home agreement, including a confirmation of receipt and review of the Foster Parent Bill of Rights and the Sibling Bill of Rights.

- c. Applicable licenses, certifications, and registrations held by the applicant or household members (e.g., pets, firearms, driver's license, medical marijuana).
 - d. A medical, and if applicable, behavioral health history for the applicant and other household members.
 - (1) The applicant must submit a medical and if applicable, a behavioral health reference, from the prior 12 months.
 - (2) If the medical and behavioral health history reference from the medical or behavioral health provider does not indicate that the applicant can appropriately provide care for a child that corresponds with the matching criteria requested by the applicant, the Department may request an additional statement from a qualified medical or behavioral health professional familiar with the applicant or household member's physical and/or behavioral health history, including substance use.
 - e. Proof of financial stability, as described in § 3.7(D) of this Part, Income and Fiscal Management.
 - f. References and interviews with individuals providing references, including at least one from an individual with direct knowledge of the prospective resource parent's or parents' capacity to care for children.
3. Applicants who will be driving any child in care must submit documentation verifying an active driver's license, current automobile liability insurance as required by state law, and up-to-date vehicle registration and inspection.
- a. The Division of Licensing obtains certified driving records from the RI Department of Motor Vehicles as a condition of issuance or renewal of a foster care license if the resource caregiver intends to be a driver for a child. Driving offenses or more than three moving violations in a year requires a plan of safe transport. Based on severity or number of any driving offenses, the Licensing Unit has the discretion to require as a condition of the license that the caregiver shall be prohibited from driving any vehicle while the foster or pre-adoptive child is a passenger. As a condition of continued licensure, the caregiver shall have an ongoing obligation after licensure to inform DCYF of any arrests for driving under the influence of drugs or alcohol, for reckless driving, or for charges of a similar nature.

4. The applicant and all household members must participate in a home study, including the in-person interview component.
 - a. The home study is a comprehensive evaluation of the applicant's family dynamics, home environment, community setting, and social relationships. This assessment involves in-person interviews and other forms of contact with relevant individuals and includes the following components:
 - (1) A summary of the applicant's relationships with their children, past and present spouses or partners, and other family members.
 - (A) personal history of trauma, abuse, or neglect;
 - (B) current status and history of physical and behavioral health, including substance use;
 - (C) social support systems;
 - (D) functional literacy and language skills;
 - (E) employment history and financial status; and
 - (F) community and social environment.
 - (2) A review of information and documents relating to any previous unfavorable home studies/assessments, disruptions, dissolutions, or placement of other children out of the home.
5. The applicant must permit a Department representative to complete a home safety inspection to assess the safety of the physical home and immediate grounds. This includes all areas of the home, including basements and rooms that may be locked.
6. The applicant must complete a course of pre-service and ongoing training as required by the Department. See § 3.6 of this Part for resource caregiver training requirements.

C. Training Requirements

1. Before licensure, the applicant must complete, a training pre-course approved by the Department. If training hours are not conducted by the Department; copies of completed certification certificates/hours verified by the non-DCYF trainer must be provided in writing.

2. Before licensure, non-kinship resource caregivers must specifically be trained in:
 - a. First aid and adult, child and infant CPR (cardiopulmonary resuscitation) at least every two years, including an in-person/classroom component.
 - b. Protocols for responding to emergencies, including accidents, serious illnesses, fires, and natural and human disasters.
 - c. Medical administration or rehabilitation interventions and operation of medical equipment for children in care with a particular condition, as needed.
3. The Department partners with child placing agencies that provide therapeutic foster care programs that support children who need more intensive care. If the applicant intends to foster a child through a child placing agency, the Department ensures that the applicant has met any additional training requirements as set by the child placing agency before issuing or renewing a license.
4. Each non-kinship resource caregiver must complete a minimum of 15 hours of approved in-service training every two years as a condition of license renewal. The foster home license is not renewed until each single resource caregiver, or the resource caregiver couple has completed post license training requirements. Training hours can be a combination of approved in-person training, virtual courses, and child welfare-specific webinars. First Aid/CPR training hours can be credited as part of the 15 hours. Child placing agencies may require resource families under their supervision to complete additional training as a condition of continued supervision by the agency.

D. Variance

1. The Department may grant a variance to a standard in these regulations if the foster or pre-adoptive home can meet the standard for licensure in a manner other than that specified in the regulations.
2. A variance is granted on a case-by-case basis and only when the purpose of the licensing standard is achieved, and the child's safety and welfare are maintained.
3. At the expiration of a time-limited variance, the licensee must fully comply with all applicable regulations. Time-limited variances are issued in 90-day intervals.

E. Waiver

1. The Department may grant a waiver for a child-specific foster home to allow an exemption from compliance with a non-safety related standard in these regulations on a case-by-case basis.
2. The conditions and terms of the waiver may change only with written approval from the licensing administrator or designee.
3. At the expiration of a time-limited waiver, the licensee must fully comply with all applicable regulations. Time-limited waivers are issued in 90-day intervals.

F. Determination

1. The information gathered during the home study assessment process is carefully considered, in a timely manner, to determine:
 - a. if any further assessment is needed;
 - b. what additional counseling, training, or preparation is needed;
 - c. the family's eligibility and suitability;
 - d. the family's readiness to care for children; and
2. When the applicant successfully completes the initial or renewal licensure process, and the applicant complies with these regulations and demonstrates suitability as a caregiver, the Department determines the license capacity for the resource caregiver's home and issues a Foster Care and Pre-Adoptive license.
 - a. A license applies only to the place of residence occupied by the applicant at the time of issuance.
 - b. The Department may issue either child-specific and/or non-child-specific licenses and may issue a license that limits the number of foster and/or pre-adoptive children who may live in the home.
 - c. The Department will place a child based upon mutually agreed-upon matching criteria.
3. The Department may deny the license for the following reasons:
 - a. The comprehensive background check of an applicant or household member revealed disqualifying information established by §§ 10-00-1.7.1 and 1.8.6 of this Title.
 - b. The results of the comprehensive background check of an applicant or household member showed information that is not automatically

disqualifying but impacts the fitness and suitability of the applicant to provide care for a child.

- c. The results of the licensure process, including but not limited to the documentation review, home study, medical, behavioral health, and personal references, and safety inspection, do not demonstrate that the applicant is a suitable resource caregiver; or those results indicate that the circumstances of an applicant, household member, or home presents a health or safety risk to a child and may interfere with the applicant's ability to provide satisfactory care.
 - d. The dwelling lacks adequate sleeping space to accommodate a child in care.
 - e. The biological parent or legal guardian of the child in care resides with the applicant without prior approval by the Licensing unit.
 - f. A Family Court in any jurisdiction has issued an order removing joint or sole legal custody of, or terminating the parental rights to, the applicant's child. A court order for placement of the applicant's child with the child's other parent while the applicant retained joint legal custody shall not by itself be considered a disqualifying reason.
 - g. The applicant fails to cooperate with the Department in its licensing process, including, but not limited to:
 - (1) Providing false, falsified, inconsistent or misleading statements and/or documentation to the Department; and/or
 - (2) Making efforts to deceive the Department.
 - h. The applicant fails to comply with any of these regulations.
4. A Foster Care and Pre-Adoptive license remains valid for two years upon issuance unless the Department initiates licensing action for cause or the resource caregiver voluntarily surrenders the license.
5. If the applicant or resource caregiver demonstrates non-compliance during the relicensure process or circumstances have changed regarding the licensee's suitability to care for a child as detailed in these regulations, the Department:
- a. Communicates the specific concerns to the prospective resource caregiver as early as possible and attempts to resolve them.
 - b. Does not complete a final assessment report until attempts to mitigate issues are made.

- c. May deny the license and then will provide the prospective resource caregiver with a written explanation of the denial and the procedures to request an appeal if approval cannot be granted and the application has not been withdrawn.

G. Changes to the License

1. If a resource caregiver intends to move residences after becoming licensed, the resource caregiver must notify the Department's Division of Licensing no less than four weeks before the move. A home visit and safety inspection are required within two weeks after any move. The new residence must meet these regulations, and upon compliance, a new license will be issued for the updated address.
2. If there is a change in the permanent household member composition, the resource caregiver should notify the Department's Division of Licensing at least one week in advance. However, if advance notice is not possible, they must notify the Department as soon as they become aware of the change, and comply with any required background checks, home visits, or safety inspections, as applicable.
3. A representative from the Division of Licensing meets in person with the resource caregiver at least once annually to complete an update as to overall safety and needs as well as to assess for any significant changes in the resource caregiver's life, including but not limited to:
 - a. Death or debilitating illness of a caregiver.
 - b. Defects in the home related to accidents, serious fires, natural and human-caused disasters.
 - c. Legal proceedings affecting the resource family such as eviction or divorce.

H. Monitoring

1. As the license regulator, the Director of the Department or DCYF designee has the right to:
 - a. Enter the licensed home for planned or unplanned visits. Unplanned visits only occur if the Department has reason to believe there is imminent danger to the physical and/or emotional well-being of the child in care.
 - b. Inspect the home and speak with the resource caregiver, household members, and children in care to determine compliance with these regulations.

- c. Investigate complaints of regulatory violations.

I. Licensing Actions

1. If at any time the resource caregiver violates the terms of the license or these regulations, the Department may implement one or more of the following licensing actions or any similar conditions that more effectively or specifically address the underlying violation(s):
 - a. Requiring a corrective action plan.
 - b. Requiring the resource caregiver comply with written conditions.
 - c. Reducing the licensed capacity of the home.
 - d. Requiring additional in-service training.
 - e. Restricting further placements pending a Department review of investigative findings and/or placement disruptions.
 - f. Requesting an updated medical and/or behavioral health reference for the caregiver if there is a medical or behavioral health change that may pose a risk in caring for a child.
 - g. Requiring the resource caregiver to evict a household member who is known or suspected to have abused or neglected a child, and to thereafter not allow unsupervised contact between the evicted household member and any child in the household.
 - h. Requiring the resource caregiver to ensure pets in the residence are cared for in a clean, safe and sanitary manner, and that pets are kept in accordance with State and local requirements, including all applicable vaccinations.
 - i. Requiring the resource caregiver to ensure the health, habitability and sanitary conditions of the residence. Removing the child in care from the home with no notice if there is reasonable cause to believe that there is imminent danger to the physical and/or emotional well-being of the child in care, as permitted by the placement discretion given to the Department by the Family Court.
2. A resource caregiver may request a pause or hold on accepting any new foster or pre-adoptive placements for up to 90 days. This request must be submitted to the Placement and/or Licensing Unit.
3. The Department, at its discretion, may defer further child placements for up to 90 days without initiating a licensing action for the following purposes:

- a. The Licensing Unit has been notified of an active Child Protective Services Investigation.
- b. A report has been made to the Hotline that, while not meeting the criteria for a formal investigation, requires the Licensing Unit or the Division of Family Services to take corrective actions so as to comply with these regulations. The Licensing Unit and the resource caregiver must meet within 10 days of the Hotline report to review the report and for the purpose of creating an action plan to resolve the issue.
- c. A child has recently been removed from the resource caregiver's home due to a disruption or non-compliance with the child's service planning goals or objectives which requires review by the Licensing Unit or the Division of Family Services.
- d. The resource caregiver has requested the removal of a child from their home, either immediately or within the required 30-day notice period. Refer to Section T of these regulations. Following the removal, DCYF licensing and the resource caregiver/agency must meet to review matching criteria and capacity within 10 business days.
- e. There has been a recent change in household composition that requires a homestudy update and/or mitigation.
- f. A medical or behavioral health change in any household member necessitates further assessment by the Licensing Unit and/or consultation with the behavioral health provider.
- g. The Division of Licensing has received a formal credible complaint regarding the resource caregiver or household member which requires review by the Licensing Unit for compliance with DCYF licensing criteria.
- h. The Family Court and/or the Office of the Child Advocate has formally requested the Division of Licensing to investigate a potential regulatory violation of DCYF licensing criteria.
- i. The Department has been made aware of a new or recent criminal charge against the resource caregiver or any household member.

J. License Revocation

- 1. A license may be revoked within 30 days after providing written notice to the licensee of their right to an administrative hearing, and after a decision by a hearing officer; or after execution of a consent agreement between

the licensee and the Licensing Unit. Such revocation may be based on any of the following reasons, including but not limited to:

- a. The criminal record background check and/or child abuse and neglect registry check reveals disqualifying information about a resource caregiver or any household member.
- b. The criminal record background check and/or child abuse and neglect registry check reveals information that is not automatically disqualifying but impacts the fitness and suitability of an applicant or household member to care for a child.
- c. The resource caregiver or any household member poses or threatens a safety risk to a child.
- d. The resource caregiver does not protect any child in the home including children not in the care of the Department from physical or emotional harm or fails to provide adequate supervision appropriate to a child's needs and level of development.
- e. The Department discovers that the biological parent or legal guardian of the child in care resides with the resource caregiver unless there is a court order or approval in advance from the Licensing Administrator or designee.
- f. The Department determines that the resource caregiver failed to cooperate with the Department in the licensing process, including, but not limited to:
 - (1) Providing false, falsified, inconsistent or misleading statements and/or documentation to the Department.
 - (2) Failure to respond timely to requests from the Licensing Division for information as it pertains to Timeliness to Licensure.
 - (3) Failure to complete licensing requirements.
 - (4) Unfavorable personal, medical, or behavioral health references.
 - (5) Non-compliance or completion of post-licensure training requirements.
 - (6) Not disclosing updated household information including change of household members.

- (7) Failure to adequately remedy any health and safety risks to the child in care.
 - (8) Made efforts to deceive the Department.
 - (9) Unwillingness to work collaboratively with the Department and community partnering agencies in post-licensure obligations. This includes but is not limited to refusing to allow such individuals access into the home to provide services and support to the child in care.
- g. The resource caregiver disclosed any identifying confidential information to an unapproved individual or agency can result in immediate licensing action, including possible revocation of the foster care or pre-adoptive license and/or removal of the child from the licensee's household. This includes but is not limited to disclosure through email, text messages, and social media. The Department must provide prior approval regarding all individuals and agencies to whom confidential or identifying information may be disclosed by the caregiver.
 - h. The resource caregiver uses or posts on social media in a way that discloses confidential information regarding the child, their family, or other identifying information.
 - i. An updated medical and/or behavioral health reference reflects a safety risk in caring for a child.
 - j. The resource caregiver allows a child in the household to have unsupervised access to a person who the resource caregiver knows or should know has a record of felony convictions in any state, is subject to any active restraining order against them based on an allegation of domestic violence or has a record of disqualifying "indicated" or substantiated child abuse or neglect findings from DCYF or an out-of-state child protection agency.
 - k. The resource caregiver fails to ensure the residence is maintained in a clean, safe and sanitary manner, and in accordance with State and local requirements.
 - l. The resource caregiver violates specific written conditions attached by DCYF to the license after DCYF had given prior written notice to the resource caregiver of safety and/or other regulation violations.
 - m. The resource caregiver fails to comply with any of these regulations or any federal or state laws relating to the care of children.

3. Licensing Action Determinations

- a. In determining whether to recommend a licensing action, the licensing administrator considers the nature, severity, and chronicity of the violation and the effect on the health, safety, and rights of children/persons served.
- b. The licensing administrator or designee sends certified written and electronic notice explaining the facts that may warrant this action and informing the resource caregiver that the Department is considering a licensing action, or that the Department has taken emergency action pending the right to request a hearing. The written notice indicates the resource caregiver's right to meet with the licensing administrator (except when emergency action was taken) or designee and provides a date and time for the meeting.
- c. At the meeting, the resource caregiver is given an opportunity to show cause why the action should not be taken (or in the case of emergency action, why the action should be reversed).
- d. If, after the meeting, the facts continue to appear to warrant licensing action, written certified notification of that licensing action, with notice of appeal rights, is sent to the resource caregiver within 10 business days.

K. Dual Licensure with Other State Agencies

1. A resource caregiver may not hold dual licenses as a Shared Living Arrangement (SLA) provider through the Department of Behavioral Healthcare, Developmental Disabilities and Hospitals and as a foster/pre-adoptive resource caregiver through the Department.
 - a. A waiver may be granted when a child in care ages out of care into an SLA and remains with the same resource family, and other children in care reside in the home.
2. A family childcare home provider, licensed through the RI Department of Human Services, is permitted to apply for a Foster and Pre-Adoptive License if the following criteria are met:
 - a. The applicant holds a family childcare home license and does not have any serious and/or indicated violations of any licensing regulations for the past two years.
 - b. If the applicant holds a family childcare home license and had a serious and/or indicated violation of any licensing regulations more than two years prior to the date of application, the applicant must explain and provide documentation of what actions the applicant took to remediate, retrain or re-educate with regard to such violations.

- c. The applicant must comply with the RI Department of Human Services' Family Child Care Home Regulations (218-RICR-70-00-2) and these regulations DCYF Foster Care and Pre-Adoptive Regulations for Licensure (214-RICR-40-00-3). The capacity for childcare may be reduced as a minor child in a foster care placement is equal to one slot.

L. Renewal Process

1. A Foster Care and Pre-Adoption License is valid for two years from the date of issuance. To maintain licensure, the resource caregiver must participate in the licensing renewal process which begins approximately six months before the license expiration date. The renewed license is valid for two years.
2. To renew the license, the resource caregiver and household members, as applicable, must complete the following before the license expiration date:
 - a. Submit to updated comprehensive background checks;
 - b. Provide updated documentation as required by §§ 3.6(B)(1)-(3) of this Part, as applicable;
 - c. Participate in a home study update assessment in the residence;
 - d. Permit the Department to complete ongoing safety inspections of the residence; and
 - e. Demonstrate evidence of ongoing training as required by the Department.
3. The resource caregiver must comply with these licensing regulations when requesting a license renewal.

M. Appeals of Department Decisions

1. Any applicant or resource caregiver may appeal any action or decision by the Department detrimental to the individual's status as an applicant or license holder.
2. Administrative appeal hearings are conducted by the Executive Office of Health and Human Services (EOHHS), as set forth in the Administrative Appeal Process (210-RICR-10-05-2).
3. The applicant or resource caregiver shall be referred to the EOHHS website, or the Division of Licensing shall provide a copy of the appeals form. The link can be found at: <https://eohhs.ri.gov/reference-center/eohhs-appeals-office>.

4. All completed appeals request forms must be sent directly to EOHHS by the applicant or licensee.

3.7 General Requirements

A. Family Composition

1. One or two adults as head of household may receive a Foster and Pre-Adoptive License.
2. Each home's capacity to accommodate a foster or pre-adoptive child is assessed individually.
3. The applicant must demonstrate the ability to meet the needs of all children living in the home.
4. Resource caregivers' homes shall contain no more than:
 - a. Five total minor children under 18 (including their children);
 - b. Two children under the age of two;
 - c. Four children over the age of 13; and
 - d. Two foster children with highly advanced needs as determined by the Department through a formalized assessment.
5. Exceptions to family composition limits are approved case-by-case through a Department-facilitated review.
 - a. Resource caregivers are subject to additional assessments when changes to family or household composition limits are being considered.
 - b. Exceptions are made only:
 - (1) to keep siblings together.
 - (2) to place children with their relatives.
 - (3) to keep parenting youth together with their children.
 - (4) for any other extenuating reasons that directly support plans for children or youth to be connected to relationships that are safe, nurturing, and intended to be enduring.
6. Resource families that have more than five minor children in the home at the time of the effective date of these regulations are required to comply with the requirements of § 3.7(A)(4) of this Part upon license renewal.

B. Age

1. The resource caregiver must be at least 21 years of age.

C. Health

1. The American Disabilities Act and Section 504 of the Rehabilitation Act requires the Department and contracted agencies to provide reasonable accommodations to a prospective resource caregiver with disabilities.
2. The resource caregiver must provide medical evidence that they are free of physical and mental conditions that affects their ability to provide care. Such evidence includes but is not limited to a signed physical/behavioral health form by their primary doctor and/or treatment provider that reflects an individualized assessment of their ability to care for a child in care.
3. Additional clinical reports and evaluations may be required if there is a question regarding the mental or emotional health of the applicant or other adult members of the household.

D. Income and Fiscal Management

1. The resource caregiver has the income or resources to make timely payments for housing, food, utilities, clothing, and other household expenses before placing any child or children in the home.
2. The foster maintenance/daily stipend and any other funding from the Department related to the child in care is used to meet the needs of the child in care.

E. Fire and Safety Inspections

1. Fire safety inspections are conducted by the Department as part of the licensure process. Issuance of a foster/adoption license is contingent upon approval of the applicant's residence having met minimum requirements set forth by the Department.
2. The resource caregiver's home and grounds must be free of observable hazards to ensure a child's safety. A safe, adequate and convenient means of exit shall be noted. The resource caregiver home must be tidy, well ventilated, properly lighted, and kept at an appropriate temperature. Corridors, passageways, stairways and fire escapes must be kept clear of all storage at all times with a safe, adequate and convenient means of exit.
3. Foster homes must be equipped with smoke alarms and carbon monoxide detectors.

- a. Single and two-family homes must have operable battery pack or hard-wired smoke and carbon monoxide detectors.
 - b. Three-family dwellings must have at minimum an operable hard-wired or wireless smoke and carbon monoxide detector system and/or a sprinkler system.
 - c. All other occupancies must at minimum have a verified operable alarm detector and/or sprinkler system. While the resource caregiver may not have any control or ability to allow the safety inspectors outside of their individual dwelling unit, the building must still meet such minimum requirement.
- 4. The resource caregiver's home must have at least one operable fire extinguisher that is readily accessible. Verification that the extinguisher is in operating condition either by the gauge on the extinguisher or a service tag from a competent authority. An extinguisher with a broken seal does not meet this standard.
- 5. The Department safety inspector measures each bedroom to ensure there is adequate space and a documented means of escape.
- 6. The use of electrical extension cords for appliances is not permitted.
- 7. Household heating equipment must be equipped with appropriate safeguards, maintained as recommended by the manufacturer. Only with prior approval by the DCYF licensing safety inspector may Nationally Recognized Testing Laboratory (NRTL) listed portable space heaters be considered as a supplementary heat source and must not be used in proximity to Christmas trees and/or other natural vegetation. Portable space heaters may not be used in rooms where children are sleeping. Portable and fixed space heaters in areas occupied by children are separated by fire-resistant partitions or barriers to prevent contact with the heater.
- 8. A child must be protected through physical barriers or adult supervision from potentially hazardous outdoor areas, such as bodies of water, open pits or wells, cliffs or caves, high-speed or heavily traveled roads, and electrical equipment and machinery.
- 9. Swimming pools (above ground, in-ground, or wading), hot tubs, and spas must meet the following to ensure they are safe and hazard-free and additionally must meet all state, and/or local safety requirements.
 - a. Swimming pools must have a barrier on all sides.
 - b. Swimming pools must have access methods through the barrier equipped with a safety device, such as a bolt lock.

- c. If the swimming pool cannot be emptied after each use, the pool must have a working pump and filtering system.
 - d. Hot tubs and spas must have locked safety covers that when not in use.
- 10. The residence must be maintained with the following:
 - a. Utilities in operating condition, including but not limited to:
 - (1) Safe heating source and hot water;
 - (2) Lighting;
 - (3) Ventilation; and
 - (4) Plumbing to ensure the continuous supply of safe drinking water.
 - b. At least one bathroom with one toilet, sink, shower or tub, all in operating condition.
 - c. A properly operating kitchen with a sink, refrigerator, stovetop, and oven.
- 11. The Department requires that a resource caregiver home is equipped with a basic first aid kit.
- 12. The resource caregiver must not keep any illegal substances and/or paraphernalia in the home, or in any location that the child in care is present, including vehicles.
- 13. The resource caregiver must ensure that the child in care cannot access, as appropriate for the child's age and development, any over-the-counter or prescribed medications, recreational and herbal substances, poisonous materials, cleaning supplies, other hazardous materials, and alcoholic beverages.
- 14. Legal recreational drugs/paraphernalia must be stored in a manner that ensures the safety of children and demonstrates prudent parenting, similar to storing over the counter and prescribed medications. All must be stored and locked out of the reach of all children in the home. This storage requirement applies not only to resource caregivers but all household members and guests. No edibles or other legal recreational drugs are to be stored in common areas, such as the refrigerator. The resource caregiver/household member must have a separate refrigerator locked and out of reach/access to the children for storage.

15. Resource caregivers are encouraged to have naloxone to administer in an emergency. Naloxone is a nasal spray that can be administered safely with no medical training for someone experiencing signs of an opioid overdose. If any child in care has a history of substance use, resource caregivers are encouraged to have at least two unexpired doses of naloxone to administer in an emergency.
16. A child in care must not be exposed to vaping or secondhand smoke of any kind in the resource caregiver's home or vehicle by any household member or guest of that family.
17. All locking doors within the residence must be unlockable from both sides.
18. The residence must be free of rodents and insect infestation.
19. Garbage must be removed from the house regularly and stored outside in covered containers or closed bags.

F. Home Safety Inspections

1. The resource caregiver must permit Department Licensing staff access to all areas of the home and property for a visual inspection.
2. The entire residence, including the cellar/basement, must be uncluttered to limit fire hazards and ensure safe passage out of the home in the case of an emergency.
3. Window unit air conditioners may not be placed in windows where the fire escape is located.
4. The Department currently follows the language outlined in the Lead Hazard Mitigation Act when identifying "at risk" occupants. Resource caregiver's residence must comply with local and state lead certifications requirements established by the Lead Poisoning Prevention Regulations (216-RICR-50-15-3) and Lead Hazard Mitigation (R.I. Gen. Laws Chapter 42-128.1). Homes that fail to meet such requirements may be considered to care for youth aged six and older but shall not be licensed to care for any child younger than age six.

G. Emergency and Disaster Procedures

1. The resource caregiver must have an approved written disaster and emergency response plan for the household in the event of an emergency. The plan must be reviewed with the resource caregiver's household members and children in care. The resource caregiver must be familiar with the local city/town emergency evacuation plan.

2. Upon placement, a written emergency evacuation plan must be reviewed with the child within 24 hours of placement in the home and posted in a prominent place in the home. The plan must identify multiple exits from the home and designate a central meeting place close to the home that is known to the child yet at a safe distance from potential danger.
3. After notifying emergency personnel, as applicable, the resource caregiver contacts the Department's Division of Licensing and the child's primary service worker as soon as possible after an emergency or disaster.
4. If the emergency or disaster occurs outside of regular business hours, or if the resource caregiver is unable to reach the primary service worker and the Division of Licensing, the resource caregiver must contact the Hotline at 1-800-RI-CHILD (1-800-742-4453) and speak with an operator.

H. Firearm and Weapon Safety

1. The Division of Licensing must be informed if any household member owns or possesses any firearm or plans to own or possess any firearm. Possession or ownership of firearms or weapons must conform to state and local laws.
 - a. Loaded guns must not be kept in a foster home unless required by law enforcement officials and in accordance with their local law enforcement agency's safety protocols.
2. Any firearm, air rifle, hunting slingshot, other projectile weapon, or self-defense weapons (e.g., pepper spray or taser) must be unloaded, and in a locked area inaccessible to a child at all times when not in use by an adult. A resource caregiver may not allow a child in care to have access to or use any of the weapons listed in this paragraph.
3. Any ammunition, arrows or projectiles for weapons must be stored separately from the weapon or firearm in a locked space inaccessible to a child at all times when not in use by an adult. A resource caregiver may not allow a child in care to have access to or use any such ammunition, arrows or projectiles.
 - a. Combustible ammunition must be stored in a locked fire-safe box.

I. Telephones and Emergency Numbers

1. The resource caregiver must have access to a landline or mobile phone which is to be fully charged for use in case of an emergency.
2. A list of emergency phone numbers must be posted in a conspicuous place in the home. The list must include 911; phone number of the physician of any child in care; the number where the resource caregiver

can be reached; and the routine phone lines of the city/town's police and fire/rescue departments.

J. Pet Safety

1. Dogs, cats, and other pets or domestic animals maintained on the premises must be kept in a safe and sanitary manner.
2. Pets maintained on the premises must have up-to-date rabies vaccinations as appropriate.

K. Sleeping Arrangements

1. All bedrooms for children must have at least one operable window and one closing door and may be used only as bedrooms.
2. All bedrooms must be clutter-free and allow a clear path in the event of a fire or emergency.
3. Living rooms, dining rooms, and halls must not be used as bedrooms for a child in care or any other household member.
4. Each child must have a bed of a type and size appropriate to the child's stage of development.
5. Each child's bed must have linens appropriate for the current weather conditions (including a pillow, blanket, and sheets).
6. No child under six may sleep on a top bunk.
7. No child may sleep on a waterbed or air mattress.
8. If a child sleeps on a futon, the futon must have a full mattress and bedding.
9. These regulations hereby adopt and incorporate the American Academy of Pediatrics' "Sleep-Related Infant Deaths: Updated 2022 Recommendations for Reducing Infant Deaths in the Sleep Environment" (2023) by reference, <https://publications.aap.org/pediatrics/article/150/1/e2022057990/188304/SleepRelated-Infant-Deaths-Updated-2022> (including any further editions or amendments thereof and only to the extent that the provisions therein are not inconsistent with these regulations).
 - a. A crib must have a fitted sheet and be free from any blankets or toys.

- b. The resource caregiver receives written guidelines and information on safe sleep practices.
- 10. Co-sleeping with a child in care is strictly prohibited, regardless of the age or relationship to the child.
- 11. Toddlers may sleep in a toddler bed on a case-by-case basis based on their height and weight.
- 12. A child cannot share the bedroom with an adult except if they are under the age of one, or under emergency conditions for a brief period when a child requires medical supervision, safety intervention or is approved on a case-by-case basis by the DCYF Licensing administrator or designee.
- 13. Except for a child under one-year, sufficient sleeping space must be available so that no child in the household shares the bedroom with any adult.
- 14. Except for a child under the age of one year, space is provided within the bedroom for the child's possessions and a reasonable degree of privacy. Resource caregivers must respect children's right to privacy while sleeping, bathing, toileting, and dressing; and may assist in those tasks only with the least intervention necessary if the child is not fully capable of performing those tasks independently and safely.
- 15. If approved by the treatment team, a parenting youth in care may share a bedroom with their minor child. Co-sleeping is not permitted.
- 16. In consultation with the treatment team, the Licensing Unit may approve a child in care who turns 18 to continue to share a bedroom with another child under 18. This approval is on a child-specific case-by-case basis.
- 17. A child three years of age or older must not share a bedroom with any child of another gender except:
 - a. When it is necessary to facilitate the placement of sibling groups.
 - b. To meet the needs of transgender or gender non-conforming youth.
 - c. When the safety and health of all youth have been clinically determined.
- 18. No more than four children can sleep in one bedroom.
- 19. No basement or attic shall be used for sleeping without the approval of the DCYF Licensing administrator or designee.

- a. Children who are mobile, capable of self-preservation, and able to understand and follow directions with minimal assistance in an emergency can sleep in a finished basement or attic. Sleeping arrangements in such situations must have Licensing Unit approval and will be approved on a case-by-case basis.
 - b. To be used for sleeping, basements and attics must have two means of egress, with one exit providing access to the outside to reach the ground level safely. The second exit may be an easily accessible window that provides an unobstructed opening to the outside, operable from the inside without needing tools, and large enough to accommodate an adult. The sleeping area must be separate from the furnace and utility areas and must have working smoke/fire and carbon monoxide detectors, and proper heating/cooling and ventilation.
- 20. Adequate closet and dresser space comparable to that provided to other household children is provided for each child in care to accommodate personal belongings.
- 21. The bedroom must have an outside window or have auxiliary means of ventilation.
- 22. If a child who is placed in care exhibits sexually reactive behaviors, sleeping arrangements for each child in the household must comply with the requirements of a safety plan approved by the Department, which may include additional limitations on sleeping arrangements.

L. Use of Audio and/or Video Monitoring

- 1. Resource caregivers are prohibited from the use of audio or video monitoring in bedrooms unless written in the child or youth's service plan and approved in advance by the Licensing Unit.
- 2. Audio and video monitoring is permitted for any of the following:
 - a. Infants or children under four years of age.
 - b. Medically fragile or sick children when it relates to their health as directed in writing by the child or youth's physician.
 - c. Use of door or window alarms or motion detectors.

M. Child Abuse and Neglect

- 1. Every person in Rhode Island, including every resource caregiver, must report any suspected case of child abuse and/or neglect to the Hotline at

1-800-RI-CHILD (1-800-742-4453) within 24 hours of knowledge of the abuse and/or neglect in accordance with state law and Department policy.

3.8 Provision of Services

A. Resource Caregiver Personal Characteristics and Abilities

1. The resource caregiver must demonstrate the competence, interpersonal qualities, and life experiences that enable them to provide quality care.
 - a. The resource caregiver must exercise cultural sensitivity and responsiveness toward the child in care.
 - b. When caring for an American Indian child, tribal representatives have the right to play an active role in all aspects of the child's case, in accordance with the Indian Child Welfare Act (ICWA), 25 U.S.C. §§ 1901-1963. The resource caregiver should consider and prioritize culturally relevant resources available through or recommended by the tribe.
 - c. The resource caregiver will affirm and support a child regardless of the child's sexual orientation, gender identity, and/or gender expression.
2. The resource caregiver must meet the physical, emotional, social, developmental, treatment, educational, medical, communication and language, and cultural needs of the child in care.

B. Confidentiality

1. Information about a child in care and their family, or any case-related information, must be held in confidence by the resource caregiver and all household members, with the exception that any information about a child in care may be shared with DCYF staff (including social worker, Licensing worker, and child protective investigator), the child's guardian ad litem (including a CASA attorney and/or Court Appointed Special Advocate "CASA" social worker), the Office of the Child Advocate, any medical or behavioral healthcare provider of the child in care; and/or any police, fire or EMS (rescue) personnel when necessary to ensure the child's health or safety.
2. In accordance with R.I. Gen. Laws § 42-73-2 The Office of the Child Advocate has the legal authority to review any placement licensed by DCYF, including resource caregiver homes.
3. The resource caregiver must not share photographs, sketches, videos, identifying information, or names of children in care with anyone other than immediate family members or use in any material that will be

available to the public, including on the resource parent's social media networks, without permission of the Department.

4. The resource caregiver must obtain written permission through the Department before permitting any media outlet to interview, photograph, or publish information about a child in care for television, newspaper, newsletter, internet publication, or any other source.

C. Written Consents

1. Prior written consent from parent, guardian, and/or the Department is obtained for certain events on the child's behalf, including but not limited to:
 - a. Health care and treatment, including medical, surgical, psychiatric, psychological, and dental, unless an exception in R.I. Gen. Laws § 23-4.6-1 applies.
 - b. Use of psychotropic medications unless an exception in R.I. Gen. Laws § 23-4.6-1 applies.
 - c. Religious instruction and/or attendance at religious gatherings in a faith different from that of the child in care.
 - d. Work programs, induction into the armed services, driving a car, car ownership.
 - e. Extended visits, trips, or excursions longer than 48 hours.
 - f. Trips outside of Rhode Island that last for more than 24 hours.
2. Any written or verbal consents or authorizations given by the parents, guardians or Department that conflict with these regulations are invalid.
3. Written consents must be dated and limited to a specific time frame.
4. If deemed in the best interest of the child, Family Court approval may be obtained if a parent or guardian refuses to provide consent.

D. Supervision

1. Each child must be always supervised in a manner appropriate to the child's needs and level of development.
2. When the resource caregiver is absent from the home for any reason, the resource caregiver applies reasonable and prudent parenting to determine the appropriate supervision needs of the child.
3. Overnight sitters must be at least 18 years of age.

4. If the resource caregiver is absent from the home on a regular basis, the childcare arrangements must be approved by the Department.
5. Personal home security systems that include cameras are only permitted for use in common areas of the home, but not in any bedroom or bathroom except as provided § 3.7(M) of this Part.

E. Behavior Management

1. The resource caregiver may use discipline solely to teach a child appropriate behavior consistent with the child's age and developmental level.
2. Discipline must be:
 - a. Individualized and consistent for each child.
 - b. Appropriate to the child's developmental level and level of understanding.
 - c. Appropriate based on the child's history of trauma, neglect, or abuse.
 - d. Directed toward teaching the child acceptable behavior and self-control.
 - e. Relevant to, and not out of proportion to, the behavior.
3. Discipline should be administered only by the resource caregiver, and promptly after the incident to ensure the child understands the connection between their behavior and the consequence.
4. Corporal punishment is strictly prohibited. Corporal punishment includes but is not limited to:
 - a. Hitting, spanking, shaking, slapping, twisting, pulling, squeezing, or biting a child.
 - b. Demanding excessive physical exercise, excessive rest, or strenuous or bizarre postures of a child.
 - c. Compelling a child to eat or have in their mouth soap, food, spices, or foreign substances.
 - d. Exposing a child to extremes of temperature.
 - e. Isolating a child in a bathroom, hallway, closet, darkened area, or similar area.

- f. Binding, tying, or taping to restrict movement.
 - g. Requiring silence or inactivity for inappropriately long periods.
- 5. Other discipline practices that are strictly prohibited include but are not limited to:
 - a. Using or withholding a meal or part of a meal as a punishment or reward.
 - b. Toilet training methods that punish, demean, or humiliate a child.
 - c. Rejecting, terrorizing, ignoring, isolating, or corrupting a child.
 - d. Using abusive, profane, sarcastic language, verbal abuse, threats, or derogatory remarks about the child or child's family.
 - e. Engaging in any form of public or private humiliation, including threats of physical punishment.
 - f. While providing care for children, using and/or being under the influence of any substances that would impair an individual's ability to provide appropriate care for children.
 - g. Deprivation of sleep.
 - h. Deprivation of clothing.
- 6. A child may be restricted to an unlocked bedroom for a reasonable timeout period. While restricted, the child must have full access to a bathroom.
- 7. No child may be deprived of visits with family or other persons who have a parenting bond with the child. Cancellation of arranged visits as a form of punishment is prohibited.
- 8. A child's participation in cultural, educational, religious, and community activities may not be leveraged as a disciplinary measure.

F. Transportation

- 1. The resource caregiver must have access to reliable and smoke-free (personal or public) transportation to ensure that the child in care has access to school, community services, appointments, and the Department.
- 2. A child transported in a motor vehicle must be in an age and size-appropriate child safety restraint or seat belt.

3. Anyone transporting a child in care must possess a valid driver's license and adhere to state laws and regulations.
4. Any vehicle used to transport children must have up-to-date registration and inspection and be appropriately insured in compliance with state law.

G. Medical Care

1. The resource caregiver informs the child's primary service worker or supervisor of any medical care or treatment that is going to be provided, or was provided on an urgent or emergency basis, to the child in care.
2. Resource caregivers arrange for the child in care to receive comprehensive age-appropriate healthcare services within appropriate timeframes to promote optimal physical, mental, and developmental health. This includes but is not limited to:
 - a. Routine medical examinations, including an annual physical examination.
 - b. Dental examinations are required for children over age three every six months, or more frequently/earlier based on individual need.
 - c. Initial and ongoing developmental screenings as required by the Department to identify the need for further assessment.
 - d. Substance use screenings if required by the Department.
 - e. Any services needed to address issues or conditions identified during health screenings, assessments, or examinations.
3. The resource caregiver must ensure that each youth in their care is up to date on immunizations and tests as recommended by the Federal Centers for Disease Control and Prevention or as recommended by a physician, unless exempt on the religious grounds of the legal parent/ guardian.
4. Resource families immediately inform the child's primary service worker or supervisor of any health concerns, including substance use, regarding a child in care or youth in their home.
5. The resource caregiver makes no decisions regarding significant medical or surgical intervention, including psychotropic medication, without prior approval of the Department.
6. Prescription medications shall not be given to a child in care without a licensed prescriber's prescription or authorization. When administering prescription medication, the resource caregiver must follow the prescriber's directions.

7. In their absence, resource caregivers must familiarize anyone caring for the child in care with the child's needed therapeutic and/or medical care, and how and when to administer that care.

H. Education

1. The resource caregiver must ensure that the child in care continues to attend school. In accordance with the Every Student Succeeds Act (ESSA), the child will likely continue to attend their school of origin (the school the child attended before placement with the caregiver).
2. No child in care is permitted to be home-schooled. No child in care may attend school using a virtual learning environment unless directed by the child's school district for specific reasons (e.g., snow day, public health emergency).

I. Children's Money

1. Money earned or received as a gift or an allowance is the child's personal property.
2. The resource caregiver should provide a child in care above the age of five with a reasonable allowance or have another method to provide reasonable financial resources to the child in care to support normalcy.
3. The resource caregiver shall not require a child in care to assume any part of the expenses relating to their care.

J. Visitation and Contacts

1. The resource caregiver must support visitation between the child in care and their family as outlined in the child's service plan and/or court order.
2. Reasonable opportunity must be provided for the child to use the resource caregiver's home or mobile telephone to contact family and friends.
3. The resource caregiver must not restrict or censor correspondence to or from the child in care except in accordance with the child's service plan.
4. The resource caregiver must not restrict communication between the child in care and the Department, including, but not limited to, the Division of Family Services (DFS), the hotline or investigators, the Office of the Child Advocate, and/or the child's guardian ad litem (which may include CASA attorney and CASA social worker).

K. Religion

1. The resource caregiver must not require or deny any religious observance or practice of a child in care except upon the written request of the parent or guardian.
2. The resource caregiver must notify and receive written approval from the Department via the primary service worker before any change is made in the religious affiliation of a child in care.
3. The religious beliefs and rights of children are legally protected.
4. Each child must be afforded religious instruction in their faith (if any), or that faith (if any) of their parent or guardian, unless there is written consent of the parent (or guardian if residual parental rights have been legally terminated) for the child to participate in religious instruction in another faith and to attend the facility of another faith.
5. Children are permitted to participate in religious services either singularly or in groups.

L. Employment and Household Chores

1. The resource caregiver shall not prevent or force a child in care to work.
2. A child in care is not required to perform household chores in a manner dissimilar to any other child in the household of similar age or ability.
3. Household chore requirements must be appropriate to the age and developmental abilities of the child. Household chores may not be assigned priority over schoolwork or family visitation for a child in care.

M. Clothing

1. The resource caregiver must ensure that each child has clean, well-fitting, and seasonal clothing, including inner and outerwear, and shoes, that is age-appropriate and responsive to the child's chosen gender identity. The resource caregiver must include the child in care in selecting clothing if age-appropriate.
2. Upon leaving the resource caregiver's home, the child shall be permitted to take all their clothing purchased previously or while in care.
3. All monies provided by the Department for clothing for a child in care must be expended exclusively on clothing for that child.

N. Personal Belongings

1. A child in care may bring personal belongings to the resource caregiver's home.

2. The resource caregiver shall make reasonable provisions to protect a child's property.
3. The resource caregiver shall ensure that the child in care takes their personal belongings when the child leaves the home.
4. Any gift given to the child is considered the child's personal property.

O. Personal Hygiene and Grooming

1. The resource caregiver shall ensure each child has the necessary and age-appropriate items to maintain personal hygiene.
2. The resource caregiver shall ensure the proper hygiene of a child in care who cannot maintain hygiene independently.
3. The resource caregiver should be aware of and should use the correct products for the ethnic and cultural needs of each child in care.
4. The resource caregiver may not significantly alter the child in care's appearance without permission from the parent/legal guardian. This includes but is not limited to changes in hairstyle, hair color, or piercings.
 - a. The parent or legal guardian must grant permission for a significant change in hairstyle or length if the child is under 12 years of age. If the child is 12 years or older, the child can determine their hair cut and style if they do not violate school or employment rules.
 - b. Any child in care for whom the Indian Child Welfare Act (ICWA) applies cannot significantly alter their appearance without parental or tribal approval.

P. Social and Recreational Activities

1. The resource caregiver shall provide the child with opportunities and encouragement to engage in social and recreational activities generally considered typical for the child's age and developmental needs and promotes well-being.
2. The resource caregiver shall provide regular opportunities for social and recreational activities appropriate to the age and abilities of the child in care.
3. The resource caregiver shall make reasonable and prudent parenting decisions regarding a child's participation in social and recreational activities. The Department's approval of such decisions is not required.

Q. Meals

1. The resource caregiver shall provide the child in care with well-balanced and nutritious meals and snacks throughout the day at regular intervals.
2. The resource caregiver must not exclude the child from family meals.
3. The resource caregiver shall provide at least three balanced meals per day in quantities sufficient to meet the recommended daily allowances for the nutritional needs of children. The period between meals shall never be than 14 hours (overnight).
4. When a qualified health care provider has prescribed a special diet for a child, the resource caregiver home must provide the special diet.
5. The resource caregiver home must consider the child's nutritional needs in relation to the age, religious beliefs, and cultural background of the child.
6. Meals served to children in care should be substantially the same as those served to other family members unless a variation based on age, medical needs, dietary preferences (e.g., vegetarianism), or religious beliefs is required.
7. Meals must be served unhurriedly, and under clean and sanitary conditions.
8. Children should be encouraged to eat the food served but are never coerced or force-fed.
9. Children may be allowed to assist in meal preparation if safe and age appropriate.

R. Respite Care

1. As part of the home study process, the resource caregiver must develop a written respite care plan. This plan must outline, at a minimum, the child's daily routines, preferred foods, favorite activities, safety measures, and any required therapeutic or medical care. Additionally, the plan should include enriching activities tailored to the child's interests, age, developmental stage, physical abilities, interpersonal characteristics, cultural background, and any special needs.
2. Responsibilities and Qualifications of the Respite Care Provider
 - a. The respite provider must be a DCYF-licensed resource parent or is a relative or fictive kin at least 21 years of age.
 - b. Respite providers and all adult (age 18 and older) household members are subject to the same background checks as resource caregivers as required by these regulations.

- c. While the child is in the respite providers' care, the respite provider is responsible for child's safety and wellbeing.
- d. The respite provider must meet all needs of the child, including support for continued participation in educational, extracurricular, employment activities.
- e. The respite provider must do their best to maintain the child/youth's daily routines.
- f. The respite provider must maintain any activities related to the child's safety plan and needed therapeutic or medical care.
- g. The respite provider must provide enriching activities appropriate to the child's interests, age, development, physical abilities, interpersonal characteristics, culture, and special needs.
- h. When children in respite care experience accidents, health problems, or changes in appearance or behavior, the respite provider must promptly record and reports this information to the primary service worker or supervisor and resource caregivers.

S. Required Notification

- 1. The resource caregiver is responsible for providing the primary service worker with the full names and exact dates of birth of all individuals staying in the home for more than 48 hours. Criminal background checks and Child Abuse and Neglect Registry checks shall be conducted on any visitor staying beyond 48 hours.
- 2. The resource caregiver must notify the Department before making plans for the care of the child in care outside of a formal respite arrangement for more than 48 hours. Criminal background checks and Child Abuse and Neglect Registry checks shall be conducted.
- 3. The resource caregiver shall notify the Department before taking the child in care out of state for more than 24 hours. Advanced approval will be required through the Department.
- 4. The resource caregiver must notify the Department immediately in any of the following instances that includes, but is not limited to:
 - a. Death of a child in the household.
 - b. Serious injury or illness that requires the medical treatment of a child in care.

- c. Serious emotional or behavioral crisis that may endanger the child in care or others.
 - d. When there is an allegation, concern, or knowledge that a child has been subjected to alleged abuse or neglect; or has been the alleged victim of assault or other physical or sexual abuse; or may have committed any serious assault (or one resulting in injury) against another child inside or outside the household.
 - e. Unauthorized absence of the child in care from the home, including a period in which a child is missing or absent beyond expected return times.
 - f. Removal of the child in care without the knowledge of and approval from the Department or any attempts at such removal.
 - g. Any fire, flood, natural disaster, or other emergency requiring the overnight evacuation of the premises.
 - h. Any exclusion of a child in care from school, including in-school and out-of-school suspension, expulsion, or absence for more than three days.
 - i. Arrests or other police involvement of the child.
 - j. Any changes in the household composition.
 - k. Any pending criminal charges or arrests of the resource caregiver and/or any household member.
6. The resource caregiver must inform the Department as soon as possible any of the following circumstances:
- a. Any serious illness or death in the household.
 - b. The permanent departure of any member of the household.
 - c. Legal proceedings affecting the resource family, such as eviction or divorce.
 - d. Any other circumstance or incident seriously affecting the child or the child's care.

T. Removal Requests

- 1. If the resource caregiver wishes to request the removal of a child in care, they submit a written notice within 30 days to the primary service worker

or supervisor outlining the reasons why the child's removal is being requested.

2. Resource caregivers and the child in care are supported during placement changes, including but not limited to:
 - a. Sufficient advanced notice to all parties, provided at least 14 days before the move, when possible.
 - b. Formal discussions about the move or disruption, each person's feelings about the change, and, as needed, interventions to address the reasons for the move.
 - c. Connection to additional services or supports as needed.

214-RICR-40-00-3

TITLE 214 - DEPARTMENT OF CHILDREN, YOUTH, AND FAMILIES

CHAPTER 40 - LICENSING

SUBCHAPTER 00 - N/A

PART 3 - FOSTER CARE AND ADOPTION REGULATIONS FOR LICENSURE (214-RICR-40-00-3)

Type of Filing: Amendment

Agency Signature

Agency Head Signature

Agency Signing Date

Department of State

Regulation Effective Date

Department of State Initials

Department of State Date