

Notice of Intent

Department of Children and Family Services

Licensing Section

**Child Placing Clarifications
(LAC 67:V.7311, 7313, 7315, 7321, and 7323)**

In accordance with the provisions of the Administrative Procedure Act R.S. 49:953 (A) and R.S. 46:1407 (D), the Department of Children and Family Services (DCFS) proposes to amend LAC 67, Part V, Subpart 8, Chapter 73, Child Placing Agencies, Section 7311, 7313, 7315, 7321, and 7323.

The proposed rule clarifies requirements related to insurance coverage, location of first aid supplies, criminal background check timeframes, mandated reporter training, training topics for youth in the transitional placing program, and the location of first aid supplies in transitional placing programs. The proposed rule also adds timeframes for providing influenza information to foster/adoptive parents, adds an alternative safe sleep course, extends timeframes for obtaining statements of health, and adds a requirement for youth in the extended foster care program to be able to remain in their foster/adoptive placement.

Title 67

SOCIAL SERVICES

Part V. Child Welfare

Subpart 8. Residential Licensing

Chapter 73. Child Placing Agencies—General Provisions

**§7311. Licensing Requirements—Foster Care, Adoption,
Transitional Placing**

A. - A.16. ...

A.17. The provider shall have documentation of current general liability coverage. Documentation shall consist of the current insurance policy or current binder which includes

the name of the agency, address of the agency, the name of the insurance company, policy number, period of coverage, and explanation of the coverage.

18. The provider shall have documentation of current property insurance or current rental insurance coverage for each transitional placing location. Documentation shall consist of the current insurance policy or current binder which includes the name of the agency, address of location(s) covered, the name of the insurance company, policy number, period of coverage, and explanation of the coverage.

B. - B.5.g.iii. ...

iv. CBC clearance dated no earlier than 45 days prior to hire or if a currently hired staff person assuming the position of program director, then a copy of the satisfactory CBC which is on file for individual's previous position with the agency;

v. Louisiana State Central Registry clearance dated no earlier than 45 days prior to hire or if a currently hired staff person assuming the position of program director, then a copy of the SCR clearance which is on file for individual's previous position with the agency; and

vi. if an individual resided in a state other than Louisiana in the previous five years, State Central Registry clearance from those states dated no earlier than 120 days prior to hire; however, individuals who continue to reside outside of the state of Louisiana and work for a licensed provider in the state of Louisiana, their clearances shall be dated no earlier than 45 days prior to hire and/or having access to children/youth or if a currently hired staff person assuming the position of program director, then a copy of the SCR clearance which is on file for individual's previous position with the agency.

B.5.h. - N.4. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:477 and R.S. 46:1401 et seq.

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Licensing Section, LR 45:359 (March 2019), effective April 1, 2019, LR 46:681 (May 2020), effective June 1, 2020, amended LR 47:

§7313. Administration and Operation

A. - B.1.b.i. ...

ii. each transitional placing location seeking to be licensed for or currently licensed for a capacity of four or more youth shall have documentation of approval;

B.1.c. city fire department; if applicable:

i. each transitional placing location seeking to be licensed for or currently licensed for a capacity of four or more youth in a one or two family dwelling shall have documentation of approval;

B.1.d. - C.12. ...

C.13. In accordance with R.S. 46:1428, DCFS will provide information regarding influenza to providers prior to November 1 each year. The child-placing agency shall provide to all foster/adoptive parents, child's legal guardian with the exception of DCFS, and to all youth aged eighteen or above, the written information provided by DCFS relative to the risks associated with influenza and the availability, effectiveness, known contraindications, and possible side effects of the influenza immunization within seven calendar days of receipt from DCFS. This information shall include the causes and symptoms of influenza, the means by which influenza is spread, the places a parent or legal guardian may obtain additional information, and where a child/youth may be immunized against influenza.

14. As required by chapter 55 of Title 46 of R.S. 46:2701-2711, the child-placing agency shall post the current copy of "The Safety Box" newsletter issued by the Office of the Attorney General in the child-placing agency's office within seven calendar days of receipt from DCFS. The child-placing agency shall provide a copy of the safety box newsletter to all foster parents, adoptive parents, and youth in transitional placing programs within seven calendar days of receipt from DCFS. Items listed as recalled in the newsletter shall not be used and shall be immediately removed from the home/premises. Provider shall document within 14 calendar days of receipt from DCFS in the foster/adoptive parent record and transitional placing youth's record receipt of the newsletter and confirmation with the foster/adoptive parent and transitional placing youth that the home and environment were checked and the recalled products were removed.

D. - E.4. ...

E.5. All records shall be maintained in an accessible, standardized order and format. If a provider maintains records in an electronic format only, a staff person shall be immediately available at all times during the licensing inspection to locate information on the computer that is requested by Licensing staff and print information if requested. Provider shall also have a contingency plan that would allow Licensing staff to continue to review records in the event a power outage occurs.

E.6. - J.1. ...

J.2. Staff shall complete orientation training within the individual's first 15 working days from date of hire. Provider's orientation program shall include the following:

J.2.a. - J.5. ...

J.6. All staff hired effective April 1, 2019, or after

working with foster/adoptive parents shall complete the Reducing the Risk of SIDS in Early Education and Child Care training available at www.pedialink.org or the Safe Sleep, Reducing the Risk of SIDS training available through DCFS at www.moodle.lcwta.org within the individual's first 15 working days after hire. Documentation of training shall be the certificate obtained upon completion of the training.

J.7. - K.4. ...

K.5. Effective April 1, 2019, all staff working with foster/adoptive parents shall complete the "Reducing the Risk of SIDS in Early Education and Child Care" training available at www.pedialink.org or the Safe Sleep, Reducing the Risk of SIDS training available through DCFS at www.moodle.lcwta.org within 45 days and updated annually. Documentation of training shall be the certificate obtained upon completion of the training.

K.6. - U.5. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:1407(D).

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Licensing Section, LR 45:368 (March 2019), effective April 1, 2019, LR 46:683 (May 2020), effective June 1, 2020, LR 47:

§7315. Foster and Adoptive Certification

A. Home Study—Foster and Adoptive Home

1. Prior to placement of a child/youth in the home, the provider shall complete a home study of the foster/adoptive parent and their home. The home study shall be signed and dated by the person completing the home study and approved, signed, and dated by a licensed clinical social worker, licensed master social worker with 3 years of experience in adoption or foster care services, licensed professional counselor, licensed psychologist, medical

psychologist, licensed psychiatrist, or licensed marriage and family therapist prior to certification of the foster/adoptive parents. All individuals who approve home studies shall be licensed in the state of Louisiana.

A.2. - A.7. ...

A.8. Foster/adoptive parents and adults of the household interviewed in person shall sign and date summary or home study written by the interviewer upon its completion to ensure accuracy.

A.9. - C. ...

C.1. An inquiry of the state central registry for members of the household 18 years of age and older, excluding children in DCFS custody shall be conducted prior to certification and annually thereafter. The SCR clearance expires one year from the date noted on the clearance. The annual SCR clearance shall be obtained prior to its' expiration. No person whose name is recorded on the state central registry with a valid (justified) finding of abuse or neglect of a child shall reside in the home.

C.2. - D.21. ...

D.22. Prior to certification, the foster/adoptive parent(s) shall receive a list of the responsibilities noted in 7315.D.1-21. There shall be documentation signed and dated by the foster/adoptive parent acknowledging receipt of the list of responsibilities by the foster/adoptive parent in the foster/adoptive parent record.

E. - E.3.n. ...

E.4. A statement of health dated within six months prior to certification and updated every three years for each adult member of the prospective foster/adoptive parent's household, excluding youth in DCFS custody, signed by a licensed physician or licensed health care professional

verifying that the individual:

E.4.a. - G.14....

15. Children with the exception of infants shall not share a bedroom with adults. Exceptions may be granted as noted below; however, a child shall not share a bed with an adult under any circumstances.

a. An exception may be granted when a child needs close supervision due to illness or medical condition and approval is received from the child-placing agency.

i. Documentation of the exception from the child-placing agency shall be in the foster/adoptive parent(s) record. Documentation shall include the following:

(a). name of child sharing the room with an adult for which approval is granted,

(b). name of adult(s) sharing the room with the child for which approval is granted,

(c). description of illness or medical condition warranting the exception being granted,

(d). timeframe for which approval is granted,

(e). signature and date of child-placing agency staff granting approval, and

(f). conditions, if any for which approval is granted.

b. An exception may be granted in accordance with DCFS Child Welfare policy if the adult is a young adult in the DCFS Extended Foster Care Program and was already sharing a room with the child upon the youth reaching adulthood. No young adult in the DCFS Extended Foster Care Program shall be newly placed in a home whereby they would be required to share a bedroom with a child.

i. Documentation of the exception from

Child Welfare shall be on file prior to the young adult in the DCFS Extended Foster Care Program attaining their 18th birthday. Documentation shall include the following:

(a). name of the CPA, if applicable for which approval is granted,

(b). name of the foster/adoptive home for which approval is granted,

(c). names and birth dates of children sharing the room with the young adult in the DCFS Extended Foster Care Program for which approval is granted,

(d). name and birth date of young adult in the DCFS Extended Foster Care Program sharing a room with the children noted for which approval is granted,

(e). signature and date of child welfare state office staff granting approval, and

(f). conditions, if any for which approval is granted.

H. - P.4. ...

P.5. Once certified, a minimum of 15 hours of child-placing agency approved training shall be received annually by the foster parents prior to certification expiration. The hours may be shared among the adult members of the family, however, each adult shall receive a minimum of five hours. If adult members of the household attend trainings together, each person shall receive individual credit for their attendance. It is not required for adult members of the household to attend trainings on different topics. All hours received by each individual adult member of the household will account for the total number of hours received per household. Documentation of training completed shall include certificate of participation or sign in log specifying foster parent's name, training topic, date, and number of hours

completed. Foster parents certified by DCFS shall follow the training requirement timeframe as noted in DCFS child welfare policy.

6. Prior to certification and updated annually, documentation of reasonable and prudent parent training for all foster parents shall be maintained. Documentation shall include the training topics, foster parent signature, and date. Reasonable and prudent parent training or training materials, as developed or approved by DCFS, shall include, but is not limited to the following topic areas:

P.6.a. - P.7. ...

8. Prior to certification, all prospective foster/adoptive parents shall complete the DCFS "mandated reporter training" available at dcfs.la.gov. DCFS certified foster/adoptive parents shall meet the requirements as set forth in DCFS policy. Documentation of training shall be the certificate obtained upon completion of the training. This training may be applied toward meeting the annual required training hours for foster parents as noted in §7315.P.5.

9. Prior to certification all prospective foster/adoptive parents shall complete the "Reducing the Risk of SIDS in Early Education and Child Care" training available at www.pedialink.org or the Safe Sleep, Reducing the Risk of SIDS training available through DCFS at www.moodle.lcwta.org. DCFS certified foster/adoptive parents shall meet the requirements as set forth in DCFS policy. Documentation of training shall be the certificate obtained upon completion of the training. This training may be applied toward meeting the annual required training hours for foster parents as noted in §7315.P.5.

10. Effective April 1, 2019, currently certified foster/adoptive parents shall complete the DCFS "mandated reporter training" available at dcfs.la.gov within 45 days and

annually thereafter. DCFS certified foster/adoptive parents shall meet the requirements as set forth in DCFS policy. Documentation of training shall be the certificate obtained upon completion of the training. This training may be applied toward meeting the annual required training hours for foster parents as noted in §7315.P.5.

11. Effective April 1, 2019, currently certified foster/adoptive parents shall complete the "Reducing the Risk of SIDS in Early Education and Child Care" training available at www.pedialink.org or the Safe Sleep, Reducing the Risk of SIDS training available through DCFS at www.moodle.lcwta.org within 45 days and annually thereafter. DCFS certified foster/adoptive parents shall meet the requirements as set forth in DCFS policy. Documentation of training shall be the certificate obtained upon completion of the training. This training may be applied toward meeting the annual required training hours for foster parents as noted in §7315.P.5.

12. - Q.1. ...

Q.2. Foster/adoptive parent(s) shall have at least one adult (age 18 or older) responsible for the supervision of children or available at all times within close proximity of the home when a foster/adoptive parent is not present. The appointed adult caregiver shall be available by phone at all times.

R. - V.1. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:1407(D).

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Licensing Section, LR 45:377 (March 2019), effective April 1, 2019, LR 46:686 (May 2020), effective June 1, 2020, LR 47:

§7321. Adoption Services

A. - H.2. ...

H.3. After the visits noted in §7321.H.2., provider shall conduct an in home supervisory visit with one adoptive parent at least once every other month. Provider shall observe the infant in the home at each supervisory visit conducted.

H.4. - M.4. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:1407(D).

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Licensing Section, LR 45:388 (March 2019), effective April 1, 2019, LR 47:

§7323. Transitional Placing Program

A. - A.5. ...

A.6. One training topic referenced in §7323.A.5.a. shall commence within seven calendar days from the date of placement. Training shall be continuous until all aforementioned topics are covered (depending on length of stay.) Training shall be tailored to youth's current level of functioning with additional training introduced as a youth progresses, achieves success in the minimum skills, and articulates a desire to learn more advanced skills. Documentation of training shall include signature of staff, signature of youth, training topics addressed, and date training occurred.

7. A written description of training provided to youth transitioning from the program shall be included in policy. Topics shall include, but are not limited to the following:

- a. developing and following a budget;
- b. identifying safe and affordable housing;
- c. negotiating a lease;
- d. understanding the terms of a lease or housing contract;

e. understanding landlord/tenant rights and responsibilities;

f. searching for a job; and

g. retaining a job.

8. Training shall be completed prior to the youth transitioning from the program. Documentation shall include signature of staff and youth, training topics, and date.

B. - C.1. ...

C.2. Each youth shall have his/her own bed located in a designated bedroom. With the exception of a studio apartment housing one youth, common areas shall not be used as a bedroom; however, if youth chooses to use a common area as a bedroom, documentation shall include a signed and dated statement by youth indicating such. In addition, written annual approval is required by the OSFM for each apartment unit/location address allowing a common area to be used as a bedroom.

C.3. - C.8. ...

C.9. First aid supplies shall be provided by the child-placing agency and maintained in each transitional placing living unit unless the TP program office is on-site, staffed 24 hours a day, and accessible to all the residents, then first aid supplies may be stored in the office. Supplies shall include, but not limited to the following:

a. - D.1.c. ...

D.2. Approval from child welfare state office staff shall be obtained and documented prior to placing a youth in DCFS custody in a transitional placing program that has been suicidal, homicidal, and/or exhibited any psychotic behaviors in the past six months.

3. Documentation from the child welfare state office shall include:

- a. name of the CPA for which approval is granted,
- b. name and birth date of youth for which approval is granted,
- c. statement explaining why the youth is appropriate for placement in the transitional placing program despite not meeting the criteria noted in Section 7323.D.1.c,
- d. signature of child welfare state office staff granting approval and date of approval which shall be prior to the placement date, and
- e. conditions, if any for which approval is granted.

D.4. - L.6.j. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:1407(D).

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Licensing Section, LR 45:392 (March 2019), effective April 1, 2019, LR 46:686 (May 2020), effective June 1, 2020, LR 47:

Family Impact Statement

The proposed rule is not anticipated to have an impact on family formation, stability, and autonomy as described in R.S. 49:972.

Poverty Impact Statement

The proposed rule is not anticipated to have an impact on poverty as defined by R.S. 49:973.

Small Business Analysis

The proposed rule is not anticipated to have an adverse impact on small businesses as defined in the Regulatory Flexibility Act.

Provider Impact Statement

The proposed rule is not anticipated to have an impact on providers of services funded by the state as described in HCR 170 of the 2014 Regular Legislative Session.

Public Comments

All interested persons may submit written comments through January 26, 2021, to Angie Badeaux, Licensing Program Director, Department of Children and Family Services, P. O. Box 3078, Baton Rouge, LA, 70821.

Public Hearing

A virtual public hearing on the proposed rule will be held at 9:00 a.m. on January 26, 2021, by the Department of Children and Family Services. All interested persons will be afforded an opportunity to submit data, views, or arguments via PC, Mac, Linux, iOS or Android at <https://stateofladcfs.zoom.us/j/94683082048>; or via telephone by dialing (713)353-0212 and entering conference code 430033. To find local AT&T numbers visit <https://www.teleconference.att.com/servlet/glbAccess?process=1&accessNumber=7133530212&accessCode=848054>. Individuals with disabilities who require special services should contact the DCFS Appeals Unit at least seven working days in advance of the hearing. For assistance, call (225) 342-4120 (Voice and TDD).

Marketa Garner Walters
Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES**

Person Preparing Statement:	<u>Angie Badeaux</u>	Department:	<u>Children and Family Services</u>
Phone:	<u>225-620-6702</u>	Office:	<u>Office of the Secretary</u>
Return Address:	<u>627 N. 4th Street, P.O. Box 3078 Baton Rouge, LA 70821</u>	Rule Title:	<u>Child Placing Clarifications</u>
		Date Rule Takes Effect:	<u>April 1, 2021</u>

SUMMARY

In accordance with Section 953 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a fiscal and economic impact statement on the rule proposed for adoption, repeal or amendment. THE FOLLOWING STATEMENTS SUMMARIZE ATTACHED WORKSHEETS, I THROUGH IV AND WILL BE PUBLISHED IN THE LOUISIANA REGISTER WITH THE PROPOSED AGENCY RULE.

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

In FY 21, this rule change is anticipated to increase the expenses of the Department of Children and Family Services (DCFS) by \$2,982 (\$1,372 State General Funds and \$1,610 Federal Funds) for publication costs. There are no other anticipated impacts on state or local government expenditures.

The proposed rule amends Chapter 73, Child Placing Agencies, Sections 7311, 7313, 7315, 7321, and 7323. The proposed rule adds clarifying language related to documentation requirements of insurance coverage, location of first aid supplies, documentation requirements of state central registry background checks, timeframe for providing information about the influenza vaccine, timeframe for posting "The Safety Box" newsletter, accessibility of electronic records, additional options for training classes, documentation requirements for placing certain youth in transitional placement, and exceptions for foster/adoptive children sharing a bedroom.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

Implementation of this rule will not effect state or local government revenue collections.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)

This proposed rule may have an economic impact on some groups. The rule change provides that child placement agencies that only maintain electronic records must have electronic records available on site at all times, which may necessitate the purchase of additional computer equipment or software. Additionally, the rule change provides more exceptions to foster/adoptive children sharing a bedroom, which may result in an economic benefit to foster/adoptive parents given that they may not be required to increase the number of bedrooms in their home.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no estimated impact on competition and employment.

Signature of Agency Head or
Designee

Date

LEGISLATIVE FISCAL
OFFICER
OR DESIGNEE

Typed Name and Title of Agency Head or
Designee

DATE OF SIGNATURE

DCFS Undersecretary