

WELFARE AND INSTITUTIONS CODE
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FOSTER HOMES

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WELFARE AND INSTITUTIONS CODE

ARTICLE I

FOSTER HOMES

[NOTE: Except as otherwise noted, the provisions of Article 1 of the Welfare and Institutions Code were enacted on May 14, 1983 by Ordinance No. 83-3.]

CHAPTER I. GENERAL PROVISIONS

Section 1-101. Definitions.

(A) "Department" means the Department of Health and Social Services of the Colorado River Indian Tribes.

(B) "Foster Home" means a home maintained by one or more persons suitable for placement of children.

(C) "Foster Household" means all the regular occupants of a licensed foster home.

(D) "Foster Parent" means the head of a foster household.

(E) "License" means a foster home license issued pursuant to this Article.

(F) "Licensed Foster Home" means a foster home licensed pursuant to this Article.

(G) "Licensing Representative" means any individual designated by the Department of Health and Social Services to carry out the necessary functions involved in licensing a foster home.

(H) "Receiving Foster Home" means a foster home suitable for emergency placement of children when taken with custody pending medical examination or court disposition.

(I) "Regular Foster Home" means a foster home suitable for placement of no more than five (5) minor children.

(J) "Special Foster Home" means a foster home suitable for placement of children who require special care for physical, mental or emotional reasons, or have been adjudicated delinquent.

Section 1-102. Department of Health and Social Services; Powers and Duties.

In addition to other powers and duties vested in the Department, the Department shall have the following powers and duties:

(I) Recruitment of potential foster homes.

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(2) Designation of licensing representatives who shall be responsible for carrying out the licensing functions of this Article.

(3) Supervision of licensed foster homes. Such supervision shall include a quarterly visit to the foster home and entry of a written report of findings in the confidential record of the foster child.

(4) Training of Indian foster parents.

(5) Placement of children in foster homes when:

(a) authorized by appropriate provisions of the Domestic Relations Code or an order of a court of competent jurisdiction;

(b) the person(s) having legal custody of a child voluntarily consent(s) in writing to such placement. Such consent(s) may be withdrawn for any reason at any time and the child shall be returned to the legal custodian(s).

(6) To assure to the fullest extent possible that:

(a) an Indian foster child is placed in an Indian foster home;

(b) a foster child is placed in a foster home wherein his or her religion is practiced.

(7) Establishment of long and short-range treatment objectives for each child placed in a foster home.

(8) Assignment of each foster child to one Department worker who shall be primarily responsible for supervision of placement and who shall maintain a confidential record containing:

(a) family history and strengths;

(b) reasons for removal of the child from the family home;

(c) medical condition of the child and natural parents, if applicable;

(d) behavioral and emotional problems of the child;

(e) data concerning schooling;

(f) legal status of the child;

(g) record of foster home placement;

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- (h) efforts that have been made to solve problems that resulted in foster home placement;
 - (i) immediate and long-range plans for care and/or treatment of the child;
 - (j) other relevant information.
- (9) Provision of medical, educational and other services through referral.
- (10) Consultation of natural and foster parents in planning for care of a foster child.

CHAPTER 2. FOSTER HOME LICENSES

Section 1-201. Application.

(A) Any person(s) desiring to operate a licensed foster home shall submit to the Department:

- (1) a written application on forms to be provided by the Department;
- (2) a report on forms to be provided by the Department of a medical examination made within the previous three (3) months;
- (3) the names of, or written statements from, three (3) references who are unrelated to the applicant and who have knowledge about the applicant's character and fitness to care for children.

(B) Upon receipt of an application for a license, a licensing representative shall arrange a visit to the proposed foster home for purposes of evaluating the applicant and the home. Evaluation of the proposed foster home shall include a safety inspection to be performed by the licensing representative.

Section 1-202. Foster Home License.

(A) A license to operate a foster home shall be issued if all the requirements of this Chapter are met.

(B) The Department may waive any of the requirements of this Chapter whenever it finds in its discretion that it is in the best interests of a foster child or children to do so, and that the health, safety and welfare of the child or children are not adversely affected.

(C) Foster home licenses shall be issued for a period of one (1) year.

(D) Written notice of the issuance or denial of a foster home license shall be given to the applicant by the Department. If a license is denied, specific

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grounds and reasons for the denial shall be included in such notice. Notice may be given by personal delivery or certified or registered mail.

(E) A license to operate a foster home shall specify:

- home; (1) the name of the foster parent(s) and the address of the foster
- (2) the dates of issuance and expiration of the license;
- Special; (3) classification of the foster home as Regular, Receiving or
- (4) the maximum number, if any, of children that may be placed in the home at any one time.

Section 1-203. Qualifications.

(A) Foster Parents shall meet the following minimum qualifications:

- (1) A parent must be at least eighteen (18) years of age.
- (2) The physical health of a parent must be adequate to meet the needs of a foster child and accomplish expected tasks.
- (3) A parent shall be of good mental health.
- (4) A parent shall be a responsible person of good character who displays the capacity to provide adequate care for children.
- (5) A foster parent (or more than one if there are two such parents) may not be regularly employed outside the home unless the hours of work are such that proper care and supervision of a foster child is assured.

(B) Foster Households shall meet the following minimum qualifications:

- (1) The household shall possess adequate financial resources to provide for its own needs independent of any foster care payments or subsidies.
- (2) The physical health of members of the household shall be such that the health, safety or welfare of a foster child is not affected nor are excessive demands made upon the foster parent(s).
- (3) All members of the household shall be of good mental health.

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- (4) The household shall not include any person or persons whose presence constitutes a threat to the health, safety or welfare of a foster child.

Section 1-204. Physical Standards.

Any home licensed to house a foster child shall meet the following minimum physical standards:

- (1) The home shall be constructed, arranged and maintained so as to provide adequately for the health and safety of all occupants.

- (2) The home shall be adequately furnished and maintained according to reasonable housekeeping standards.

- (3) The home shall be adequately heated or cooled as is seasonably appropriate.

- (a) All furnaces shall be inspected, cleaned and serviced as needed.

- (b) All space heaters, water heaters, wood or gas stoves or other heating systems requiring ventilation shall be ventilated to the outside of the home.

- (c) Fans, wood burning stoves, fireplaces, or any exposed heating or cooling elements shall be equipped with proper guards in the event children twelve (12) years of age or younger are to be placed in the home.

- (4) All electrical wiring in the home shall be in compliance with the standards contained in Article I of the Health and Safety Code.

- (a) Extension cords shall not be used as a general wiring method.

- (b) Extension cords in excess of seven (7) feet in length shall not be utilized.

- (c) Extension cords shall not extend from one room to another room.

- (5) The home shall have at least two (2) exits which provide easy access to the outside of the home. For purposes of this Section, one (1) exit may be a window of at least four (4) square feet which opens to the outside.

- (6) All insecticides, cleaning supplies, medicines, corrosives and flammable liquids shall be stored in areas inaccessible to children twelve (12) years of age or younger. Flammable liquids shall be stored only in metal containers with secure lids and no more than one (1) quart of flammable liquid shall be stored inside the home.

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(7) Firearms and ammunition shall be kept in a locked cabinet or other locking device.

(8) The home shall be equipped with a functioning smoke alarm.

(9) The home shall have adequate sleeping arrangements for all occupants:

- (a) A foster child shall not sleep in a building detached from the home.
- (b) A foster child's sleeping arrangements shall be within calling distance and in reasonable proximity to an adult member of the foster household.
- (c) A foster child above the age of three (3) years shall not sleep in the same room as an adult couple.
- (d) A foster child above the age of seven (7) years shall not sleep in the same room with a person of the opposite sex above the age of seven (7) years.
- (e) A foster child's bed shall be of such size and construction as to assure safety and comfort and shall be fitted with adequate coverings appropriate to the season.

Section 1-205. Non-transferrability.

A license to operate a foster home shall not be assignable or transferable to any other person or home.

Section 1-206. Renewal.

(A) A license must be renewed on an annual basis.

(B) The procedure for renewal of a license shall be the same as for the issuance of an original license.

Section 1-207. Surrender of License.

A licensee may surrender a foster home license by informing the Department in writing that said license is no longer desired.

Section 1-208. Suspension; Revocation.

(A) The Department may suspend or revoke, without prior hearing but with the right of appeal provided in Section 1-209, any license issued pursuant to this Article whenever it is determined that the licensee has violated or failed to comply with any qualification, condition, restriction or limitation contained in

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this Article, or has made false or misleading statements in order to secure such license.

(B) Prior to suspension or revocation of a license, the Department shall provide the licensee with written notice of deficiency and a reasonable opportunity to cure any remediable defect. A notice of deficiency may be given by personal service or certified or registered mail.

(C) Written notice of revocation of a license, stating the specific ground and reasons for the action, shall be given to the licensee by the Department. Such notice may be given by personal delivery or certified or registered mail.

Section 1-209. Appeals.

(A) Any decision of the Department denying a license may be appealed to the Health Committee within twenty (20) days of receipt of notice.

(B) Any decision of the Department suspending or revoking a license may be appealed to the Tribal Court within twenty (20) days of receipt of notice. The Tribal Court may reinstate a suspended or revoked license, if warranted, but may not assess damages or costs against the Department or the Tribes. For purposes of this Section only, the Tribes waive their immunity from suit.

CHAPTER 3. CONDUCT OF FOSTER HOMES

(A) The number of foster children who may be placed at any time in a licensed foster home shall be determined by the relative needs of the foster children and the ability of the foster parent(s) to provide effective care. No more than five (5) foster children shall be placed at any time in a licensed foster home except in compelling circumstances. Compelling circumstances may include the preservation of family unity.

(B) A foster child should be encouraged to attend the church of his or her faith and/or otherwise practice his or her religion.

(C) A foster parent shall see that all the dietary needs of a foster child, including special nutritional needs prescribed by a physician, are met.

(D) A foster child shall have comfortable and reasonably maintained clothing and personal possessions of his or her own. A foster parent shall be responsible for expending funds received for foster care so that a foster child has such clothing and personal possessions.

(E) A foster child shall not be subjected to cruel or unusual punishment nor be disciplined through deprivation of food, clothing, sleep or other essentials.

(F) A foster parent shall ensure that a foster child regularly attends school when in session.

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(G) A foster child twelve (12) years of age or younger or a foster child who is physically or mentally handicapped shall not be left unattended.

Section 1-302. Duty to Report; Confidentiality.

(A) A foster parent shall immediately report to the Department any changes in the foster household that might affect the health, safety or welfare of a foster child. Such changes shall include, but not be limited to, the following:

- (1) Change of residence or address of a foster parent;
- (2) Illness or accident of other than a minor nature occurring to any member of the foster household;
- (3) Illness or accident of other than a minor nature occurring to a foster child.

(B) A foster parent shall, to the fullest extent possible, maintain confidentiality concerning a foster child's background and placement.

Section 1-303. Visitation.

(A) The visitation rights of a natural parent shall be respected unless such rights have been withdrawn by Court order.

(B) Visits between a foster child and a natural parent or other family member shall be arranged in advance and approved by the foster parent(s) and the Department.

(C) A foster parent shall be under no obligation to allow visits not made in accordance with the requirements of this Section.

Section 1-304. Examinations and Records.

(A) Physical examinations and/or psychological diagnostic tests may be required of any member of a licensed foster household when any of the following conditions exist:

- (1) Any member of the foster household has had a serious health problem or contracted a communicable disease during the preceding twelve (12) months;
- (2) The licensing representative has reason to believe that a foster parent may not be physically or emotionally capable of caring for a foster child;
- (3) The licensing representative has reason to believe that the health or safety of a foster child is currently in jeopardy.

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(B) Authorization to examine any law enforcement and/or court records of any foster household member may be required in the event that there is a question regarding a foster child's health, safety or welfare.

(C) Failure by any member of a licensed foster household to submit to or authorize any examination or tests required under this Section shall be grounds for denial or revocation of a license to operate a foster home.

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