

# Congregate Care Facility Orientation

Lani Deines, LMSW | Topeka | 02.24.2022



# Objective of Orientation



This Congregate Care Facility Orientation training is required to be completed by anyone who desires to open a licensed facility for children. The training will serve as a guide for prospective applicants to assist in making an informed decision about opening a facility; which requires extensive planning, community outreach, financial resources, and knowledge and skill to write needed policies and procedures for the proposed facility.

This training will also assist in educating prospective applicants about the difference in being licensed as a facility and additionally having Provider Agreement with DCF compared with a licensed facility which does not have a DCF provider Agreement. The Provider Agreement provides for the state reimbursement for foster children in State custody.



# Facility Licensure

- A license is required if taking children **under the age of 16**, regardless of whether the children are in DCF custody or in the custody of their parents or legal guardians.
- **K.S.A. 65-501. License or temporary permit required; exemptions.** It shall be unlawful for any person, firm, corporation or association to conduct or maintain a maternity center or a childcare facility for children under 16 years of age without having a license or temporary permit therefor from the secretary of health and environment.
- Obtaining a license **does not guarantee DCF** will place children at such licensed facility. The decision to enter, or not enter, into a Provider Agreement with a facility will be based upon several factors including, but not limited to, the needs of children in DCF custody, type of facility most appropriate for child, location of facility as it relates to children in DCF custody having a need for placement, etc.



# Definitions Part 1

## CHILD:

- Each individual under 16 years of age.

## CHILD PLACING AGENCY:

- The person, social agency or court possessing the legal right to place a child.

## EMERGENCY CARE:

- Residential care not to exceed 30 days.

## EMERGENCY SHELTER:

- Residential care and protection not to exceed 30 days.

## FACILITY:

- A congregate care setting providing care for children.

# Definitions Part 2

## CHILD IN FOSTER CARE:

- Any individual under 16 years of age who is placed for care; or any individual who is at least 16 years of age but not yet 23 years of age and who is in the custody of the state of Kansas and is placed for care in a family foster home.

## CONGREGATE CARE:

- A placement setting that consists of 24-hour supervision for children in highly structured settings such as group homes, residential treatment facilities, or maternity homes.

## EXCEPTION:

- A request to meet the intent of a specific regulation or any portion of a specific regulation in an alternative manner that has been determined to be in the best interest of a child and granted by the secretary.

## LICENSE:

- A document issued by the Kansas Department for Children and Families which authorizes a licensee to operate a child care facility as defined in K.S.A. 65-503.

# Definitions Part 3

## JUVENILE INTAKE AND ASSESSMENT (JIAC) (Under the Kansas Department of Corrections):

- A program that operates throughout each of the 31 Judicial Districts in Kansas which provides intake evaluations for alleged juvenile offenders and children in need of care who are taken into custody by law enforcement agencies.

## MATERNITY HOME:

- A facility whose primary function is to provide services to women during pregnancy.

## NON-SECURE FACILITY:

- Facility which provides the resident access to the surrounding community.

## POLICE PROTECTIVE CUSTODY (PPC):

- When children are removed from their home, placed in the temporary legal custody of the police for up to 72 hours, not including weekends and holidays, until a custody hearing can be completed.

# Definitions Part 4

## PROVIDER AGREEMENT:

- Contract for placement and services to children in the custody of the DCF secretary.

## PRIVATE PLACEMENTS:

- Children, who are placed in out of home care by parent, legal guardian, or legal custodian.

## PROGRAM:

- The comprehensive and coordinated sets of activities and services providing for the care, protection and development of the residents.

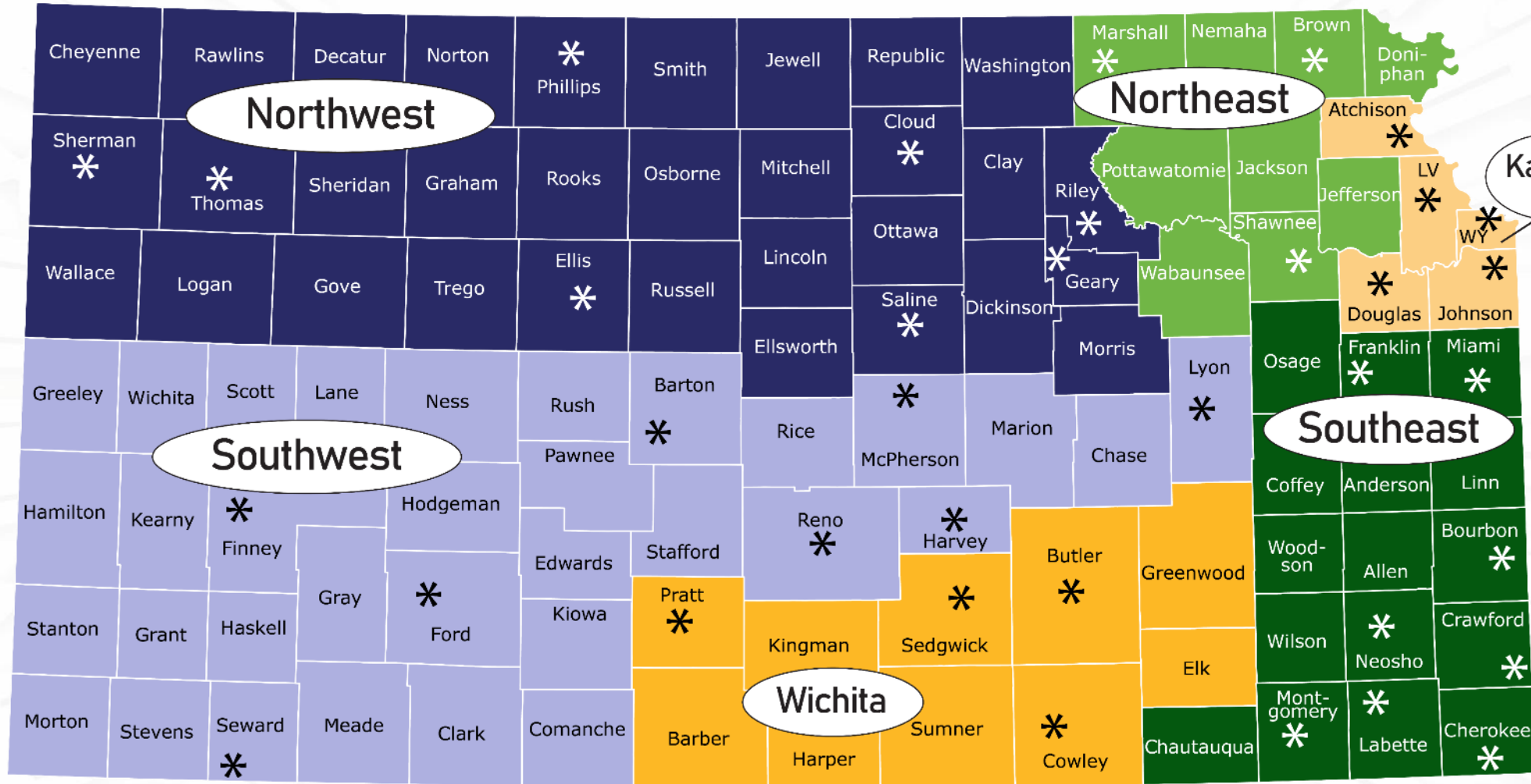
## RESIDENT:

- Any child, youth or pregnant woman accepted for care in the residential facility.

## TEMPORARY CARE:

- Residential care not to exceed 90 days.

# DCF Regions



\* DCF Service Center



# DCF Mission Statement

## **Our Mission**

To protect children, strengthen families, and promote adult self-sufficiency.

## OUR MISSION:

To protect children, strengthen families  
and promote adult self-sufficiency.

# WHAT WE BELIEVE:



### PEOPLE HAVE THE CAPACITY:

- To progress
- To succeed
- To grow
- To do well in life



### PEOPLE ARE THE EXPERTS ON THEIR LIVES AND HAVE:

- Voices
- Choices
- Needs
- Strengths
- Life Stories



### WE VALUE COMMUNITIES AND THE PEOPLE THAT MAKE THEM UNIQUE:

- We honor the whole person
- We rely on each other
- We are partners, not competitors
- We all benefit from a collective impact approach
- Communities bring strength through relationships and resources



### WE LEAD WITH AUTHENTICITY, CURIOSITY, AND RESPECT:

- We are innovative
- We are inclusive
- We are experts
- We are leaders
- We are authentic
- We are diverse
- We care about each other, our work and the people we serve
- We share success stories

# Types of Congregate Care Facilities

## ATTENDANT CARE:

Non-secure care **not to exceed 24 hours** excluding weekends and holidays for juveniles taken into custody.

## DETENTION:

A **secure public or private facility** which is used for the lawful custody of accused or adjudicated juvenile offenders under 16 years of age pending court disposition.

## GROUP BOARDING HOME:

**Twenty-four-hour nonsecure care** for five to ten children between the ages of infancy to 16 years of age.

# Types of Congregate Care Facilities (Cont.)

## RESIDENTIAL CENTER:

**Twenty-four-hour  
nonsecure care for  
over ten children  
between the ages of  
infancy to 16 years  
of age.**

## SECURE CARE:

A **secure youth residential facility**, other than a juvenile detention facility, used to provide care and treatment for alleged or adjudicated children in need of care pursuant to the Kansas Code for Care of Children.

## STAFF SECURE:

A type of **secure residential facility** designed to meet the care and safety needs of victims of human trafficking or sexual exploitation.



# Facilities

## FACILITIES WITH PROVIDER AGREEMENTS

Provide placement and services to children in the custody of the secretary

A Provider Agreement includes:  
Reimbursement rates for housing and services and service standards

A provider may accept private placements and serve children in the custody of the secretary at the same time.

## FACILITIES WITHOUT PROVIDER AGREEMENTS

Provide placement and services to children placed for care by a parent, legal guardian or legal custodian.

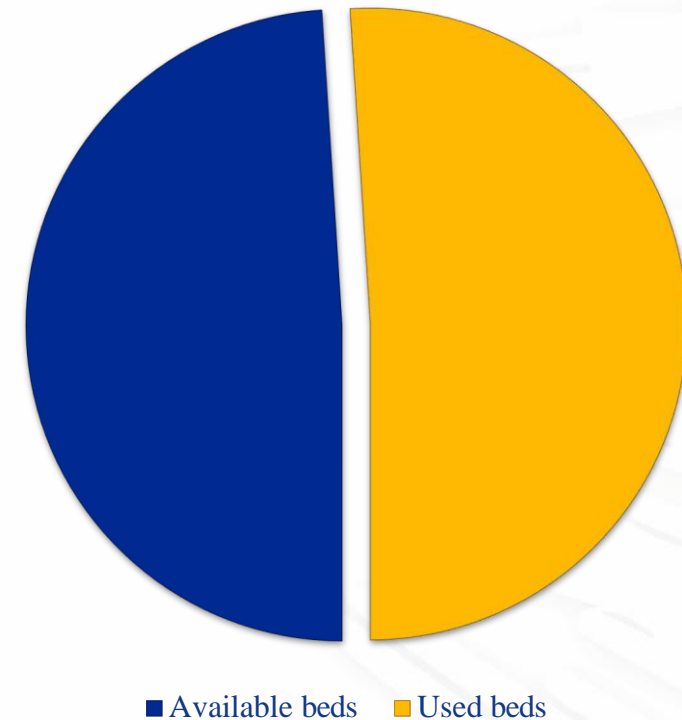
# Current Status & Agency Mission

**DCF is not entering into provider agreements with any new group homes at this time.**

There are 882 total available beds in congregate care (group homes) across the state, but due to decrease in need, there are currently fewer than 450 used beds in group homes.

**DCF is also seeing a massive shortage of staff in group homes;** group homes are not able to take youth to fill to capacity. There are a few group homes that have closed due to staffing issues and one that is temporarily closed due to this issue.

Congregate Care:  
Available Beds



# Statistics on Need



The statewide **need for foster care decreased 9%** between June 2019 and September 2020.



As the number of children in foster care decreased, the need for DCF residential facility beds serving children in foster care **reduced 15% from 513 in June 2019 to 438** in August 2020.



As of October 2020, DCF had 80 provider agreements with licensed congregate care facilities related to placement of children in DCF custody with total **bed capacity of 842**; however, DCF **need reflects use of less than 450 (52%)** of these available bed resources.



The DCF direction of services for foster children in State custody is for the children to be **placed in family-based placements**; foster homes, relative homes or Non-Relative Kinship (NRKIN) placements.



Foster Care Case Management providers (currently KVC, SFM, TFI and COC) **are expected to have 90% of children they serve placed in a family-based placement**, meaning children must be in non-residential placements and 50% of said children are to be placed with relatives.



The Kansas Department for Children and Families Secretary Laura Howard earlier announced a settlement between the State and plaintiffs in a 2018 class action lawsuit. DCF is working on compliance with the Settlement Agreement.

# Statistics on Need (Cont.)

By **October 2023**, the Settlement Agreement related to foster care and the DCF placements, requires **eliminating short term placements less than 14 days** that do not result in a move to a relative, sibling, closer in proximity or other Children and Family Services Review (CFSR) positive defined reason.

- To support success with this requirement, placement providers will begin to have **measurable outcome requirements** that support the child exiting the residential facility to a relative or other placement that meets the terms of the Settlement Agreement.
- For example, a future residential provider agreement may include requirement that 50% of children leave the group home placement/program to live with a relative. Supports and development training tools will be provided to residential partners.



# Using the Data

The agency reviews and evaluates data to determine the capacity and needs within a community and across the state related to congregate care. This data includes information about the children in care and their communities of origin; where children are placed; age, gender, wellbeing needs, reasons for entering care; and number and types of placements available in communities. DCF considers this information in partnership with our foster care case management grantees (KVC, SFM, TFI and COC) to make informed decisions about the impact of approving new congregate care facilities opening.

After reviewing all information, if it is determined there is not a need, the agency could decide a provider agreement will not be entered into.

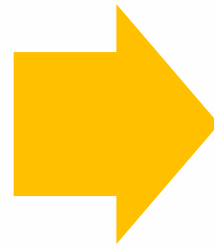


# Steps to Serve DCF Youth

## PROSPECTIVE PLACEMENT PROVIDER FOR DCF

If you want to be considered as a placement provider and would like current information about DCF's need for specific type of licensed facility in a specified area, submit a business plan to the Provider Agreement Performance Improvement Staff where the facility's headquarters is located.

(Details on next slide.)



## FACILITY LICENSURE

A license is required if taking children under the age of 16, regardless of whether the children are in DCF custody or in custody of their parents or legal guardian

*\*DCF requires prospective providers of congregate care facilities to consult with the assigned Foster Care Case Management Agencies, within the area they would like to serve, and strongly encourages conversations with prevention grantees or collaborators to understand community needs. Once the business plan is received, DCF will review and provide a response.*

# Prospective Placement Provider for DCF Part 1

If you want to be considered as a placement provider and would like current information about DCF's need for specific type of licensed facility in a specified area, **submit a business plan** to the Provider Agreement Performance Improvement Staff where the facility's headquarters is located.

Include the following information:

- Facility Type
- Address and/or County of the Facility
- Population served (ages of youth and gender)
- Program Services to match the facility type
- Purpose of the Facility (program emphasis or concentration)

\*While submitting and working on this information, it is important to note you will be working with the Provider Agreement Performance Improvement Staff where the facility's headquarters is located rather than the DCF Foster Care Licensing Department.

# Prospective Placement Provider for DCF

## Part 2

Include the following information (continued):

- A **plan and approach** for how your facility will support outcomes of children placed with (moving to) relatives as they end their program with your organization.
- **Staffing Plan** to include staff to youth ratio as per licensing and PPS standards
- Specific data on children in foster care in your community or statewide that **supports the need for a new facility type** to begin serving the children and youth you wish to impact.
- **Background and/or summary** of your organization's assessment that impacted your decision or desire to be a provider including information or factors considered and stakeholders consulted in your planning process or journey.

\*While submitting and working on this information, it is important to note you will be working with the Provider Agreement Performance Improvement Staff where the facility's headquarters is located rather than the DCF Foster Care Licensing Department.



# Placement Provider Agreement Documents

**Form W-9**  
Request for Taxpayer Identification Number and Certification

Form (Rev. October 2018)  
Department of the Treasury  
Internal Revenue Service

Go to [www.irs.gov/FormW9](http://www.irs.gov/FormW9) for instructions and the latest information.

Give Form to the requester. Do not send to the IRS.

1 Name (as shown on your income tax return). Name is required on this line; do not leave this line blank.

2 Business name/disregarded entity name, if different from above

3 Check appropriate box for federal tax classification of the person whose name is entered on line 1. Check only one of the following seven boxes.

Individual/sole proprietor or single-member LLC

C Corporation

S Corporation

Partnership

Trust/estate

Limited liability company. Enter the tax classification (C=C corporation, S=S corporation, P=Partnership) ▶ \_\_\_\_\_

Other (see instructions)

4 Exemptions (codes apply only to certain entities, not individuals; see instructions on page 3):

Exempt payee code (if any) \_\_\_\_\_

Exemption from FATCA reporting code (if any) \_\_\_\_\_

5 Address (number, street, city, state, and ZIP) \_\_\_\_\_

6 City, state, and ZIP \_\_\_\_\_

7 List account number \_\_\_\_\_

**AUTHORIZATION FOR ELECTRONIC DEPOSIT OF SUPPLIER PAYMENT**  
(Form must be completed by the Supplier. All fields are mandatory for completed sections.)

**Part I: Supplier Information**

SMART Supplier ID (Provided by state agency. Do not enter SSN or TIN.) \_\_\_\_\_

SMART Supplier Name \_\_\_\_\_ Contact \_\_\_\_\_

Street \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Telephone Number \_\_\_\_\_ Email \_\_\_\_\_

**Part II: New Enrollments** All suppliers, individual and business, must include proof of checking or savings account (voided check or bank letter).

Bank Name \_\_\_\_\_ Supplier Name as It Appears on Bank Account \_\_\_\_\_

Bank Routing Number \_\_\_\_\_ Account Number \_\_\_\_\_

- Provider Agreement Application (OGC-3001)
- Provider Staff Information Sheet (OGC-3004) – only required for Transitional Living Programs and Community Integration Programs
- PPS Service Agreement (OGC-3006) with appropriate services marked
- Debarment memo
- Tax Clearance
- W-9 form
- Authorization for Electronic Deposit of payments issued by the State
- Sign and submit a Boycott of Israel form
- Acknowledgment of Sexual Harassment policy

Contact the Regional Provider Agreement Specialist to obtain the forms and receive further instruction regarding completion of a provider agreement.

# DCF Licensing Application Requirements



Completed and signed application – Use the most recent FCL0051 Application for Facilities which can be found at the following link: [FCL Form Page](#). Ensure the application is filled out entirely and submit it and all necessary documents, which are listed at the end of the document via the address or e-mail in the header of the application.



Request for KBI/DCF Background Check (you must keep a copy on file) – Each person who will be working or volunteering in the facility over the age of 10 years old must fill out a FCL002.

The document can be found at the following link: [FCL Form Page](#).



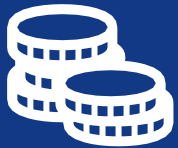
Fingerprints - Any person over the age of 18 years old that works at the facility has to have their fingerprints run. Two forms will need to be completed, FP1020 Fingerprint Request Form and Waiver.

The documents can be found at this link: [FCL Form Page](#). The list of Fingerprint LiveScan Locations may be found [at this link: Fingerprint Collection Sites](#).



State Fire Marshal Approval – For questions or concerns regarding the State Fire Marshal you can contact them at [Prevention@ks.gov](mailto:Prevention@ks.gov) or look at the website: <https://firemarshal.ks.gov/>

# DCF Licensing Application Requirements Cont.



## Licensing Fee

– K.S.A. 65-505 For more information follow the link: [Licensing Fees Statute](#)

Licensing fees (K.A.R. 28-4-92) are based on the type of facility and number of youth the facility intends to be licensed for. The licensing fees can be paid online or payments can be sent in the mail. Information about the Licensing fees can be found at the following link: [Licensing Fees Regulation](#)

Mail check or money order for license fee to: Foster Care Licensing and Background Checks Division PO Box 1424 Topeka, Kansas 66601-1424 Or Online-Payment link: [Payment Link](#)  
[Online Payment Instructions](#)



## Articles of Incorporation and Bylaws (if applicable)



## Secretary of State's Office:

Each business will need to file with the Secretary of State's Office and you will use this link to do so: [Secretary of State](#)



Floor plan of each building/Plot plan for entire outdoor premises (see Section V – Physical Plant)

# DCF Licensing Application Requirements Cont.



Directions to  
facility if rural  
location



Documentation  
the building  
meets zoning  
requirements of  
the community



Approval of  
well  
water/sewage  
disposal system  
(if applicable)



Documentation  
that local  
school district  
received at  
least 90-day  
notice of intent  
to open

# Policy & Procedure for the Facility

## Example 1

*Regulation:* K.A.R. 28-4-127. Emergencies. (e) Reporting illnesses and injuries: (1) (A) Residential facilities shall have on file at the facility written policies on reporting of illnesses and injuries of adults and children.

*Policy:*

If a child in placement becomes ill or is injured, (Facility Name) will notify the following by phone and in writing:

- Parent or legal guardian
- Placing agency
- DCF Licensing Division
- Any other parties deemed necessary

The written report will be completed by staff on duty at the time of illness or injury and will include the following:

- Child's name and DOB
- Date/time of illness or injury
- Circumstances which caused illness or injury, including location at the time, events going on at the time, staff/residents present, other pertinent data
- Staff actions following discovery of illness/injury
- Date/time notifications of illness/injury were sent and to whom
- Any medical follow-up needed
- Other details



# Policy & Procedure for the Facility

## Example 2

*Regulation:* K.A.R. 28-4-273. Admission policies. (a) Written admission policies shall be prepared by the applicant in accordance with goals and purposes of the facility. The policies shall include a nondiscrimination statement.

*Policy:*

Children ages 13 and older are admitted into this facility without regard to race, color, religion, national origin, disability or sex. Children are admitted into this facility for emergency shelter care not to exceed 30 days. Criteria for admission include:

- Child is stepping down from a stay at a psychiatric residential treatment facility and needs stabilization before foster home placement.
- Child does not display behaviors which are harmful to self or others.
- Child is at least age 13.
- Child is capable of understanding and working the program that prepares child for placement in a foster home.
- Child has not been able to be maintained in a foster home for any significant period of time in the recent past.

# Policy & Procedure for the Facility

## Example 3

*Regulation:* K.A.R. 28-4-274. Services. (c) Discipline.  
(2) There shall be a written discipline policy outlining methods of guidance appropriate to the ages of the residents. Residents shall not be permitted to discipline other residents.

*Policy:* It is the policy of this facility that only staff are to discipline residents, using proven and approved methods of discipline, including the following:

- Time out or room time
- Taking away of privileges or level
- Restitution (letters of apology, etc.)
- Extra chores

**Prohibited punishment:** The following forms of punishment are prohibited and will not be used:

- Isolation
- Hitting with the hand or any object
- Name-calling or belittling
- Withholding food, drink, sleep or restroom use
- Any type of restraint device
- Locking up in any confined space (closet, locked room, box, etc.)
- Punishment given by peers in placement

Staff will sign a statement acknowledging they are aware of prohibited punishment and will not use any of the methods above to discipline residents. (Copy of statement included with facility policies.)

# COVID Policy Information

- As COVID continues it is important that facilities include a plan to address COVID issues/guidance related to youth and/or staff
- Include this in Emergency Planning for the facility
- If facilities desire to have youth obtain the COVID vaccination, a parent (when available) and case team **HAS** to give permission for the youth to be vaccinated.



# DCF Licensing Process

After the application and all supporting documents have been received and reviewed, a Surveyor will be assigned a survey.

The Surveyor will schedule a time to complete an environmental walk-through of the facility and premises, as well as read staff files.

A Notice of Survey Findings with any noted violations will be given to the licensee. The applicant will have **5 days to respond** to how those violations will be corrected. (K.S.A. 65-513)

In response to a violation a Compliance Action Plan shall be completed. The FCL001 can be found at this link: [Compliance Action Plan](#).


At this time, a temporary permit will be issued.

A compliance survey will be assigned for the surveyor to go back to the facility once the licensee has taken children for placement. The surveyor will read child files and send another Notice of Survey Findings to the licensee. If violations are noted, the licensee will again have **5 days to respond to the violations**.

Once all the areas of noncompliance are corrected, the full license can be issued.

FCL 001  
02/21

KANSAS DEPARTMENT FOR CHILDREN AND FAMILIES  
Foster Care Licensing  
PO Box 1424 Topeka, Kansas 66601-1424  
500 SW Van Buren Street 2<sup>nd</sup> Floor Topeka, Kansas 66603  
Website: <http://www.dcf.ks.gov>



**Compliance Action Plan**

**Licensed Child Care Facility**

Child Care Facility:

The minimum standards requirement establishes a baseline for the safety and protection of children in your care. Failure to comply may affect the health or safety of those children.

The tool below is designed to assist in bringing your operation into compliance with minimum standards required by law and implementing regulations. Licensing staff will communicate with you or your sponsoring child placing agency to review and discuss your plan of action.

Failure to comply may result in progressive licensing enforcement action against your operation, up to and including fines, license denial or revocation.

**Section 1. Child Care Facility Information:**

Facility Name	Facility License Number
Facility Address: Street, City, State	Facility Email

**Section 2. Plan Details:**

Why is plan required:  Initial Survey  Annual Survey  Complaint Survey

Survey Number:

Complaint Number:

Date for Completion of the Plan:

What is the anticipated outcome if the Compliance Action Plan is not fully completed by the targeted completion date of the plan:

Page 1 of 5



# License Renewal



Licensing Fees K.S.A. 65-505

Annual Renewal K.S.A. 65-512

A license is **non-expiring and is renewed annually**. The renewal date is printed on the license.

The licensee will receive the renewal application packet a **minimum of 60 days prior** to the renewal month.

The licensee will need to submit their annual renewal application and pay the licensing fee.

An on-site licensing visit will be conducted by the department.



# Investigating Complaints

- On-Site Visits K.S.A. 65-512
- DCF Licensing investigates regulatory concerns or complaints. DCF Child Protection Services investigates allegations of abuse and/or neglect of children. Adult Protection Services investigates allegations of abuse, neglect and/or exploitation of adults. Joint investigations may occur.
- As required by K.S.A. 65-512, an On-Site visit will be conducted. Any areas of non-compliance shall be corrected within 5 days as cited in K.S.A. 65-513 on A Notice of Survey Findings.
- In response to a violation a Compliance Action Plan shall be completed. The FCL001 can be found at this link: [Compliance Action Plan](#).

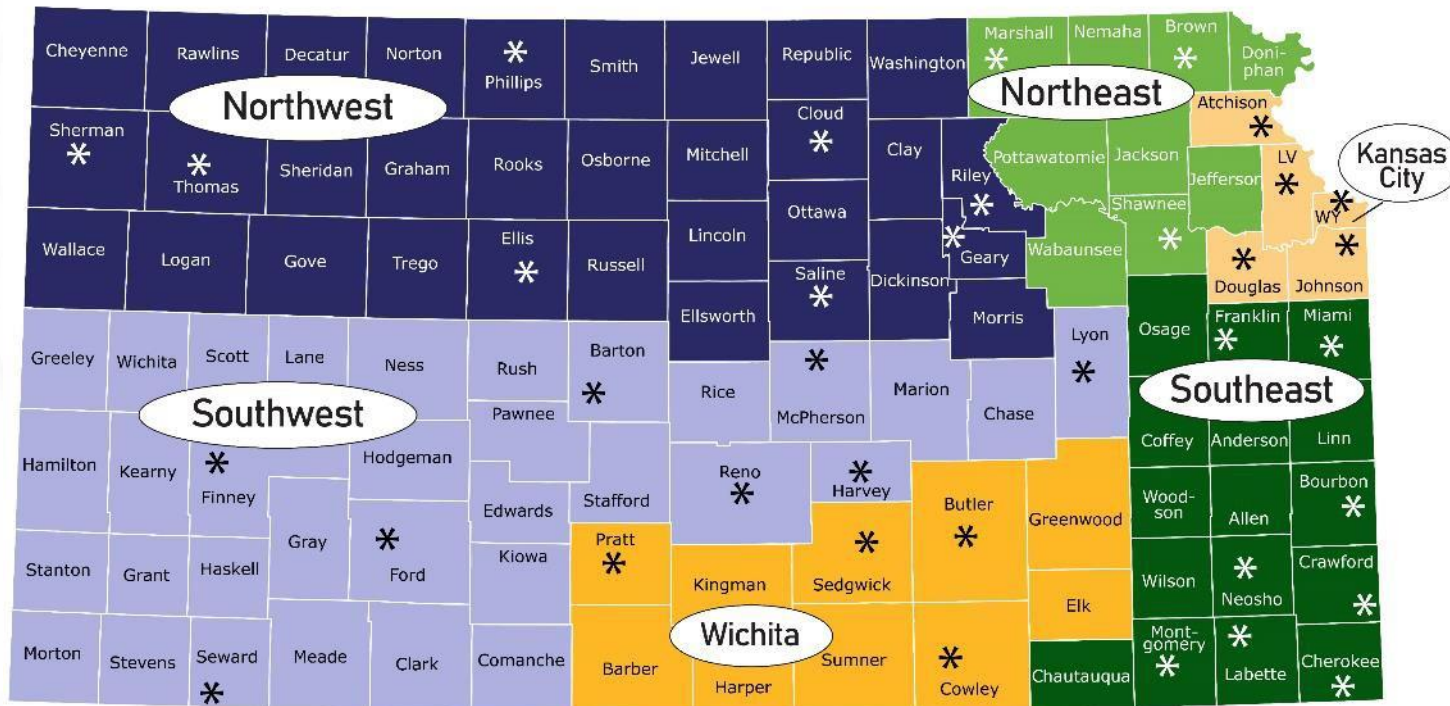


# Any Questions?



# Foster Care Licensing & Background Checks Divisions

DCF Regions



\* DCF Service Center

**Address**

500 SW Van Buren St  
Topeka, KS 66603

**Phone Number(s)**

785.291.3032  
785.338.6967

**Email**

[DCF.FCL@ks.gov](mailto:DCF.FCL@ks.gov)

**Website**

[www.dcf.ks.gov](http://www.dcf.ks.gov)