

Administrative Foster Care Licensing Policy and
Procedure Manual

Kansas Department for Children and Families

Program Foster Care Licensing

Applies to: **24 Hour Child Care Facilities**

Effective Date: April 1, 2021

Revised : November 17, 2022

Policy and Procedure Emergency Afterhours Over Capacity Exceptions

1. Policy:

Foster Care Licensing has responsibility to ensure that licensed facilities maintain regulatory compliance in order to ensure the health, safety and welfare of children. The secretary may grant an exception to a regulation if the secretary determines the exception to be in the best interest of a child. Foster Care Licensing shall provide for afterhours, weekend and holidays processing of Emergency Overcapacity exception requests for youth in DCF custody needing placed in a Family Foster Home.

II. Procedure:

1. Definition of Over Capacity: Over capacity means exceeding the maximum number of children or age range authorized by the license.
2. Emergency is defined as something that happens suddenly or unexpectedly and needs immediate action to avoid harmful results. An Emergency Foster Placement is the placement of a child in foster care without the usual planning and/or thorough assessment process having taken place because of the need to ensure the safety and the welfare of the child immediately. The following is deemed to be an Emergency Placement:
 - a. where a child is abandoned,
 - b. returned from runaway status,
 - c. has suffered or is at risk of Significant Harm, or
 - d. where there is an exceptional and immediate need to end an existing placement due to significant risk of harm.
 - e. where the Failure to Place Network has been contacted and no Standby bed was available for the youth needing emergency placement
3. When an emergency placement requires a licensed 24-hour care facility to exceed capacity, and the DCF office is closed (due to after 5 pm, weekends, or holidays), the licensee or Sponsoring Child Placement Agency/Agency Worker shall.
 - a. call the **Foster Care Licensing After Hours Number 785-368-8795** to advise an emergency overcapacity exception is needed
 - b. immediately submit the written request for exception, FCL 408, or FCL 058 and all supporting documents to DCF.FCLExceptions@ks.gov. An attendant Care Center, Group Boarding Home, Residential Center, Secure Care Center, Staff Secure Facility must include the State Fire Marshal Occupancy Approval with the exception. An exception cannot be granted that exceeds Fire Marshal Approval.

- c. Include in the subject line of the request email the following: "Emergency Overcapacity Exception Needed" and the date of request.
 - d. include in the exception request the details of the incident which resulted in a need for emergency placement.
- 4. Upon receipt of the written exception and all supporting documents, DCF staff shall;
 - a. Review the exception;
 - b. Review compliance history of the facility;
 - c. Issue a reply to the requesting email stating whether the request is approved or denied; and
 - d. Send the return email response within 1 hour of the complete exception request being received.
- 5. No later than the next day, DCF Foster Care Licensing Staff Shall:
 - a. Enter the exception application in Claris; and
 - b. Issue the exception approval or denial and provide the written exception to the requesting Licensee or Sponsoring Child Placement Agency via email.

