

## Exception Guidance for Family Foster Homes

The below is designed to assist in decision making regarding exception requests. It gives examples of exceptions, along with factors to evaluate and address, noting also the documentation required to support the request. The below, an scenarios are not all inclusive, and each exception is processed on a case by case basis.

**Note:** Over capacity exceptions are for specific children only and valid through the approval date, until the child leaves the home or another child leaves the home and the home is no longer over capacity.

<p><b>Exception</b></p>	<ul style="list-style-type: none"> <li>★ <b>KAR 28-4-804(e): Any applicant for licensee may request an exception from the secretary. Any request for exception may be granted if the secretary determines that the exception is in the best interest of a child in foster care and the exception does not violate statutory requirements.</b></li> <li>★ An exception may be appropriate if the intent of a regulation is met in an alternative manner</li> <li>★ An exception is time-limited</li> <li>★ An exception is evaluated for each separate occurrence and takes into consider who, what, when, how, where and why: (environments and occupants change over time and status quo is not maintained)</li> </ul>
<p><b>Why is exception needed?</b></p>	<ul style="list-style-type: none"> <li>★ <b>An exception is a request by an applicant or a licensee to meet a regulation in an alternative manner, when an applicant or licensee is unable to meet the specific requirements in the regulation. An exception cannot be requested nor granted to a statute.</b></li> <li>★ Critical thinking is the process of carefully and systematically analyzing problems to find ways to solve them. It involves identifying several possible solutions and then evaluating each one, comparing them to one another on their merits, and then selecting the one that you conclude is the most promising, that meets the intent of the regulation, is in the best interest of the child, and assures health and safety.</li> </ul>
<p><b>What to include</b></p>	<ul style="list-style-type: none"> <li>★ Submit to: <a href="mailto:DCF.FCLExceptions@ks.gov">DCF.FCLExceptions@ks.gov</a></li> <li>★ <b>Subject line: name of licensee, (if requesting over capacity include date placement is needed: Mouse, Minne placement needed 11-12-2020)</b></li> <li>★ Exception submission includes:             <ul style="list-style-type: none"> <li>○ What is requested</li> <li>○ Why is it requested- why is the home not able to meet the requirements of the regulation?</li> <li>○ Who is the exception for?</li> <li>○ Why is it in the best interest of the child?</li> <li>○ What safety measures are implemented to ensure health safety and welfare?</li> <li>○ Who is monitoring safety/supervision plans?</li> </ul> </li> </ul>

# FOSTER CARE LICENSING DIVISION

10/20

	<ul style="list-style-type: none"> <li>○ How long is the exception required?             <ul style="list-style-type: none"> <li>▪ Over capacity is 6 months approval</li> </ul> </li> <li>★ What additional supports, services and oversight is being provided to assure health, safety and welfare?</li> </ul>
Environmental	<ul style="list-style-type: none"> <li>★ Examples may include swimming pools, window dimension, handrails, rooms that are passageways:</li> <li>★ What does not meet the regulation?</li> <li>★ Why can the home/licensee not meet regulation?</li> <li>★ Supporting documents/information to include             <ul style="list-style-type: none"> <li>○ Photos to document the non-compliance and</li> <li>○ Proposed alternative that meets the intent of the regulation: i.e.: Locks, person exiting window, photo of height/width of item being measured, distance from ground,</li> <li>○ Measurements: height, width, length</li> <li>○ Surface coverings if a fall were to occur</li> <li>○ Safety plans for supervision, storage of keys, what types of locks are installed</li> </ul> </li> </ul>
Over Capacity	<ul style="list-style-type: none"> <li>• MLS allowable reasons for over capacity             <ol style="list-style-type: none"> <li>i. Siblings</li> <li>ii. Prior relationship</li> <li>iii. Special training to meet medical needs</li> </ol> </li> <li>★ Who is the exception for?</li> <li>★ How does it meet allowable reasons for exceeding capacity?</li> <li>★ How long is the exception required?</li> <li>★ Sufficient beds? (if no what is being used and where will the child sleep)</li> <li>★ Sufficient square footage? (if no, how many square feet is lacking?)</li> <li>★ Is everyone sleeping in a licensed bedroom space? (if no, where are they sleeping and why, does the space have egress directly to outside? Does space have smoke, and carbon monoxide? Does space have a door?) Privacy plans required for any space that is not a bedroom space that is a common use room or a pass- through room.</li> <li>★ What additional supports is the agency providing to the FFH and children?</li> <li>★ What other homes/agencies were contacted prior to requesting an exception to exceed capacity?</li> <li>★ Floor plan must be submitted and must show where everyone is sleeping</li> <li>★ If non-agemates under the age of 5 are sharing a room with a child over 5 must have case manager approval.</li> </ul>

10/20

	<ul style="list-style-type: none"> <li>★ If request for opposite gender children age 5 and older to share a room must have case manager approval and must include why it is in the children's best interest to share a room</li> </ul>
Pet	<ul style="list-style-type: none"> <li>★ If for prohibited animal include safety plan, photo of cage, if locked, who cares for pet, will foster child interact with pet, statement from vet regarding temperament of pet</li> </ul>
Respite	<ul style="list-style-type: none"> <li>★ KAR 28-4-812(b) permits FFH to exceed the number and age range by 2 children or a sibling group of any size. (if the home is in full compliance with the regulations). FFH that is already over capacity would not be a short-term respite option and an exception for placement in the home would be needed.</li> <li>★ Placement of more than 2 unrelated children in a FFH for short-term respite requires an exception if capacity is exceeded</li> <li>★ <b>An emergency/one-night placement is not respite and an exception is required if the home will exceed capacity</b></li> <li>★ <b>Respite placements for more than 24 hours requires an exception if over capacity will occur</b></li> </ul>
Room sharing	<ul style="list-style-type: none"> <li>★ If non-agemates under the age of 5 is sharing a room with a child age 5 or older submit case manager approval.</li> <li>★ If request for opposite gender children age 5 and older to share a room submit case manager approval</li> <li>★ Request shall include why it is in the children's best interest to share a room</li> <li>★ If other space is available for children to share a room the exception shall include why this is not an option</li> <li>★ Floor plan shall be submitted</li> </ul>
Self-Care	<ul style="list-style-type: none"> <li>★ Why are additional hours needed?</li> <li>★ Signed self-care plan shall be submitted</li> <li>★ If youth has risk taking/self-harming behaviors, documentation on how the health safety will be met and why it's in the child's best interest</li> </ul>
Trampoline	<ul style="list-style-type: none"> <li>★ What is requested? Trampoline on premises? Or use of trampoline by Foster Child or both?</li> <li>★ If recommended by medical/therapist must include recommendation</li> <li>★ High risk activity form required for each Foster child</li> <li>★ Trampoline use/rules required</li> <li>★ If trampoline not used by Foster children, how will access be prevented?</li> </ul>