

**30-47-800. Definitions.** For the purposes of this section, the following definitions shall apply:

(a) "Applicant" means a person or persons who have applied for a license but who have not yet been granted a temporary permit or a license to operate a family foster home.

(b) "Age-, or developmentally appropriate," when used to describe activities or items, means that the activities or items are generally accepted as suitable for children of the same chronological age or level of maturity, based on the development of cognitive, emotional, physical, and behavioral capacity that is typical for the age or age group.

(c) "Basement" means the lowest level, floor, or story of a family foster home that is below ground level on all sides.

(d) "Case plan" means the comprehensive written plan of care developed for each child in foster care by the child's child-placing agent.

(e) "Child in foster care" means any of the following:

(1) Any individual under 16 years of age who has been determined by a court to be a child in need of care and is placed in the custody of the secretary and placed for care in a family foster home or other licensed facility;

(2) any individual under 16 years of age who has been privately placed for care in a licensed family foster home or other licensed facility; or

(3) any individual 16 years of age or older, but not yet 21 years of age, who has been determined by a court to be a child in need of care and is placed in the custody of the secretary and placed for care in a family foster home or other licensed facility or placed in the custody of an individual and privately placed.

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(f) "Child-placing agent" means a person or entity that possesses the legal authority to place a child into a family foster home.

(g) "Child-placement agency" means a business or service conducted, maintained, or operated by a person engaged in finding homes for children by placing or arranging for the placement of the children for adoption or foster care.

(h) "De-escalation methods" means the types of intervention used to help reduce a child's level of anxiety or anger. This term shall include physical restraint.

(i) "Department" means Kansas department for children and families.

(j) "Discipline" means positive methods of child behavior management, including instruction, redirection, and de-escalation methods.

(k) "Exception" means an alternative manner of compliance with a specific family foster home regulation or any portion of a specific family foster home regulation that is granted by the secretary to an applicant or a licensee.

(l) "Family foster home" means a child care facility that is a private residence in which an individual person or persons or a married couple resides and provides care for 24 hours a day for one or more children in foster care and for which a license is required by K.A.R 30-47-801.

(m) "First aid supplies" means a combination of cleansing agents, assorted bandages, disposable gloves, sterile pads, adhesive tape, and elastic bandage.

(n) "Foster family" means all of the individuals living in a family foster home other than the child in foster care. An individual who is living in the family foster home for

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more than two weeks is considered a foster family member.

(o) "Functional literacy" means the ability to read and write at the level necessary to participate effectively in society.

(p) "High-risk sport or recreational activity" means any sport or recreational activity, including watercraft activities, motorized activities, and the use of a trampoline, that poses a risk of injury to the participant. Safe participation in the high risk sport or recreational activity shall require specialized instruction and may require protective safety gear.

(q) "Licensee" means a person or persons who have been granted a license to operate a family foster home.

(r) "Living space" means the rooms in a family foster home that are used for family activities, including the living room, dining room, family room, game or television room, and sleeping rooms. This term shall not include bathrooms, laundry rooms, and garages.

(s) "Permanency plan" means the comprehensive written plan documenting the goal for each child in foster care.

(t) "Permittee" means a person who has applied for a license and has been granted a temporary permit to operate by the secretary.

(u) "Person-centered plan" means the comprehensive written plan of care developed for each individual receiving home- and community-based services.

(v) "Physical restraint" means the bodily holding of a child in foster care by a

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caregiver as a means to help the child regain self-control when the child is behaving in a manner that presents a danger to self or others.

(w) "Premises" means the licensed residence including each building and any adjoining grounds.

(x) "Reasonable and prudent parent standard" means the standard characterized by careful and sensible parental decisions that maintain the health, safety, and best interests of a child while at the same time encouraging the emotional and developmental growth of the child, which a caregiver shall use when determining whether to allow a child in foster care to participate in extracurricular, enrichment, cultural, and social activities.

(y) "Relative" means an individual who is related to the child in foster care by blood, marriage, or adoption.

(z) "Relative waiver" means the exemption of compliance with a specific family foster home regulation or any portion of a specific family foster home regulation for the relative of a child without an alternative provision to meet the regulation that is granted by the secretary to an applicant or a licensee.

(aa) "Renewal date" means 12 months after a license has been issued.

(bb) "Secretary" means secretary of the Kansas department for children and families.

(cc) "Smoking" means use of an electronic or lighted cigarette, vaporizer, cigar, pipe, or burning tobacco in any device.

(dd) "Social media" means websites and applications that allow users to

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create and share social networking content.

(ee) "Sponsoring child-placement agency" means the public or private child-placement agency responsible for sponsoring the family foster home, including providing assessment, training, support, inspection, and monitoring for the licensee's compliance with the regulations governing family foster homes.

(ff) "Substitute caregiver" means an individual who provides care and supervision in the family foster home, in the absence of the licensee, for a child in foster care.

(gg) "Water hazard" means a body of water at least 24 inches deep that is not a swimming pool, wading pool, or hot tub. (Authorized by K.S.A. 65-508, 75-3084, and 75-3085; implementing K.S.A. 65-504, and 65-508; effective P-\_\_\_\_\_.)

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**30-47-801. License required.** (a) An individual shall obtain a license to operate a family foster home if providing 24-hour care to one or more children under 16 years of age who are unrelated to the individual, in the absence of the child's parent or guardian.

(b) No individual shall be required to obtain a license to operate a family foster home if the conditions listed in K.S.A. 38-2403 and amendments thereto are met.

(Authorized by K.S.A. 65-508, 75-3084, and 75-3085; implementing K.S.A. 38-2403, 65-504 and 65-508; effective P-\_\_\_\_\_.)

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**30-47-802. License requirements.** Each individual shall meet the following requirements to obtain a license and to maintain a license:

(a) Submit a complete application for a license on forms provided by the department, including requests for the background checks specified in K.A.R. 30-47-805;

(b) be at least 21 years of age;

(c) have functional literacy and be able to communicate with the department, child-placing agent, sponsoring child-placement agency, child in foster care, health care providers, and other service providers;

(d) have adequate financial resources to provide for the needs and financial obligations of the household, independent of foster care reimbursement payments; provide basic income and expense information to the secretary for review at the time of initial application and annual license renewal; and provide documentation of financial information for review as deemed necessary;

(e) participate in an initial family assessment, a family assessment for each renewal, and any additional family assessments conducted by the sponsoring child-placement agency. Each family assessment shall include at least one individual interview with each household member and at least one visit in the prospective family foster home. The sponsoring child-placement agency shall have discretion for either an interview with or the observation of family members. The interview shall be age- and developmentally appropriate.

(f) meet the training requirements in K.A.R. 30-47-806;

(g) obtain and maintain ongoing sponsorship by a public or private child-

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placement agency, including a recommendation by the sponsoring child-placement agency that the home be used for placement of children in foster care; and

(h) follow the policies of the sponsoring child-placement agency for the care of each child in foster care. (Authorized by K.S.A. 65-508; implementing K.S.A. 65-504 and 65-508; effective P-\_\_\_\_\_.)

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**30-47-803. Licensing procedure.** The granting of a license to any applicant may be refused by the secretary if the applicant is not in compliance with the requirements of the following:

- (a) K.S.A. 65-501 through 65-516, and amendments thereto;
- (b) K.S.A. 65-523 through 65-529, and amendments thereto;
- (c) K.S.A. 65-531, and amendments thereto; and
- (d) K.A.R. 30-47-800 through K.A.R. 30-47-825 governing family foster homes.

(Authorized by K.S.A. 65-508, 75-3084, and 75-3085; implementing K.S.A. 65-504 and 65-508; effective P-\_\_\_\_\_.)

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**30-47-804. Terms of license; validity of temporary permit or license; renewal license; amendments; exceptions; withdrawal of application or request to close. (a)**

Terms of license.

(1) A temporary permit or a license may be granted to an applicant for a maximum of four children in foster care, with a maximum total of six children in the home, including the applicant's or licensee's own children under 16 years of age. There shall be no more than two children in the home under 18 months of age.

(2) Each child in foster care shall be at least five years younger than the youngest applicant or licensee.

(3) The maximum number of children and the age range authorized by the temporary permit or license shall not be exceeded and shall be limited by the following:

(A) The number of sleeping rooms that meet the requirements of these regulations;

(B) the assessment and recommendation of the sponsoring child placement agency; and

(C) the ability of the applicant or licensee to maintain compliance with the statutes and regulations governing family foster homes.

(4) A license to maintain a family foster home shall not be granted or held in conjunction with any license or certificate authorizing another form of child care in a family foster home.

(5) An applicant or a licensee shall not provide care in the family foster home to any adult unrelated to the applicant or licensee.

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(b) Validity of temporary permit or license.

(1) Each temporary permit or license shall be valid only for the individual or individuals and the address specified on the temporary permit or license.

(2) Each temporary permit or license shall be posted in plain view in the family foster home.

(3) When an initial or amended license becomes effective, all temporary permits or licenses previously granted to the applicant or licensee at the same address shall become void.

(c) Renewal of license. Before each renewal date, the licensee shall complete and submit an application for renewal on forms provided by the department, including requests for the background checks specified in K.A.R. 30-47-805.

(d) Amendments. Each licensee who intends to change the terms of the license, including the maximum number or the age of children served, shall submit a request for an amendment on a form supplied by the department.

(e) Exceptions.

(1) Any applicant, permittee, or licensee may request an exception to a specific regulation. Each request shall be submitted to the secretary on a form provided by the department. An 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.

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(2) Written notice from the secretary stating the nature of the exception and its duration shall be kept on file in the family foster home and shall be readily accessible to the department, the child-placing agent, the sponsoring child-placement agency, and the Kansas department of corrections.

(f) Relative waiver.

(1) Any relative applicant, relative permittee, or relative licensee may request a relative waiver to a specific nonsafety regulation. Each request shall be submitted to the secretary on a form provided by the department. A relative waiver may be granted if the secretary determines that the waiver is in the best interest of a child in foster care and the waiver does not violate statutory requirements.

(2) Written notice from the secretary stating the nature of the waiver and its duration shall be kept on file in the relative family foster home and shall be readily accessible to the department, the child-placing agent, the sponsoring child-placement agency, and the Kansas department of corrections.

(g) Withdrawal of application or request to close. Any applicant may withdraw the application for a license. Any licensee may submit, at any time, a request to close the family foster home operated by the licensee. If an application is withdrawn or a family foster home is closed, the current temporary permit or license granted to the applicant or licensee for that family foster home shall become void. (Authorized by K.S.A. 65-508, 75-3084, and 75-3085; implementing K.S.A. 65-504 and 65-508; effective P-\_\_\_\_\_.)

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(2) Written notice from the secretary stating the nature of the exception and its duration shall be kept on file in the family foster home and shall be readily accessible to the department, the child-placing agent, the sponsoring child-placement agency, and the Kansas department of corrections.

(f) Relative waiver.

(1) Any relative applicant, relative permittee, or relative licensee may request a relative waiver to a specific nonsafety regulation. Each request shall be submitted to the secretary on a form provided by the department. A relative waiver may be granted if the secretary determines that the waiver is in the best interest of a child in foster care and the waiver does not violate statutory requirements.

(2) Written notice from the secretary stating the nature of the waiver and its duration shall be kept on file in the relative family foster home and shall be readily accessible to the department, the child-placing agent, the sponsoring child-placement agency, and the Kansas department of corrections.

(g) Withdrawal of application or request to close. Any applicant may withdraw the application for a license. Any licensee may submit, at any time, a request to close the family foster home operated by the licensee. If an application is withdrawn or a family foster home is closed, the current temporary permit or license granted to the applicant or licensee for that family foster home shall become void. (Authorized by K.S.A. 65-508, 75-3084, and 75-3085; implementing K.S.A. 65-504 and 65-508; effective P-\_\_\_\_\_.)

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**30-47-805. Background checks.** (a) With each initial application, the applicant shall submit documentation for each individual at least 18 years of age or older to request a fingerprint-based background check from the national crime information center (NCIC) database and for each individual at least 10 years of age to request a background check by the Kansas bureau of investigation and a background check by the Kansas department for children and families in order to comply with K.S.A. 65-516, and amendments thereto. Each request shall be submitted to the department on a form provided by the department. The request shall list the required information for the following:

(1) Each individual at least 10 years of age who resides in the family foster home, excluding children placed in foster care; and

(2) each substitute caregiver at least 14 years of age who provides care for a child in foster care in the family foster home.

(b) Each licensee shall submit documentation for each individual at least 18 years of age or older to request a fingerprint-based background check from the national crime information center (NCIC) database, a request to the department to conduct a background check by the Kansas bureau of investigation (KBI) and for each individual 10 years of age and older to request a background check of the abuse and neglect registry maintained by the Kansas department for children and families before any of the following occurs:

(1) A new individual at least 14 years of age begins residing in the family foster home.

(2) A new substitute caregiver at least 14 years of age begins caring for the child in foster care in the family foster home.

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(c) Each individual submitting an initial application for a family foster home license shall obtain a child abuse and neglect registry background check from each previous state of residence throughout the five-year period before the date of application for each individual at least 18 years of age residing in the home.

(d) Background checks shall be obtained following the procedures of the department.

(e) All fees associated with NCIC checks shall be handled in accordance with department policy. (Authorized by K.S.A. 65-508, 75-3084, and 75-3085; implementing K.S.A. 2022 Supp. 65-516; effective P-\_\_\_\_\_.)

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**30-47-806. Training.** (a) Prelicensure training. Before a license is issued, each applicant shall successfully complete the following:

- (1) An instructor-led family foster home preparatory program approved by the department;
- (2) an instructor-led first aid training course that includes a post-test;
- (3) an instructor-led cardiopulmonary resuscitation (CPR) course that includes a postskills test, applicable for the ages of children to be placed. The licensee shall maintain current CPR certification. The licensee of each family foster home licensed before October 1, 2019 shall complete a CPR course that meets the requirements of this paragraph as part of the annual training;
- (4) training in universal precautions; and
- (5) training in medication administration.

(b) In-service training. Each licensee shall obtain eight clock-hours of training each licensing year. At least two of the required eight clock-hours shall include instruction between an instructor and participant. The training topics shall provide the opportunity to develop competency in two or more of the following areas:

- (1) Advocacy;
- (2) attachment issues and disorders;
- (3) child development;
- (4) crisis management, including intervention techniques for problem or conflict resolution, diffusion of anger, and de-escalation methods;
- (5) communicating and connections with birth families;

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(6) discipline and behavior management techniques;  
(7) human sexuality, including gender identification;  
(8) human trafficking and exploitation;  
(9) indicators of gang involvement;  
(10) indicators of self-harming behaviors or suicidal tendencies and knowledge of appropriate intervention methods;

(11) medical and mental health disorders, treatment modalities, and pharmacology;  
(12) principles of trauma-informed care and trauma-specific interventions;  
(13) reasonable and prudent parent standard;  
(14) regulations governing family foster homes;  
(15) report writing and documentation methods; and  
(16) resources and services available to youth transitioning to independent living.

(c) Additional training requirements.

(1) Each licensee shall participate in any additional or alternative training required by the sponsoring child-placement agency.

(2) Each licensee using physical restraint shall have a current certificate documenting completion of physical restraint and de-escalation training approved by the secretary.

(d) Failure to meet training requirements.

(1) Each licensee who fails to meet training requirements for any licensing year shall complete a corrective action plan developed with the sponsoring child-placement

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agency to comply with prior licensing year requirements. The training hours obtained under the corrective action plan shall apply only to the prior licensing year. Failure to successfully complete the corrective action plan within 30 days after the initiation of the corrective action plan may result in an enforcement action.

(2) Each corrective action plan shall include the licensee's plan for maintaining compliance with this regulation.

(3) A licensee shall not accept any new child for placement until the sponsoring child-placement agency documents that the licensee has successfully completed the corrective action plan and the training obtained by the licensee meets the requirements of subsection (b). (Authorized by K.S.A. 65-508, 75-3084, and 75-3085; implementing K.S.A. 65-508; effective P-\_\_\_\_\_.)

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**30-47-807. Reporting requirements for infectious or contagious disease; positive tuberculin test; critical incidents; abuse and neglect.** (a) Reporting infectious or contagious disease. Each licensee shall be responsible for reporting if any resident of the family foster home, including a child in foster care, contracts a reportable infectious or contagious disease specified in K.A.R. 28-1-2, as follows:

(1) Each licensee shall report the disease to the local county health department by the next working day. Each licensee shall follow the protocol recommended by the county health department and shall cooperate with any investigation, disease control, or surveillance procedures initiated by the county health department or the Kansas department of health and environment.

(2) Each licensee shall notify the sponsoring child-placement agency of the incident for each child in foster care.

(b) Hospitalization or emergency room care. If a child in foster care requires hospitalization or emergency room care, the licensee shall immediately notify the child-placing agent and the sponsoring child-placement agency.

(c) Positive tuberculin test. If any individual residing, working, or volunteering in the family foster home who is required to have tuberculin testing has a positive tuberculin test, the licensee shall report the results to the department's tuberculosis (TB) control program by the next working day.

(d) Reporting critical incidents.

(1) Each licensee shall report any of the following critical incidents immediately to the department, the child-placing agent, and the sponsoring child-placement agency:

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(A) Any damage to the dwelling or property that affects the structure of the dwelling or the safety of the child in foster care;

(B) the injury of a child in foster care that requires medical treatment by a licensed medical provider; or

(C) the death of a child or any other resident of the family foster home.

(2) Each licensee shall report any of the following critical incidents immediately to the child's child-placing agent and the sponsoring child-placement agency:

(A) A vehicle accident involving any child in foster care;

(B) a missing or runaway child in foster care;

(C) the arrest of a child in foster care;

(D) any incident involving the presence of law enforcement; or

(E) all complaint investigations by the department.

(3) Each licensee shall submit a written report for each critical incident specified in paragraphs (d)(1) and (2) to the child-placing agent and the sponsoring child-placement agency by the next working day. This report shall contain the following information:

(A) The child's name and birth date;

(B) the date and time of the incident;

(C) a factual summary of the incident, including the name of each individual involved;

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(D) a factual summary of the immediate action taken, including the name of each individual involved;

(E) the signature of the licensee; and

(F) the date of the report.

(4) A copy of each critical incident report shall be available upon request of the department.

(e) Reporting abuse and neglect.

(1) For the purposes of this subsection, "neglect," "physical, mental or emotional abuse," and "sexual abuse" shall have the meanings specified in K.S.A. 38-2202, and amendments thereto.

(2) Each licensee shall report any suspected neglect, physical, mental or emotional abuse, and sexual abuse of a child in foster care within 24 hours of discovery, by telephone or in writing, to the secretary of the Kansas department for children and families and, when immediate harm is suspected, to the local law enforcement agency.

(3) Each licensee shall notify the sponsoring child-placement agency of suspected neglect, physical, mental or emotional abuse, and sexual abuse of a child in foster care within 24 hours of discovery, by telephone or in writing. (Authorized by K.S.A. 65-508, 75-3084, and 75-3085; implementing K.S.A. 65-508; effective P-\_\_\_\_\_.)

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**30-47-808. Recordkeeping requirements; confidentiality.** Each licensee shall ensure that all records pertaining to the licensure and operation of the family foster home, including the records specified within this regulation, are kept at the family foster home and are accessible to the department and the sponsoring child-placement agency.

(a) Family foster home records. Each licensee shall keep the following documents in the family foster home:

- (1) An approved outdoor safety plan, if applicable;
- (2) a copy of the regulations governing family foster homes; and
- (3) documentation of accident and liability insurance for each vehicle used to transport children in foster care.

(b) Licensee records. Each licensee shall keep the following documents in a file:

- (1) Documentation of the training specified in K.A.R. 30-47-806;
- (2) a health assessment, vaccination records, and documentation of a negative tuberculosis test or chest X-ray as required in K.A.R. 30-47-819; and
- (3) a copy of a valid driver's license, if applicable. A copy of the license shall also be provided to the sponsoring child-placement agency.

(c) Foster family members' records. The licensee shall maintain the following information for each foster family member, excluding children placed in foster care:

- (1) A health assessment that meets the requirements specified in K.A.R. 30-47-819 and documentation of any negative tuberculosis test or chest X-ray;
- (2) a current immunization record; and
- (3) a copy of a valid driver's license, if transporting any child in foster care. A

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copy of the license shall also be provided to the sponsoring child-placement agency.

(d) Confidentiality of records of each child in foster care. Each licensee shall keep each child's recorded information confidential. The records shall be kept on file at the family foster home in a manner that ensures confidentiality. Nothing in this regulation shall prevent access to the child's records by the child's child-placing agent, the sponsoring child-placement agency, the department, law enforcement, or the court. (Authorized by K.S.A. 65-508, 75-3084, and 75-3085; implementing K.S.A. 65-507 and 65-508; effective P-  
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**30-47-809. Basic record information; other required record information;**

**departure requirements.** (a) Basic record information. Any licensee may accept a child in foster care for placement if the following information is received before or at the time of placement:

- (1) The approval of the sponsoring child-placement agency;
- (2) signed medical and surgical consent forms or, in the case of an after-hours emergency placement, a provision for obtaining medical and surgical consent forms;
- (3) a completed placement agreement or a completed emergency placement form;
- (4) a description of the circumstances leading to the current placement and, if known, the reason that the child in foster care came into custody;
- (5) a description of the child's recent circumstances, including any medical problems, mental health concerns, and safety concerns, including any assaultive behavior and victimization concerns;
- (6) information about the child's medication and dietary needs and the name of each of the child's current health care providers, if known;
- (7) any allergies from which the child suffers, if known;
- (8) the name, address, and telephone number of the contact individual for the last educational program the child attended;
- (9) a copy of the court order or other document placing the child in foster care;
- (10) a designation of the race or cultural heritage of the child, including tribal affiliation, if any;

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(11) the name, address, and telephone number of the child's parents or legal guardian;

(12) the spiritual or religious affiliation of the child and the child's family;

(13) the child's placement history summary, including the name, address, and telephone number of any advocates;

(14) a description of positive attributes and characteristics of the child and, if available, any related information from the child, the child's family including siblings, and any concerned individuals in the child's life;

(15) the name, address, telephone number, and, if applicable, the electronic-mail address of the child-placing agent who is responsible for supervising the child's placement;

(16) a copy of the current case, permanency plan, or person-centered support plan; and

(17) if applicable, documentation of each use of physical restraint on a physical restraint report form as specified in K.A.R. 30-47-815.

(b) Documentation of placement information requested. If required documentation is not available at the time of placement, the child-placement agency shall document that the family has requested the missing documents.

(c) Departure requirements. When any child in foster care moves from the family foster home, the licensee shall send the following with the child:

(1) All possessions brought with the child in foster care to the family foster home that are usable or that have special significance to the child;

(2) all savings from gifts, allowances, and earnings;

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(3) all usable clothing, school supplies, recreational equipment, gifts, and any other items purchased specifically for and given to the child during placement in the family foster home, including items provided by the foster parents; and

(4) the child's documents, which could include birth family history, placement history, pictures, school information, and a record of personal achievements. (Authorized by K.S.A. 65-508, 75-3084, and 75-3085; implementing K.S.A. 65-508; effective P-

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**30-47-810. Case plan.** (a) Each licensee shall be an active participant on the case planning team with each child's child-placing agent, the sponsoring child-placement agency, and other appropriate parties to develop and implement the child's case plan or permanency plan.

(b) The licensee's participation shall include the following:

(1) Identifying and sharing information, as appropriate, with individuals who are directly involved in the child's case plan, including any treatment outcomes that the child achieves while in the family foster home and the attainment of age-or developmentally appropriate life skills that the child needs to become functional in the community;

(2) reporting the child's behaviors and any other important information to the child's child-placing agent, the sponsoring child-placement agency, and others as indicated in the child's case plan;

(3) recommending changes in the child's case plan or person-centered plan to the child's child-placing agent, if needed, including any approval needed for special activities or privileges, participating in the case-planning conferences for the child, and ensuring that any modifications to the person-centered plan are implemented in compliance with freedom of choice in service and supports; and

(4) giving the child-placing agent any additional significant information about the child in foster care as it becomes known.

(c) A licensee shall not disclose medical or social information relating to any child in foster care without authorization from the child's child-placing agent, unless the disclosure is directly related to obtaining necessary services for the child or is necessary to ensure safe involvement in age- or developmentally appropriate activities.

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(d) In order to meet the needs of each child placed in the home, each licensee shall implement the provisions assigned to the licensee in the case plan.

(e) Each licensee shall facilitate the child's timely enrollment and school attendance in a public school district, a private school, or any other place of instruction in accordance with the child's individual education plan and the child's case plan or person-centered plan.

(f) Each licensee shall seek consultation with and direction from the child's child-placing agent or the sponsoring child-placement agency if issues that cannot be resolved between the licensee and the child in foster care arise. (Authorized by K.S.A. 65-508, 75-3084, and 75-3085; implementing K.S.A. 65-508; effective P-\_\_\_\_\_.)

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**30-47-811. Caregiver qualifications; supervision.** (a) Caregiver qualifications

Each caregiver shall be qualified by the capacity for setting age- or developmentally-appropriate expectations for behavior, tasks and social activities necessary to maintain the health, comfort, safety, and welfare of children in foster care pursuant to K.S.A. 65-504 and 65-508, and amendments thereto.

(b) General supervision. Each licensee shall ensure that each child in foster care is supervised in accordance with the child's age, maturity, risk factors, and developmental level. Additional supervision shall be provided for any child in foster care of any age under any of the following conditions:

- (1) The child has mental health issues that place the child at higher concern for risk-taking behaviors that could result in unintentional injury or death.
- (2) The child is or would be a danger to self or others.
- (3) The child functions below the child's chronological age level.
- (4) The child is unable to provide for the child's basic physical needs due to physical, mental, emotional, medical, or developmental conditions.

(c) Substitute care and supervision. Each licensee shall ensure that substitute care and supervision are provided in the following situations:

- (1) When a child in foster care is placed in substitute care during the absence of the foster parents, prior approval of the substitute care shall be given by the sponsoring child-placement agency. Prior approval shall not be required for short periods of substitute care, including a portion of one day.
- (2) If the licensee is absent for more than 10 hours or for any period between

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the hours of midnight and six a.m., the substitute caregiver shall be at least 21 years of age and at least three years older than the oldest child in foster care.

(d) Self-care. Any child in foster care at least 12 years of age may be permitted to stay at home without adult supervision in accordance with a written self-care plan between the hours of six a.m. and midnight if all of the following requirements are met:

(1) The potential for self-care shall be identified and written approval shall be included in the child's case plan.

(2) Each licensee shall use reasonable and prudent parent standards when establishing a written self-care plan for the care and supervision of each child in foster care in the family foster home in the licensee's absence. The written self-care plan shall take into consideration the number of children in the home, the behavior, emotional stability, and maturity level of the children in the family foster home, and any neighborhood safety issues. The self-care plan shall include the frequency and duration of self-care authorized for each child. The self-care plan shall be approved by the sponsoring child-placement agency and the child's child-placing agent.

(3) Each child in self-care shall have immediate access to an operable communication device that ensures the ability to contact 911 and emergency contacts. (Authorized by K.S.A. 65-508, 75-3084, and 75-3085; implementing K.S.A. 65-508; effective P-  
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**30-47-813. Reasonable and prudent parent standard.** (a) Social development.

Each licensee shall provide for the growth and development of each child in foster care by providing the following:

(1) Each child in foster care shall be treated with dignity and respect and shall have the same age-appropriate rights and services as those of other individuals in the home.

(2) Each licensee shall ensure that each child in foster care is allowed age- or developmentally appropriate control of personal resources, participation in employment, community activities and services.

(3) Each child shall be provided age-appropriate privacy.

(b) Culture and religion. Each licensee shall meet the cultural and religious needs of each child in foster care placed in the family foster home.

(c) Recreational development. Each licensee shall provide an adequate supply of play equipment, materials, and books that meet the following requirements:

(1) Are suitable to the developmental needs and interests of each child in foster care; and

(2) are safe, clean, and in good repair.

(d) Basic life skills. Each licensee shall provide assistance to each child in learning basic life skills that allow the opportunity to improve self-concept and strengthen identity in preparation for life after foster care.

(e) Family activities. Taking into consideration the age, needs, and case plan of each child in foster care, each licensee shall include each child in foster care in the daily life of the

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foster family, including eating meals with the foster family and participating in recreational activities.

(f) Daily routine. Each licensee shall provide a daily routine that includes the following, in accordance with the age and needs of each child in foster care:

(1) Active and quiet play, both indoors and, weather permitting, outdoors;

(2) rest and sleep; and

(3) nutritious meals and snacks.

(g) Essential and special items.

(1) Each licensee shall ensure that each child in foster care is provided with essential items to meet the child's needs, including the following:

(A) Shelter;

(B) nonprescription medical needs;

(C) clothing and shoes;

(D) toiletries and personal hygiene products; and

(E) birthday and holiday gifts.

(2) Each licensee shall notify the sponsoring child-placement agency and the child's child-placing agent whenever a licensee identifies a need for additional resources to provide a special item for a child in foster care.

(h) Allowance. Each licensee shall provide an allowance to each child in foster care equal to that of any other children of similar age in the family foster home who receive an allowance.

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(i) Work opportunity. Each child in foster care shall have the opportunity to earn spending money at tasks or jobs according to the child's age, ability, and case plan. The money shall be the child's money, and the child shall not be forced to provide for needs that otherwise would be provided by the licensee.

(j) High-risk sport or recreational activity. Any licensee may permit a child in foster care to engage in any high-risk sport or recreational activities if all of the following conditions are met:

(1) Written permission for the specific activity is obtained from the parent, legal guardian, or legal custodian of the child in foster care and from the child's child placing agent.

(2) The licensee assesses the individual child-specific risk factors before giving permission. These factors shall include the age and maturity level of the child, behavior disorders, suicidal tendencies, developmental delays, thrill-seeking behavior, and difficulty with anger control.

(3) Protective safety gear is used, if required for the sport or activity and in compliance with any manufacturer's specifications and general safety guidelines.

(4) Direct supervision by an individual is provided to ensure safe participation.

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**30-47-815. Behavior management practices; prohibited punishment; physical restraint; notification requirements.** (a) Behavior management practices.

(1) Each licensee shall ensure that positive methods are used for behavior management that are appropriate to the age- or developmental level of the child in foster care and encourage cooperation, self-direction, and independence.

(2) Each licensee shall use methods of behavior management that are designed to help each child in foster care develop inner controls and manage the child's own behavior in a socially acceptable manner.

(3) If time-out is used to manage behavior, the child in foster care shall remain in time-out in accordance with the child's age- or developmental level and only long enough to regain self-control.

(4) For each child in foster care who is not able to develop self-control or self-management, behavior management techniques shall be approved, in writing, by the case planning team.

(b) Prohibited punishment.

(1) No individual shall use any of the following means or methods of punishment of a child in foster care:

(A) Punishment that is humiliating, frightening, or physically harmful to the child;

(B) corporal punishment, including hitting with the hand or any object, yanking arms or pulling hair, excessive exercise, exposure to extreme temperatures, or any other measure that produces physical pain or threatens the child's health or safety;

(C) restricting movement by tying or binding;

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(D) confining a child in a closet, box, or locked area;

(E) forcing or withholding food, rest, or toilet use;

(F) refusing a child access to the family foster home;

(G) mental and emotional cruelty, including verbal abuse, derogatory remarks about a child in foster care or the child's family, statements intended to shame, threaten, humiliate, or frighten the child, or threats to expel a child from the family foster home; and

(H) placing soap, or any other substance that stings, burns, or has a bitter taste in the child's mouth, or on the tongue, or any other part of the child's body.

(2) Each licensee shall be prohibited from giving medications, herbal or folk remedies, and drugs to control or manage behavior, except as prescribed by the licensed physician or licensed nurse practitioner of the child in foster care.

(3) No child in foster care shall be forced to participate in publicity or promotional activities.

(4) Each licensee shall be prohibited from publicly identifying any child in foster care to the embarrassment of the child.

(5) No child in foster care shall be forced to acknowledge dependency on the family foster home or to express gratitude to the licensee.

(6) Each licensee shall be prohibited from using physical restraint to manage behavior unless all of the requirements of subsection (c) are met.

(c) Physical restraint.

(1) Each licensee shall ensure that before using physical restraint, other de-

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escalation methods are used. If other de-escalation methods fail and the behavior of the child in foster care is a danger to self or others or directly affects an individual's health, safety, and welfare, a physical restraint may be used in accordance with the approved restraint program.

(2) No bonds, ties, or straps shall be used to restrict movement. The child in foster care shall be held only until one of the following conditions is met:

(A) The child regains behavioral control.

(B) The child is no longer a threat to self or others.

(C) The restraint has lasted 20 minutes with no improvement in the child's behavior.

(3) Each licensee using physical restraint in any situation other than an emergency shall have a current certificate on file documenting the training in de-escalation methods and physical restraint procedures and techniques specified in K.A.R. 30-47-806.

(4) The licensee shall have on file a case plan, permanency plan, or person-centered plan authorizing the use of physical restraint for each child in foster care whose behavior cannot be managed by other less intrusive methods and whose behavior requires the use of ongoing physical restraint on a recurring basis for the child's protection or the protection of others.

(d) Notification requirements. Each caregiver shall inform the child's child-placing agent and the sponsoring child placement agency each time physical restraint is used.

(1) The licensee shall document each use of physical restraint on a form that

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contains the following:

(A) The child's name and birth date;

(B) the date and the start and end times of the physical restraint;

(C) a description of the other de-escalation methods attempted before the use of physical restraint;

(D) a description of the child's behaviors and condition and the incidents that led to the use of physical restraint;

(E) a description of the child's behavior during and following the physical restraint;

(F) a description of any follow-up actions taken;

(G) the name of the individual who used physical restraint on the child; and

(H) the name of the licensee completing the report and the date completed.

(2) Each licensee shall file the report with the child's child-placing agent and the sponsoring child-placement agency no later than the next working day following the use of physical restraint. The use of physical restraint as an emergency intervention shall be reported to the sponsoring child-placement agency at the conclusion of the intervention when the child is no longer a danger to self or others. (Authorized by K.S.A. 65-508, 75-3084, and 75-3085; implementing K.S.A. 65-508; effective P-\_\_\_\_\_.)

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**30-47-816. Transportation.** Each licensee shall ensure that all of the following requirements are met:

(a) If a vehicle used for transportation of a child in foster care is owned or leased by a foster family member or is driven by a child in foster care, the following requirements shall be met:

(1) Trailers pulled by another vehicle, camper shells, and truck beds shall not be used for the transportation of children in foster care.

(2) The transporting vehicle shall be maintained in a safe operating condition.

(3) The transporting vehicle shall be covered by accident and liability insurance as required by the state of Kansas.

(b) The driver of any vehicle used to transport a child in foster care shall have a valid driver's license and meet the requirements of the Kansas motor vehicle drivers' license act, K.S.A. 8-234a et seq. and amendments thereto. Each licensee shall apply the reasonable and prudent parent standards when determining who may transport a child in foster care.

(c) The use of seat belts and child safety seats shall include the following:

(1) Each individual shall be secured by the use of a seat belt or a child safety seat when the vehicle is in motion.

(2) No more than one individual shall be secured in any seat belt or child safety seat.

(3) Each seat belt shall be properly anchored to the vehicle.

(4) When a child safety seat, including a booster seat, is required, the seat shall meet the following requirements:

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- (A) Have current federal approval;
  - (B) be installed according to the manufacturer's instructions and vehicle owner's manual;
  - (C) be appropriate to the height, weight, and physical condition of the child, according to the manufacturer's instructions and Kansas statutes and regulations;
  - (D) be maintained in a safe operating condition at all times;
  - (E) have a label with the date of manufacture and the model number, for use in case of a product recall; and
  - (F) have no missing parts or cracks in the frame and have not been in a crash.
- (d) The health and safety of the children riding in the vehicle shall be protected as follows:
- (1) Order shall be maintained at all times. The driver shall be responsible for ensuring that the vehicle is not in motion if the behavior of the occupants prevents safe operation of the vehicle.
  - (2) Children less than 10 years of age shall not be left in a vehicle unattended by an adult. When the vehicle is vacated, the driver shall make certain that no child is left in the vehicle.
  - (3) Smoking in the vehicle shall be prohibited when a child in foster care is in placement in a family foster home, whether or not the child in foster care is physically present in the vehicle.

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(e) Before a child in foster care is allowed to drive, all of the following requirements shall be met:

(1) The licensee, child-placing agent, or sponsoring child-placement agency shall obtain permission from the parent or legal guardian.

(2) The privilege of driving shall be included in the child's case plan.

(3) The child shall possess a valid driver's license and shall meet the requirements of the Kansas motor vehicle drivers' license act, K.S.A. 8-234a et seq. and amendments thereto.

(f) Any child in foster care who is a parent and who meets the requirements of subsections (a) through (e) may transport any child of that parent. (Authorized by K.S.A. 65-508, 75-3084, and 75-3085; implementing K.S.A. 65-508; effective P-  
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**30-47-817. Nutrition; food handling and storage.** (a) Each licensee shall ensure that for each child in foster care, both of the following requirements are met:

(1) Each child less than 12 months of age shall be held when bottle-fed until the child can hold the child's own bottle.

(2) No child shall be allowed to sleep with a bottle in the child's mouth.

(b) If serving milk products, only pasteurized milk products shall be served.

(c) Food allergies and special dietary needs of each child in foster care shall be accommodated.

(d) Sanitary methods of food handling and storage shall be followed. Each individual engaged in food preparation and food service shall use sanitary methods of food handling, food service, and storage. (Authorized by K.S.A. 65-508, 75-3084, and 75-3085; implementing K.S.A. 65-508; effective P-\_\_\_\_\_.)

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**30-47-818. Storage and administration of medication.** (a) Storage of medication.

Each licensee shall ensure that all prescription and nonprescription medication is stored in the original container at the recommended temperature in accordance with the instructions on the label and, except as specified in paragraph (e)(4), in a locked designated area inaccessible to children.

(b) Nonprescription medication.

(1) When nonprescription medication is administered to any child in foster care, each caregiver shall administer the medication from the original container and according to instructions on the label.

(2) Substances including herbal supplements, folk remedies, natural medicines, essential oils and vitamin supplements other than a daily multivitamin shall be administered to any child in foster care with documented approval by a licensed medical practitioner.

(c) Prescription medication. When prescription medication is administered to a child in foster care, each licensee shall ensure compliance with the following requirements:

(1) Prescription medication shall be administered only to the designated child and in accordance with instructions on the label.

(2) Each prescription medication shall be kept in the original container labeled by a pharmacist with the following information:

- (A) The first and last name of the child;
- (B) the date the prescription was filled;
- (C) the name of the licensed physician who wrote or approved the prescription;
- (D) the expiration date of the medication; and

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(E) specific, legible instructions for administration and storage of the medication.

(3) The instructions on each label shall be considered the prescription directions from the licensed physician.

(4) If a daily or weekly medication container is used for a child in foster care, all of the following requirements shall be met:

(A) The medication container shall be labeled with the child's name.

(B) The medication container shall be used only for medications that are not affected by exposure to air or light and that can touch other medications without affecting the efficacy of any of the medications.

(C) The medications shall be placed in the medication container by the licensee.

(D) Each dose shall be placed in the medication container according to the correct time of day.

(E) The medication container shall be kept in locked storage.

(F) The remainder of each of the child's medications shall be stored in the respective original container until the prescription is completed or discontinued.

(G) If any child in foster care is required to receive medication during a visit or during any absence from the foster home, all medication sent for the child shall be in containers that meet the requirements of paragraph (c)(2) and shall be given to the individual

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taking responsibility for the child.

(H) When a child in foster care moves from the family foster home, all current medications shall be in the individual original containers and shall be given to the individual taking responsibility for the child.

(I) At no time shall any medication be in the possession of a child in foster care, except as specified in paragraph (e)(4).

(d) Requirements for administering prescription and nonprescription medication.

(1) Before administering medication, each licensee shall receive training in medication administration as specified in K.A.R. 30-47-806. Each licensee shall ensure that each individual administering medication knows the purpose, side effects, and possible contraindications of each medication.

(2)(A) For prescription medications, each caregiver shall record on each child's medication record the following information:

(i) The name of the individual who administered each medication;

(ii) the date and time the medication was given;

(iii) any change in the child's behavior, any response to the medication, and any adverse reaction;

(iv) any change in the administration of the medication from the instructions on the label or a notation about each missed dose; and

(v) any direction from the physician to change the order as written on the label.

(B) Each medication record shall be signed by the caregiver and shall be made a

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part of the child's medical record.

(e) Self-administration of medication.

(1) Any licensee may permit each child in foster care with a condition requiring prescription medication on a regular basis to self-administer the medication under adult supervision. Each licensee shall obtain written permission for the child to self-administer medication from the licensed physician, licensed physicians assistant, or advanced practice registered nurse treating the child's condition.

(2) Written permission for self-administration of medication shall be kept in the child's file at the family foster home.

(3) Self-administration of each medication shall follow the requirements specified in paragraph (c)(2).

(4) Each child in foster care who is authorized to self-administer medication shall have access to the child's medication for self-administration purposes. Each child shall have immediate access to medication prescribed for a condition for which timely treatment is a life-preserving requirement. Each child with asthma, allergies, or any other life-threatening condition shall have immediate access to that child's own medication for emergency purposes. Each licensee shall ensure the safe storage of self-administered medication to prevent unauthorized access by others.

(5) The date and time that each medication was self-administered shall be recorded on the child's medication record. Each noted adverse reaction shall be documented. Each licensee shall review the record for accuracy and shall check the medication remaining

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in the container against the expected remaining doses. (Authorized by K.S.A. 65-508, 75-3084, and 75-3085; implementing K.S.A. 65-508; effective P-\_\_\_\_\_.)

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**30-47-819. Health care.** (a) Infectious or contagious disease. Each individual residing in the family foster home shall be free from any infectious or contagious disease specified in K.A.R. 28-1-6.

(b) Health of licensees and substitute caregivers.

(1) Each licensee or substitute caregiver shall be in a state of physical, mental, and emotional health, as necessary to protect the health, safety, and welfare of the children in foster care.

(2) No licensee or substitute caregiver shall be in a state of impaired ability due to the use of alcohol or other chemicals, including prescription and nonprescription drugs.

(3) Each individual regularly caring for a child in foster care in the family foster home shall have a health assessment conducted by a physician with a current license to practice in Kansas or by a nurse with a current license to practice in Kansas who is approved to perform health assessments. Each health assessment shall be conducted no earlier than one year before the date of the initial application for a license, employment, or volunteering and no later than 30 days after the date of the initial application, employment, or volunteering. The results of each assessment shall be recorded on a form provided by the department.

(4) Each licensee or substitute caregiver providing care for infants shall be current on the pertussis vaccination, and each caregiver caring for infants and children with special medical needs shall have a current annual influenza vaccination consistent with the recommendations of the centers for disease control and prevention. An exemption from this requirement shall be permitted only with one of the following:

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(A) A written certification from a physician with a current license to practice in Kansas stating that the physical condition of the individual is such that the immunization would endanger the individual's life or health; or

(B) a written statement from the individual that the individual is an adherent of a religious denomination whose teachings are opposed to immunizations.

(5) If a license experiences a significant change in the licensee's physical, mental, or emotional health, including indications of substance abuse, an assessment of the licensee's current health status may be requested by the department or by the sponsoring child-placement agency.

(A) The assessment or evaluation shall be performed at the expense of the licensee and by a practitioner who is licensed or certified in Kansas to diagnose and treat the specific condition that is the basis for the assessment or evaluation.

(B) Each licensee shall ensure that at least one potential practitioner has been approved by the department or the sponsoring child-placement agency in order to have the assessment or evaluation accepted by the department or child-placement agency.

(C) Each licensee shall provide the department or sponsoring child-placing agency with an executed release of medical information to enable the department or the child-placement agency to obtain information directly from the practitioner.

(c) Health of the foster family members.

(1) Each individual living in the family foster home, other than the child in foster care, shall have a health assessment conducted by a physician with a current license to practice in

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Kansas or by a nurse with a current license to practice in Kansas who is approved to perform health assessments. Each assessment shall be conducted within one year before the date of application or the date of the individual residing in the home and no later than 30 days after the date of the licensee's initial application or the date of the individual becoming a resident of the home. The results of the health assessment shall be recorded on forms provided by the department.

(2) Each child born to or adopted by the licensee living in the family foster home shall have current immunizations. An exemption from this requirement shall be permitted only with one of the following:

(A) A written certification from a physician with a current license to practice in Kansas stating that the physical condition of the child is such that the immunization would endanger the child's life or health; or

(B) a written statement from the child's parent or legal guardian that the child is an adherent of a religious denomination whose teachings are opposed to immunizations.

(d) Medical and dental health of each child in foster care.

(1) Each licensee shall ensure that emergency and ongoing medical and dental care is obtained for each child in foster care by providing timely access to basic, emergency, and specialized medical, mental health, and dental care and treatment services provided by qualified practitioners.

(2) Each licensee shall ensure that, at the time of the initial placement, each child in foster care has had a health assessment conducted within the past year by a physician with

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a current license to practice in Kansas or by a nurse with a current license to practice in Kansas who is approved to conduct assessments.

(3) A health assessment shall be obtained annually for each child in foster care.

(4) Each health assessment required in paragraphs (d)(2) and (3) shall be on file at the family foster home within 30 days after the child's placement in the home.

(5) The immunizations for each child in foster care less than 16 years of age shall be current or in process at the time the license is issued. An exemption from this requirement shall be permitted only with one of the following:

(A) A written certification from a physician with license to practice in Kansas stating that the physical condition of the child is such that the immunization would endanger the child's life or health; or

(B) a written statement from the child's parent or legal guardian that the child is an adherent of a religious denomination whose teachings are opposed to immunizations.

(6) An annual dental examination shall be obtained for each child in foster care who is 12 months of age or older. Follow-up care shall be provided. The child's dental record shall be recorded on forms provided by the department and shall be kept current.

(7) The medical information record for each child in foster care shall be kept current and shall document each illness, the action taken by the licensee, and the date of the child's medical, psychological, or dental care. When the child leaves the family foster home, the licensee shall ensure that the record, including the health assessments, dental records,

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medication administration record, immunization record, medical and surgical consent forms, and emergency medical treatment authorization, is given to the child's child-placing agent.

(e) Tuberculin testing.

(1) Each individual 16 years of age and older living, working, or regularly volunteering in the family foster home and each child in foster care 16 years of age and older shall be required to have a record of a negative tuberculin test or X-ray obtained not more than two years before the employment or initial application for a license or shall obtain the required record no later than 30 days after the date of employment, initial application, or becoming a resident of or volunteer in the home.

(2) Additional tuberculin testing shall be required if significant exposure to an active case of tuberculosis occurs or if symptoms compatible with tuberculosis develop. Proper treatment or prophylaxis shall be instituted, and the results of the follow-up shall be recorded on the individual's health record. Each occurrence described within this paragraph shall be reported to the department.

(3) The results of each tuberculin test shall be recorded on, or attached to, the health assessment form and kept on file at the family foster home. Each licensee shall report any positive tuberculin skin test to the department's tuberculosis (TB) control program by the next working day.

(4) A child in foster care less than 16 years of age shall not be required to have tuberculin tests unless the child has been recently exposed to tuberculosis or exhibits symptoms compatible with tuberculosis.

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(f) Smoking use limitations.

(1) To prevent exposure of a child in foster care to secondhand smoke, each licensee shall ensure that both of the following conditions are met:

(A) Smoking is prohibited inside the family foster home when a child in foster care is in placement, whether the child is physically present on the premises or not.

(B) Smoking by any member of the foster family or guest of the foster family is prohibited outside the family foster home in the presence of a child in foster care.

(2) Each licensee shall prohibit smoking and the use of any other tobacco product by a child in foster care less than 21 years of age. (Authorized by K.S.A. 65-508, 75-3084, and 75-3085; implementing K.S.A. 65-507 and 65-508; effective P-\_\_\_\_\_.)

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**30-47-820. General environmental requirements.** Each licensee shall ensure that all of the requirements in this regulation are met.

(a) Local requirements. Each family foster home shall meet the legal requirements of the community as to zoning, fire protection, water supply, sewage disposal, and trash and recycling disposal.

(b) Use of private water supply. If a private water system is used, the system shall meet the requirements in K.A.R. 28-4-50. The water supply shall be safe for human consumption. Testing of the water supply shall be completed at the time of initial licensing and annually thereafter to document the nitrate and bacteria levels. Additional testing may be required if there is a change in environmental conditions that could affect the integrity of the water supply. Commercially bottled drinking water shall be used for children in foster care until a laboratory test confirms that the water is safe for human consumption.

(c) Structural and furnishing requirements. Each family foster home shall be constructed, arranged, and maintained to provide for the health, safety, and welfare of all occupants and shall meet the following requirements:

(1) The home shall contain sufficient furnishings and equipment to accommodate all residents of the home and each child in foster care. The home shall include an operating kitchen with a sink, refrigerator, stove, and oven and at least one operable bathroom with one sink, one flush toilet, and one tub or shower.

(2) Each interior and exterior stairway with three or more stairs and a landing shall have a handrail.

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(3) Each interior and exterior stairway and landing shall be guarded on each side if there is a drop-off of more than 30 inches from the stairs or landing to the floor or ground.

(4) If any interior or exterior stairway is guarded by balusters and the family foster home is or is intended to be licensed for children in foster care less than six years of age, the space between balusters shall not exceed four inches.

(5) When a child in foster care less than two years of age is present, each stairway with two or more stairs and a landing shall be gated to prevent unsupervised access by the child. Gates used at the top of stairways shall be securely attached. Accordion gates shall be prohibited throughout the premises.

(6) If the family foster home is or intends to become licensed for children in foster care less than six years of age, each electrical outlet shall be covered or tamper-resistant.

(7) Water temperature shall be maintained to ensure the health and safety of children in foster care.

(8) Each bathroom shall have a door that affords privacy to the occupant and can be opened from each side without the use of a key in case of an emergency.

(9) A working telephone shall be on the premises and available for use at all times.

(10) Emergency telephone numbers shall be posted in plain view for the police, fire department, ambulance, hospital, and poison control center.

(11) A working smoke detector shall be centrally installed on each level of

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the home and in each room used for sleeping by a child in foster care and by the licensee.

(12) One working carbon monoxide detector shall be installed according to the manufacturer's instructions on each level of the home and adjacent to sleeping areas.

(13) One operable fire extinguisher shall be readily available.

(14) First aid supplies shall be readily accessible.

(d) Cleanliness. The interior of the family foster home shall be free from accumulation of visible dirt, any evidence of vermin infestation, and any objects or materials that could impact the health, safety, or welfare of all occupants of the home.

(e) Lighting and ventilation.

(1) All rooms used for living space shall be lighted, vented, heated, and plumbed pursuant to K.S.A. 65-508 and amendments thereto.

(2) Each window and door used for ventilation shall be screened to minimize the entry of insects.

(f) Firearms and other weapons.

(1) Each licensee shall ensure that all firearms, including air-powered guns, BB guns, pellet guns, and paint ball guns, are stored unloaded in a locked container, closet, or cabinet and are inaccessible to children. If the locked container, closet, or cabinet is constructed in whole or in part of glass or acrylic material, each firearm shall be additionally secured with a hammer lock, barrel lock, or trigger lock.

(2) Ammunition shall be kept in a separate locked storage container or

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locked compartment designed for that purpose, and inaccessible to children.

(3) All archery equipment, hunting and fishing knives, and other weapons shall be kept in a locked storage compartment and inaccessible to children.

(g) Storage of household chemicals, personal care products, tools, and sharp instruments. The following requirements shall apply when a child in foster care is in the family foster home:

(1) All household cleaning supplies, chemicals, and hazardous materials that have warning labels advising the consumer to keep out of the reach of children shall be kept in locked storage or stored out of reach of children less than six years of age.

(2) Sharp instruments shall be stored to prevent access by children less than six years of age.

(3) Tobacco, tobacco products, nicotine-based fluids, electronic or lighted cigarettes, vaporizers, alcohol, lighters, and matches shall be stored out of reach of children.

(h) Heating appliances.

(1) Each heating appliance using combustible fuel, including a wood-burning stove or a fireplace, shall be vented to the outside.

(2) Each fireplace and each freestanding heating appliance using combustible fuel, including a wood-burning stove, shall stand on a noncombustible material according to the manufacturer's specifications, Kansas state statutes and regulations, and local ordinances.

(3) If a child in foster care less than three years of age is in the family foster

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home, a protective barrier shall be provided for each fireplace and each freestanding heating appliance as necessary to protect from burns.

(i) Play space. Each family foster home shall have a space for indoor play and access to an outdoor play space.

(j) Mobile home requirements. In addition to the other requirements specified in this regulation, if the family foster home is a mobile home, both of the following requirements shall be met:

(1) The mobile home shall have two exits that are located at least 20 feet apart, with one exit within 35 feet of each bedroom door.

(2) Each mobile home shall be skirted with latticed or solid skirting and securely anchored by cable to the ground.

(k) Special inspections. A special inspection of the family foster home by a fire, health, sanitation, or safety official may be required by the secretary or the sponsoring child-placement agency to assist in making a decision about the safety of the family foster home for a child in foster care. (Authorized by 65-508, 75-3084, and 75-3085; implementing K.S.A. 65-508; effective P-\_\_\_\_\_.)

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**30-47-821. Sleeping arrangements.** (a) Each licensee shall ensure that sufficient space for sleeping is provided to accommodate all residents of the family foster home and each child in foster care. Sleeping space shall not include any of the following places:

- (1) An unfinished attic;
- (2) an unfinished basement;
- (3) a laundry room;
- (4) any living space that is normally used for other than sleeping arrangements; or
- (5) any room that provides routine passage to a common use room, to another bedroom, or to the outdoors.

(b) Each licensee shall ensure that each bedroom used for sleeping by a child in foster care meets the following requirements:

- (1) Each bedroom shall have at least 70 square feet.
- (2) Each bedroom shall have at least 45 square feet for each individual sharing the room.
- (3) The exit path from each bed to each outside exit shall have a minimum ceiling height of six feet eight inches.
- (4) Each bedroom shall have a solid door to ensure privacy.
- (5) Each bedroom shall have at least two means of escape. Each means of escape shall be easily opened from the inside.
  - (A) At least one means of escape shall be an unobstructed pathway leading to an exit door to the outside.

(B) The second means of escape shall give direct access to the outside and shall be

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an unobstructed door or window that is able to be opened from the inside without the use of tools.

(C) For each window used as a means of escape, all of the following requirements shall be met:

(i) The window shall have a width of at least 20 inches and a height of at least 24 inches.

(ii) The window shall be within 44 inches of the floor or shall have permanent steps or another immovable fixture that brings the window to within 44 inches of the top of the steps or fixture.

(iii) If the window is screened, the screen shall be easily removed from the inside.

(iv) The licensee shall ensure that each occupant of the bedroom can easily exit through the window.

(c) Privacy for the occupants of all bedrooms shall be ensured.

(d) Each child in foster care shall have a separate bed or crib that meets the following requirements:

(1) Is intact, fully functional, and in good repair to prevent injury or entrapment of the child;

(2) is of sufficient size to accommodate the size and weight of the child;

(3) has a mattress that is clean and has a waterproof covering, if needed; and

(4) has bedding adequate to the season and appropriate to the age of the child.

(e) If a bunk bed is used by any child in foster care, the following requirements shall

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be met:

(1) The upper bunk shall be protected on all sides with rails. Headboards and footboards may substitute for rails on the ends of the bed.

(2) Each child in foster care using the upper bunk shall be at least six years of age.

(f) Each child in foster care less than 12 months of age shall sleep in a crib.

For the purposes of a nap, the child may sleep in a playpen. Each crib and each playpen shall meet the following requirements:

(1) If a crib or playpen is slatted, the slats shall be spaced no more than  $2 \frac{3}{8}$  inches apart.

(2) Each crib shall have a firm mattress fitted in accordance with manufacturer's recommendations.

(3) The crib corner post extensions shall not exceed  $1 \frac{1}{16}$  inch.

(4) No pillow, quilt, comforter, blanket, bumpers, or other soft product that could cause suffocation shall be used in the crib or the playpen when a child who is less than 12 months of age is sleeping in the crib or playpen.

(g) Any child in foster care who is less than 12 months of age shall be put to sleep on the child's back unless ordered otherwise by the child's physician.

(h) Any child in foster care 12 months and older may sleep in a crib until that child is 18 months of age.

(i) Any child in foster care 18 months but not yet 30 months of age may sleep in a crib as recommended by the child's medical provider.

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(j) At night, each caregiver shall sleep within hearing distance or use a nonrecording monitoring device for each child in foster care under the age of six years and each child in foster care that has special developmental or medical needs requiring close supervision as documented by the child's medical or mental health provider.

(k) When any child in foster care shares a room, the following requirements shall be met:

(1) Each child in foster care six years of age and older shall share the room only with children of the same sex.

(2) Each licensee shall use reasonable and prudent parent standards when determining room sharing arrangements. The licensee shall take into consideration each child's age, maturity level, behavior disorders, developmental delays, anger management, and thrill-seeking behaviors.

(3) A child who is known to have committed an unlawful sexual act or who is a sexual abuse victim shall not share a room until both of the following conditions are met:

(A) The potential roommate arrangements are assessed by the child-placing agent, the home's sponsoring child-placement agency, and the licensee.

(B) Based on the assessment, a determination is made by the child-placement agency that it is unlikely that further sexual abuse will result from the child sharing a room.

(l) A child in foster care who is a parent may share a room with the parent's own child or children. The room shall meet the requirements in paragraph (b)(2).

(m) Any child in foster care may sleep in the bedroom of the licensee under any of

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the following circumstances:

(1) The child in foster care is less than 18 months of age.

(2) The child in foster care is ill.

(3) The child in foster care has special developmental or medical needs requiring close supervision as documented by a physician.

(n) If a child in foster care sleeps in the licensee's bedroom, the bedroom shall have at least 130 square feet.

(o) Each licensee shall ensure that separate and accessible drawer space for personal belongings and closet space for clothing are available for each child in foster care.

(Authorized by K.S.A. 65-508, 75-3084 and 75-3085; implementing K.S.A. 65-508; effective

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**30-47-822. Safety procedures; emergency plan; drills.** (a) Each licensee shall make the following preparations for emergencies:

(1) Each licensee shall ensure that the family foster home's address is visible from the street.

(2) Each licensee shall develop an emergency plan for the family foster home to provide for the safety of all residents of the family foster home in emergencies.

(3) Each emergency plan shall be posted in plain view in the family foster home.

(b) When an emergency occurs, if a caregiver accompanies a child in foster care to care or safety, that caregiver shall remain with the child. Each licensee shall ensure that an arrangement is made and followed to ensure the supervision of the other children in the family foster home if a child in foster care requires emergency care.

(c) Each licensee shall ensure that a fire drill and tornado drill are conducted monthly and that the drills are scheduled to allow participation by each resident of the family foster home. The date, time, number of people participating in the drill and the evacuation time of each drill shall be recorded and kept on file in the family foster home. (Authorized by K.S.A. 65-508, 75-3084, and 75-3085; implementing K.S.A. 65-508; effective P-

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**30-47-823. Outside premises.** Each licensee shall ensure that all of the following requirements are met:

(a) General safety. The outside premises of the home shall be free from any objects, materials, and conditions that constitute a danger to the health or safety of each child in foster care.

(b) Outdoor play area.

(1) The play area shall be located, arranged, and maintained to allow for supervision by the caregiver and to reduce the risk of injury.

(2) The play area shall be well-drained and free of known health, safety, and environmental hazards.

(3) Play equipment shall be located in an area free from hazards, be age-appropriate, and be in good repair. Equipment that is broken, hazardous, or unsafe shall not be used. Swings and climbing equipment shall be anchored.

(c) Protection from safety hazards. Each licensee shall ensure that each child in foster care is protected from all of the following safety hazards if adjacent to or within 50 yards of the house:

(1) A busy street;

(2) railroad tracks; and

(3) a water hazard, including a ditch, a pond, a lake, and any standing water.

(Authorized by K.S.A. 65-508, 75-3084, and 75-3085; implementing K.S.A. 65-508; effective

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**30-47-824. Swimming pools, wading pools, and hot tubs; off-premises swimming and wading activities.** (a) General safety on the premises of the family foster home.

(1) If any swimming pool, wading pool with less than 24 inches of water, or hot tub is on the premises, the pool or hot tub shall be constructed, maintained, and used in such a manner that safeguards the lives and health of the children in foster care.

(2) If children in foster care have access to a swimming pool, wading pool, or hot tub, at least one caregiver shall be physically present and shall directly supervise the children. A minimum ratio of one adult to six children shall be maintained.

(3) Each licensee shall post legible safety rules for the use of a swimming pool or hot tub in plain view. If the pool or hot tub is available for use, the licensee shall read and review the safety rules weekly with each child in foster care.

(b) Swimming pools on the premises.

(1) Each aboveground swimming pool shall be at least four feet high or shall be enclosed by a barrier on all four sides that is at least four feet high with self-locking gate that is kept closed. Steps shall be removed and stored away from the pool when the pool is not in use.

(2) Each aboveground pool with a deck or berm that provides a ground-level entry on any side shall be treated as an in-ground pool and shall meet the following:

(A) Swimming pools shall have a barrier on all sides at least four feet high.

(B) Swimming pools shall have their methods of access through the barrier equipped with a safety device, including a bolt lock.

(3) The pool shall be cleaned. The chlorine level and pH shall be tested before each use. The results of these tests shall be recorded and available. Each pool that is

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unable to be emptied after each use shall be equipped with a working pump and filtering system.

(4) An individual with current certification in CPR who can swim shall be in attendance while any child in foster care is using a swimming pool.

(5) Each swimming pool shall be equipped with a lifesaving device that is sufficient length to reach the center of the pool from each edge of the pool.

(c) Wading pools on the premises.

(1) No child in foster care shall be permitted to play without adult supervision in any area where there is a wading pool containing water.

(2) The water in each wading pool shall be emptied daily.

(d) Hot tubs on the premises.

(1) Each hot tub shall be covered when not in use with an insulated, rigid cover secured by locks or surrounded by a fence that meets the requirements of paragraph (b)(1).

(2) The chlorine level and pH shall be tested and maintained as required by the manufacturer's specifications for use.

(3) Each licensee shall ensure that no child in foster care less than six years of age uses a hot tub. Each licensee shall use the hot tub in accordance with the manufacturer's specifications. (Authorized by K.S.A. 65-508, 75-3084, and 75-3085; implementing K.S.A. 65-508; effective P-\_\_\_\_\_.)

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**30-47-825. Animals.** (a) Each licensee shall ensure that if any animal is kept on the premises, the pet area is kept clean, with no evidence of flea, tick, or worm infestation in the area.

(b) Each licensee shall ensure that each animal that is in contact with any child in foster care meets the following requirements:

- (1) Is in good health, with no evidence of disease; and
- (2) is friendly and poses no threat to the health, safety, and well-being of children.

(c) A record of each current rabies vaccination shall be kept on file in the family foster home, and a copy shall be supplied to the sponsoring child-placement agency.

(Authorized by K.S.A. 65-508, 75-3084, 75-3085; implementing K.S.A. 65-508; effective P-  
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