

"HAWAII ADMINISTRATIVE RULES

TITLE 17

DEPARTMENT OF HUMAN SERVICES

SUBTITLE 11 CHILD WELFARE SERVICES PROGRAMS

CHAPTER 1625

LICENSING OF RESOURCE FAMILY
HOMES FOR CHILDREN

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Historical Note: This chapter is based substantially upon chapter 17-890. [Eff 7/19/82; am 9/30/85; am 3/20/87; am and comp 7/30/92; am 9/16/96; R

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§17-1625-1 Goals. (a) The department shall provide temporary foster care placement of children and youth outside of their own home due to child abuse or neglect in a safe, stable and nurturing environment.

(b) Foster care services shall be provided to the child and the child's family in a culturally competent manner that acknowledges and is sensitive to the strengths and needs of each child and the child's family.

(c) Foster care services shall facilitate family connections by encouraging and facilitating sibling and other family visitation and contact on a frequent basis, as appropriate.

(d) Foster care services shall be a resource to the foster child and the child's family while the child is in out-of-home placement.

[Eff **DEC 09 2010**] (Auth: HRS §§346-14, 350-2) (Imp: HRS §350-2)

§17-1625-2 Definitions. For the purpose of

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this chapter:

"Agency" or "child-placing agency" means a child-placing organization or the department's child welfare services branch.

"Agency placement" means placement of a foster child in a resource family home through the department's child welfare services branch or other child-placing agency.

"Applicant" means any adult person who makes a written request to the department or a licensed child-placing agency to be approved as a resource family home.

"Application" means a written request on the department or the child-placing agency's form to care for children for the purpose of foster care.

"Certificate of approval" or "license" means a certificate or license to operate a resource family home issued to the resource family by the department or a licensed child-placing organization.

"Child-caring institution" or "group home" means any institution or group home licensed by the department, for the purpose of receiving six or more unrelated minor children for temporary substitute supervision, care, and maintenance apart from their legal custodians on a twenty-four hour basis for monetary payment. This term shall not apply to any boarding school which is primarily engaged in educational work or to any resource family home, detention facility, forestry camp, training school, or facility operated primarily for the detention of delinquent children. This term shall also exclude public child care institutions that accommodate more than twenty five children.

"Child-placing organization or agency" means any person, agency, or organization engaged in the assessment, placement, and supervision of children in foster care which has been authorized by statute, or delegated the authority by the department to approve resource family homes and adoptive homes.

"Child specific home" is a home licensed for a specific child, pursuant to chapter 17-1617, HAR.

"Criminal history record check" means an examination of an individual's criminal history record through fingerprint analysis and name inquiry into state and national criminal history record files, including, but not limited to, the files of the Hawaii criminal justice data center; provided that the information obtained shall be used exclusively for the purposes under this chapter and shall be subject to applicable federal and state laws and regulations.

"Department" means the department of human services.

"Employee" means an individual employed by the resource family to work in the resource family's home.

"Foster care" and "foster care services" means temporary substitute supervision, care, and maintenance apart from the child's legal custodians on a twenty-four hour basis for monetary payment in a licensed resource family home, or group home licensed by the department or other appropriate agency, to an eligible child pursuant to chapter 17-1617, HAR, whose legal custodians are unwilling or unable to provide a safe family home for the child's safety, welfare and protection as determined by the department pursuant to the child protective act.

"Foster child" means any child under eighteen years of age who is in out-of-home care, pursuant to Chapter 17-1617, HAR.

"Foster family boarding home" or "foster home" means a "resource family home" which has met the state licensing requirements in chapter 17-1617, HAR, in which minor children are received for temporary substitute supervision, care and maintenance apart from their legal custodians on a twenty-four hour basis for monetary payment.

"Foster parent(s)" means a "resource family" who is:

- (1) Licensed by the department to provide temporary safe foster care services for children under the jurisdiction of the department in out-of-home care; and
- (2) Paid foster care maintenance payments by the department for such services.

"Group home" means a "child-caring institution" as defined above in this section.

"Household member" means any individual residing in the resource family home, including but not limited to renters and boarders.

"Independent foster home" means a licensed "independent resource family home" which receives foster children for temporary substitute supervision, care and maintenance apart from their legal custodians on a twenty-four hour basis for monetary payment from sources other than a child-placing agency.

"Independent placement" means placement of a child into a licensed resource family home directly by the child's legal custodian, and not through a child-placing agency.

"Legal custodian" means the child's biological parent(s), adoptive parents, permanent custodian(s)

legal guardian(s), or other entities that have legal and physical custody of the child.

"Provisional certificate of approval" means a temporary certificate issued at the discretion of the department for a period usually not exceeding sixty days to any resource family home which has met the essential safety requirements but which has not fully met all licensing requirements at the time the certificate is issued.

"Resource family home" means a home which has met the state licensing requirements in chapter 17-1617, HAR, in which minor children are received for temporary substitute supervision, care and maintenance apart from their legal custodians on a twenty-four hour basis for monetary payment.

"Resource family" or "resource caregiver" means a family or person who is:

- (1) Licensed by the department to provide temporary safe foster care services for children under the jurisdiction of the department in out-of-home care; and
- (2) Paid foster care maintenance payments by the department for such services.

"Resource family training" means instruction in special skills and knowledge to care for foster children as required and approved by the department.

[Eff **DEC 09 2010**] (Auth: HRS §§346-14, 346-17, 346-19.6) (Imp: HRS §§346-16, 346-17)

§17-1625-3 Penalty. Any person who knowingly and voluntarily operates as a resource family home without a certificate of approval or who makes any false statement or violates the rules shall be fined not more than \$200 for each violation. The department shall notify violators in writing of their violation, and of the imposition and amount of a fine. [Eff **DEC 09 2010**

] (Auth: HRS §§346-14, 346-17) (Imp: HRS §346-17)

§17-1625-4 Severability. If any section, subsection, paragraph, subparagraph, or clause of these rules or its application to any person or circumstance, is for any reason held to be unconstitutional or invalid, the remaining portions of these rules or the application of these rules to other persons or circumstances shall not be affected. [Eff

DEC 09 2010] (Auth: HRS §§346-14, 346-17) (Imp: HRS §346-17)

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§17-1625-5 Exceptions. Exceptions to the requirements of this chapter may be made at the discretion of the department provided that they do not violate federal or state statutes or pose a risk to the health, safety, or well-being of children. [Eff DEC 09 2010] (Auth: HRS §346-17) (Imp: HRS §346-17)

§17-1625-6 Savings clause. Existing resource family homes approved by the department or agency shall continue to operate for the term of the resource family home's certificate of approval and shall thereafter be subject to these rules except where prohibited by federal and state statutes. [Eff DEC 09 2010] (Auth: HRS §§346-14, 346-17) (Imp: HRS §346-17)

SUBCHAPTER 1

CERTIFICATE OF APPROVAL

§17-1625-7 Need for certificate of approval. A resource family home shall have a certificate of approval in order to care for children. The certificate of approval shall certify that the resource family home met all the requirements of this chapter. [Eff DEC 09 2010] (Auth: HRS §§346-14, 346-17) (Imp: HRS §346-17)

§17-1625-8 Application. (a) A married couple desiring to provide foster care for children shall submit a joint application to the department or the child-placing agency for a certificate of approval.

(b) An adult person desiring to provide foster care for children shall submit an application to the department or the child-placing agency for a certificate of approval.

(c) The agency may refuse an application for a certificate of approval if the agency determines that the applicant presents a potential risk to a child or children. [Eff DEC 09 2010] (Auth: HRS §§346-14, 346-17) (Imp: HRS §§346-14, 346-17)

§17-1625-9 Study process. (a) The agency receiving the application shall conduct a study of the

applicants, household members, and the applicants' home in accordance with departmental procedures to determine that the requirements of this chapter are met and that the applicants and household members have the ability and personal qualities to care for foster children.

(b) The agency shall dispose of the application within ninety days of receipt of all required documents, including but not limited to, criminal history, background, and child abuse and neglect (CA/N) registry checks.

(c) A record of the agency's findings shall be kept on file at the agency to which application is made. [Eff **DEC 09 2010**] (Auth: HRS §§346-14, 346-17) (Imp: HRS §346-17)

§17-1625-10 Issuance of certificate of approval.

(a) The department or agency shall issue a certificate of approval on the basis of a study which determined that the resource family home met the licensing requirements in this chapter. The certificate of approval shall specify:

- (1) The name and address of the persons to whom the certificate of approval is issued;
- (2) The maximum number of foster children permitted;
- (3) The period for which the certificate is effective;
- (4) The specific child-placing agency, when applicable; and
- (5) The child's name if the home has been approved for a specific child.

(b) If the resource family home under study will accept only a specific child or a child for whom service is requested is already living in the resource family home, the department may issue a certificate of approval for a specific child if the home satisfactorily meets licensing requirements.

- (1) Studies on all resource family homes for a specific child shall be initiated prior to or on the date the child is placed or prior to or on the date the department assumed placement responsibility of the child.
- (2) A provisional certificate of approval, not to exceed sixty days, unless otherwise approved by the department may be issued to a resource family home that is unable to meet all the requirements at the time of the study, if it is reasonable to assume that all licensing requirements will be met within sixty days

and that there are no risks to the health, safety, or well-being of a child.

- (3) Placement preference shall be given to relatives who are able to meet licensing requirements for a provisional certificate of approval.

(c) Depending on the amount of supervision and monitoring needed, the certificate of approval shall be effective for a period of one year from the date of issue, or the certificate of approval shall be effective for a period of two years from the date of issue, when the following criteria are met:

- (1) The resource family fully met all licensing requirements and will need minimum supervision and monitoring; and
- (2) The resource family has no health condition, physical or emotional, which may adversely affect the resource family's ability to care for children.

(d) The certificate of approval shall not be transferable and shall become invalid when:

- (1) The person to whom the certificate of approval is issued ceases to operate a resource family home;
- (2) There is a change in residence;
- (3) The home accepts more than the maximum number of children for which the home is approved; or
- (4) A specific child for whom the home was approved is no longer in the home.

(e) The certificate of approval shall be available for inspection at the resource family home.

(f) After the issuance of a certificate of approval, the resource family shall ensure that employees hired by the resource family to work in the resource family home comply with section 17-1625-17(a) within five working days of employment.

(g) The agency may request the resource family to terminate the employment of an employee who has a criminal history or background which poses a risk to children. Refusal by the resource family to terminate the employment of an employee when requested under this section shall be grounds for revocation or suspension of a certificate of approval.

(h) The licensing of a resource family home shall not obligate the agency to place children in the home. The license shall mean only that the agency has evaluated the resource family home and has determined that the resource family home meets the rules governing resource family homes. [Eff

DEC 09 2010] (Auth: HRS §§346-14, 346-17) (Imp:
HRS §346-17)

§17-1625-11 Renewal. (a) A license shall be renewed annually or biennially depending on the certification status of the home.

(b) The agency shall conduct a name inquiry into the state criminal history files annually or biennially depending on whether the home was licensed for one year or two years. The resource family, all adult household members, and employees shall provide consents to the department or agency to conduct such checks at least thirty days prior to the anniversary date of the last consent and thereafter, at least thirty days prior to the expiration date of the certificate.

(c) Child abuse and neglect (CA/N) registry, background, and any other checks that may be required by the department shall be completed on the resource family, household members, and employees annually or biennially depending on whether the home was licensed for one year or two years.

(d) Tuberculosis clearances shall be obtained only for household members with a prior positive skin test or chest x-ray and the clearance shall be in accordance with the current state department of health recommendations and departmental procedures.

(e) When the agency determines that the resource family has met all the requirements of this chapter, a new certificate of approval shall be issued for one or two years, provided that:

- (1) The family fully complied with all recertification requirements, including those concerning health and safety;
- (2) There were no major changes in the family composition, living arrangement, or physical facilities that may adversely affect the care of children;
- (3) The criminal history and background checks on the resource family, adult household members, and employees showed that they do not pose a risk to the health, safety, or well-being of children;
- (4) The child abuse and neglect history and background checks on the resource family, adult household members, and employees showed that they do not pose a risk to the health, safety, or well-being of children; and
- (5) There is no other verifiable report by foster children, workers, or others indicating the

resource family, adult household members or employees pose a risk to the health, safety, or well-being of children.

(f) A provisional certificate of approval, usually not to exceed sixty days, may be issued to a resource family home that is unable to meet all the requirements at the point of renewal, if it is reasonable to assume that all licensing requirements will be met within sixty days and that there are no risks to the health, safety, or well-being of a child. [Eff **DEC 09 2010**] (Auth: HRS §§346-14, 346-17, 346-19.6; 45 C.F.R. parts 1355, 1356) (Imp: HRS §§346-17, 346-19.6; 45 C.F.R. parts 1355, 1356)

§17-1625-12 Reporting changes. (a) The resource family home shall immediately report to the agency any changes or circumstances that may impact their certificate of approval or their ability to care for children. The changes that must be reported immediately include but are not limited to additional household members, any changes in the resource family's health status, and changes in the criminal history of any household member including arrests and conviction for any offense.

(b) Non-reporting of changes or circumstances that may impact a resource family home's certificate of approval or ability to care for children is grounds for immediate revocation of a certificate of approval if the department or agency assesses that the omission presents a situation that could place a child at risk of harm or threatened harm. [Eff **DEC 09 2010**] (Auth: HRS §§346-14, 346-17) (Imp: HRS §346-17)

§17-1625-13 Denial. (a) The agency shall deny approval of a resource family home when:

- (1) The requirements of this chapter are not met;
- (2) The applicant or a household member does not demonstrate the ability, skills, or personal qualities to provide safe and appropriate care for foster children; or
- (3) A member of the household poses a potential risk to foster children.

... (b) The agency shall notify the applicant in writing, giving the reason for the denial. [Eff **DEC 09 2010**] (Auth: HRS §§346-14, 346-17) (Imp: HRS §346-17)

§17-1625-14 Revocation and suspension. (a) The agency may revoke a certificate of approval when a home or household member does not meet the requirements of this chapter during the period covered by the certificate.

(1) The agency shall notify the resource family in writing, providing the reasons for the revocation of the certificate of approval and the rules supporting this action.

(2) This written notice shall be mailed at least ten calendar days prior to the revocation date.

(b) The agency may suspend the license for up to three months if the violations can be corrected within three months.

(1) The agency shall notify the resource family in writing, providing the reasons for the suspension of the certificate of approval at least ten calendar days prior to the suspension date.

(2) The agency shall develop a corrective action plan and agreement with the resource family to address the violations, with a date not to exceed three months.

(3) If the resource family does not successfully complete the corrective action plan and agreement within the time frames specified, the agency may revoke the certificate of approval and notify the resource family in writing of the reasons for the revocation of the certificate of approval at least ten calendar days prior to the revocation date.

(c) The agency may immediately revoke a certificate of approval when a determination is made by the department, based on the circumstances in the home that continued licensing of the home could present a situation that would harm a child or place a child at risk of harm. [Eff **DEC 09 2010**] (Auth: HRS §§346-14, 346-17) (Imp: HRS §346-17)

§17-1625-15 Hearing. (a) Persons whose application for a certificate of approval has been denied or a resource family whose certificate of approval has been revoked, suspended, or not renewed by the agency may request a hearing in writing, in accordance with departmental procedures.

(b) The written request shall be received by the agency within ninety calendar days of the date the

agency mailed the letter of denial, revocation, suspension, or ~~non-renewal~~ to the applicant or resource family. [Eff **DEC 09 2010**] (Auth: HRS §§346-14, 346-17) (Imp: HRS §346-17)

§17-1625-16 Confidentiality of resource family home records. The provisions of chapter 17-1601 shall apply to this chapter. [Eff **DEC 09 2010**] (Auth: HRS §346-10) (Imp: HRS §346-10)

SUBCHAPTER 2

LICENSING REQUIREMENTS

§17-1625-17 Personal qualifications required.

(a) Applicants, adult household members, and employees shall submit statements signed under penalty of law indicating whether they were ever convicted of a crime, and provide consents to conduct criminal history, child abuse and neglect (CA/N) registry, background, and any other checks as may be required by the department or state or federal laws. Such information and consents shall be given upon forms supplied by the department.

(b) The agency receiving the application shall conduct criminal history, child abuse and neglect (CA/N) registry checks, background, and any other checks deemed necessary, such as employment checks, on applicants, employees, and household members.

- (1) Except for the Federal Bureau of Investigations (FBI) clearances, these checks shall be completed prior to provisional licensure of the child specific resource family home.
- (2) The fingerprint-based FBI clearances for adult household members shall be completed in accordance with federal and state statutes and departmental procedures prior to full licensure of the home.
- (3) The check of the state's child abuse and neglect registry for all adult household members, including the registries in states where an adult resided within the preceding five years, shall be completed in accordance with federal and state statutes and departmental procedures prior to full licensure.
- (4) Information regarding a person's child abuse and neglect (CA/N) registry checks obtained

from any other state shall only be used for the purpose of conducting background checks for the licensing of family resource homes. Any person who fails to safeguard confidential information or who violates rules governing the confidential nature of department information may be prosecuted for a violation pursuant to chapter 17-1601-13.

(c) The resource family and all adult household members shall show evidence of being well-adjusted persons and have sufficient ability, training, and experience in caring for children and demonstrate the willingness and ability to work with the agency and other agencies and organizations. They shall:

- (1) Be responsible, stable, emotionally mature individuals who exercise sound judgment and who can make appropriate decisions;
- (2) Know how to promote positive self-esteem in children and how to help children develop healthy personal relationships;
- (3) Be knowledgeable of and agree to use appropriate, non-physical means of discipline;
- (4) Have the capacity to respect and accept into their families, persons of different backgrounds and cultures;
- (5) Accept and support a child's ongoing relationship and family contact with the child's legal custodian, family and relatives;
- (6) Accept and support the department's mandate to reunify children with their parents or out-of-home placement preference for appropriate relatives.
- (7) Accept that foster placements are not permanent placements, but rather intended to be temporary until a child can be reunited with their parents or placed with other extended family in a permanent placement.
- (8) Have an understanding of a child's special needs and the ability to meet them; and
- (9) Not abuse substances, such as illegal drugs or alcohol.

(d) The resource family and all adult household members shall be of reputable and responsible character and shall not have a criminal history record or background which poses a risk to the health, safety, or well-being of children in care.

- (1) The resource family and adult household members shall not have any of the following:

- (A) A felony conviction, at any time, for child abuse or neglect, for spousal abuse, for a crime against children (including child pornography), or for a crime involving violence, including rape, sexual assault, or homicide, but not including other physical assault or battery; or
 - (B) A felony conviction, within the last five years, for physical assault, battery, or a drug-related offense.
- (2) Convictions of any other crimes, the circumstances of which indicate that the resource family or adult household member poses a risk to the health, safety, or well-being of children, may be grounds for denial, revocation, or non-renewal of a certificate of approval, according to departmental procedures.
 - (3) Except for felony convictions listed in paragraph (1), the type of criminal offense, when it occurred, and evidence of rehabilitation may be considered in determining whether the criminal history poses a risk to the health, safety, or well-being of children. A single item of evidence, however, may not be conclusive evidence of rehabilitation.
 - (4) An employment history indicating violence, alcohol or drug abuse, and any other violation of employer rule or policy, the circumstances of which indicate that the applicant or adult household member may pose a risk to the health, safety, or well-being of children, may be grounds for denial or revocation or non-renewal of a certificate of approval.
 - (5) Background information which shows that the individual has been identified as and confirmed to be the maltreater of child abuse or neglect or whose parental rights were terminated may be a basis for denial, revocation, or non-renewal of a certificate of approval, unless there is a determination by the department that the individual has established clear and convincing evidence of rehabilitation and the individual has demonstrated the ability to provide a safe family home for the child or children, or the individual does not pose a risk to the

health, safety, or well-being of a child or children in the home.

(e) Information which shows that any member of the household may pose a risk to the health, safety, or well-being of a child, including, but not limited to repeated allegations of child abuse and/or neglect, or arrests for offenses such as driving under the influence, violations of protective orders or any sex crime may be a basis for denial, revocation, or non-renewal of a certificate of approval. Evidence of rehabilitation may be considered in determining whether the child abuse and/or neglect or criminal history poses a risk to the health, safety, or well-being of children. A single item of evidence, however, may not be conclusive evidence of rehabilitation.

(f) The resource family shall participate in required trainings provided or approved by the department or agency. [Eff **DEC 09 2010**] (Auth: HRS §§346-14, 346-17; 45 C.F.R. parts 1355, 1356) (Imp: HRS §§346-17; 45 C.F.R. parts 1355, 1356)

§17-1625-18 Health of resource family. (a) All members of the household shall be free from physical, emotional, or other conditions which may pose a risk to the health, safety, or well-being of foster children.

(b) The following written medical reports shall be submitted by the resource family prior to initial approval of the home or within sixty days of the provisional approval of a child specific licensed home:

- (1) Physical examinations of the resource family completed within the year by a licensed physician, advanced practice registered nurse, physician assistant or other medical professional licensed to practice and permitted to perform medical examinations by the State of Hawaii certifying that the resource family suffers no illnesses or disabilities that would interfere with the resource family's capacity to care for children; and
- (2) Tuberculosis clearance of all members of the household, including children, in accordance with current state department of health recommendations.

(c) At any time, the agency may request current physical examinations or other reports regarding the

health of the resource family and other members of the household.

(d) Any person who moves into the resource family home after a certificate of approval has been issued shall provide a tuberculosis clearance taken within the past year prior to their move into the home, or produce a tuberculosis clearance upon moving into the resource family home.

(e) The resource family shall immediately notify the agency of any significant changes in their health or in the health of other household members, which may interfere with the family's ability to care for children.

(f) Failure to comply with this section may result in the denial, suspension, revocation, or non-renewal of a certificate of approval. [Eff

DEC 09 2010] (Auth: HRS §§346-14, 346-17) (Imp: HRS §346-17)

§17-1625-19 Income. (a) Prior to the child's placement into the home, the income of the resource family home shall be sufficient to maintain an adequate standard of living for the family before the addition of a foster child.

(b) No business or activity shall be conducted on the premises which may pose a risk to the health, safety, or well-being of the children under the resource family's care.

(c) The resource family may have a joint savings account with a child upon written approval from the department or agency and shall facilitate the transfer of that account in the event the child returns home or moves to another resource family home. [Eff DEC 09 2010] (Auth: HRS §§346-14, 346-17) (Imp: HRS §346-17)

§17-1625-20 Employed resource family. The employment or business of the resource family or caregiver shall have no bearing on licensure, provided that the child or children are appropriately supervised. [Eff DEC 09 2010] (Auth: HRS §§346-14, 346-17) (Imp: HRS §346-17)

§17-1625-21 Other children in the home. (a) Prior to licensing, or placement of a child or children into the home, consideration shall be given to the following.

- (1) The home shall not be licensed for more than five unrelated foster children,
 - (2) The home may be licensed for six or more minor siblings if in the best interest of the children.
 - (3) Unless otherwise approved by the department in accordance with departmental procedures no more than two foster children under the age of two can be cared for per licensed resource family within a home.
 - (4) A resource family home licensed by the department shall not accept children from any other source without:
 - (A) Informing the department of the potential placement prior to accepting the child; and
 - (B) Obtaining permission from the department, pursuant to these rules.
- [Eff **DEC 09 2010**] (Auth: HRS §§346-14, 346-17) (Imp: HRS §346-17)

§17-1625-22 Housing and sanitation requirements.

The resource family home shall comply with acceptable state standards on housing and sanitation as follows:

- (1) The kitchen shall have equipment that is working and in sanitary condition for the safe storage, preparation, serving and cleaning up of meals, and all eating and drinking utensils shall be thoroughly cleaned after each usage;
- (2) The living room or family room shall have sufficient space and be comfortably furnished and accessible to all members of the family;
- (3) The bedrooms shall be safe, well lit, well ventilated, and have adequate space;
- (4) The bathroom shall have a sanitary flush toilet, a washbasin with running water, and a bath or shower with hot and cold water. In areas where an adequate water supply is not available, toileting and bathing methods must be in accordance with department of health standards;
- (5) All rooms shall be reasonably clean and have adequate light and ventilation;
- (6) The home shall have an approved source of potable water supply;
- (7) The home shall have adequate facilities for the proper disposal of sewage with all plumbing connected to a public sewage system or other approved method;

- (8) The home shall have proper facilities for the disposal of garbage and refuse;
- (9) The home shall have access to laundering facilities for washing clothes either in the home or elsewhere;
- (10) The home shall have adequate fire escape exits, a fire evacuation plan, and smoke detectors installed in or near the bedrooms that are in good working order and that are in accordance with the manufacturer's specifications;
- (11) The premises shall be kept in a sanitary and safe condition. There shall be protection from fire hazards, drugs, poisons, harmful household supplies, dangerous tools, weapons, firearms, and potentially dangerous animals; and
- (12) The home shall meet the space, ramp, and other requirements set by the department of health for physically impaired individuals as appropriate and when necessary. [Eff
DEC 09 2010] (Auth: HRS §§346-14, 346-17) (Imp: HRS §346-17)

§17-1625-23 Equipment and furnishings. (a)
 Unless otherwise approved by the department in accordance with departmental procedures, each child shall:

- (1) Be provided a dresser or closet space that will accommodate the child's clothing and belongings; and
- (2) Be provided with an individual bed or crib, except that two siblings of the same gender may share a double bed, up to the age of six, preferably for a temporary period only. Bunk beds shall be used only as appropriate to the child's age and situation. When bunk beds are used, proper ladders and guardrails shall be provided for upper bunks.
- (3) Each bed or crib shall be of a size and design to ensure the safety and comfort of the child and shall have clean, comfortable bedding, and linen, and waterproof covering, if needed.

(b) If required, equipment or appliances (such as wheelchairs, crutches, oxygen machines, monitors, ventilators, etc.); shall be available and functioning properly. [Eff **DEC 09 2010**] (Auth: HRS §§346-14, 346-17) (Imp: HRS §346-17)

§17-1625-24 Sleeping arrangement. (a) The sleeping arrangement for a foster child shall include suitable light, ventilation, and provision for proper rest.

(b) The resource family's child shall not be displaced because of the presence of a foster child.

(c) No foster child shall sleep in a detached building without supervision or in an unfurnished attic, basement, hallway, or stairwell.

(d) Individual beds shall be spaced to allow passageway between beds.

(e) A foster child over six years of age may sleep in the same bedroom with children over six years old of the opposite sex with approval from the department or agency, with due consideration given to the safety of the child and the culture and resources available to the resource family. [Eff

DEC 09 2010] (Auth: HRS §§346-14, 346-17) (Imp: HRS §346-17)

§17-1625-25 References. Applicants shall provide two references per family who have adequate knowledge of the family background in terms of character and ability to care for children. Additional references shall be furnished to the agency upon request. [Eff

DEC 09 2010] (Auth: HRS §§346-14, 346-17) (Imp: §346-17)

§17-1625-26 Review of licensing requirements. The department shall review the licensing requirements and standards in this chapter every five years. [Eff

DEC 09 2010] (Auth: HRS §346-14; 45 C.F.R. §1356.21) (Imp: §346-14; 45 C.F.R. §1356.21)

§§17-1625-27 to 17-1625-30 (Reserved)

SUBCHAPTER 3

ADMINISTRATION OF THE RESOURCE FAMILY HOME

§17-1625-31 Record. (a) A current register of all children placed in the resource family home shall be kept by the resource family and shall be open for inspection only by the agency.

(b) The register for the resource family home shall include a listing of the children accepted for placement by name, age, birthdate, date placed, and date removed.

(c) The resource family home shall maintain a record on each child placed in the home, including the following:

(1) Information on the child's health plan, the child's parents, the child's physician and dentist, the child's medical information, including medications and immunizations, the child's school, and the name and number of the person to contact in case of any emergency; and

(2) The agreement between the agency and resource family for each child placed.

(d) All records concerning children and information from the records shall be confidential and shall be available only to duly authorized persons.

(e) Any information pertaining to a person's human immunodeficiency virus (HIV) infection, acquired immune deficiency syndrome (AIDS), or AIDS related complex (ARC), is subject to stringent confidentiality requirements in accordance with section 325-101, HRS, and departmental procedures. [Eff **DEC 09 2010**]
(Auth: HRS §§346-14, 346-17) (Imp: HRS §346-17)

§17-1625-32 Contacts with the resource family.

(a) The resource family home shall be visited by staff authorized by the agency as frequently as needed to ensure the continued well-being of the foster child and to ensure that the resource family home continues to meet the licensing requirements.

(b) The resource family home shall provide access to their home and the foster child when requested by the agency.

(c) The resource family home shall be subject to investigation at any time and in a manner, place, and form as may be prescribed by the department or its authorized agents. [Eff **DEC 09 2010**] (Auth: HRS §§346-14, 346-17) (Imp: HRS §346-17)

§§17-1625-33 to 17-1625-35 (Reserved)

SUBCHAPTER 4

CARE OF FOSTER CHILD

1625-20

§17-1625-36 Member of resource family home. (a)

A foster child shall be cared for as a family member.

(b) To ensure the positive transition of a child into the resource family home, the resource family may be asked to meet with the child's parent(s) or caretaker(s) prior to placement of the child into the resource family home to facilitate the child's adjustment into foster care.

(c) The resource family shall immediately inform the agency of any changes that would impact on their ability to care for the child. [Eff **DEC 09 2009**]
(Auth: HRS §§346-14, 346-17) (Imp: HRS §346-17)

§17-1625-37 Health. (a) The foster child shall have an initial placement physical, an initial comprehensive health assessment, a medical plan, and a health screening for subsequent placements, in accordance with departmental procedures.

(b) The resource family shall be provided all pertinent, available, health information on the foster child, including any medical problems or need for medications.

(c) The placement agency, or legal custodian in independent placements, shall plan for the overall management of the child's medical and dental needs and the provision of adequate medical coverage, in accordance with departmental procedures.

(d) The resource family shall obtain for the child:

- (1) Timely and appropriate medical care;
- (2) Immunizations and vaccinations required depending on the age of the child;
- (3) Tuberculin clearances in accordance with the recommendations of the state department of health;
- (4) Annual physical examinations;
- (5) Medical attention for any chronic medical conditions; and
- (6) Regular dental examinations and appropriate dental care.

(e) The resource family shall inform the agency, or legal custodians in independent placements, of any health concerns pertaining to the child.

(f) The resource family shall take the necessary precautions to prevent exposing foster children to the harmful effects of cigar or cigarette smoke. [Eff **DEC 09 2010**] (Auth: HRS §§346-14, 346-17)
(Imp: HRS §§346-17)

§17-1625-38 Emergencies. (a) The resource family shall obtain instructions from the child-placing agency, or from the legal custodian in independent placements, regarding procedures to follow in case of sudden illness or accidents.

(b) Severe illness, serious injuries, accident, or death of the child shall be reported immediately to the agency, or in independent placement, to the child's legal custodian responsible for the child. [Eff

DEC 09 2010] (Auth: HRS §§346-14, 346-17) (Imp: HRS §346-17)

§17-1625-39 Diet. Diet shall be adequate for good nutrition and reasonable accommodations shall be made in accordance with the foster child's cultural and family's practices and in the event that the foster child is unable to adapt to the food prepared. [Eff

DEC 09 2010] (Auth: HRS §§346-14, 346-17) (Imp: HRS §346-17)

§17-1625-40 Clothing and personal belongings.

(a) A foster child's clothing shall be clean, of the right size and appropriate for the child's age, sex, and individual needs.

(b) Each foster child shall be provided with individual combs, toothbrushes, and other personal essentials.

(c) The foster child's clothing and personal belongings shall go with the child when the child leaves the resource family home. [Eff DEC 09 2010] (Auth: HRS §§346-14, 346-17) (Imp: HRS §346-17)

§17-1625-41 Recreation and social activities.

(a) A well-balanced daily program including time for rest appropriate to the child's age, regular meal hours, and recreation shall be provided for the foster child.

(b) The resource family shall cooperate with the agency, or with the legal custodian in independent placements, to encourage the child to participate in social and recreational activities in the community.

(c) The resource family shall cooperate with the agency, or with the legal custodian in independent placements, to facilitate the child's visitation and family contact with the legal custodian and relatives

according to the case plan or, in independent placements, with prior agreement between the legal custodian and resource family. [Eff **DEC 09 2010**] (Auth: HRS §§346-14, 346-17) (Imp: HRS §346-17)

§17-1625-42 Discipline and guidance. (a) Discipline and guidance shall be carried out with kindness and understanding.

(b) No child shall be subjected to any physical punishment or action which would endanger the child's physical, mental, or emotional well-being.

(c) Discipline shall be reasonable and shall not interfere with the child's education, recreation, or social needs.

(d) Visitation and connections with the child's legal custodian, sibling(s) and relatives shall not be withheld as a form of discipline.

(e) As a member of the family, a foster child shall participate in simple home duties commensurate with the child's age which shall not interfere with school, health, and necessary recreation, or the child's visitation and family contact with the child's legal custodian, family and relatives and which are shared with other children in the home.

(f) The foster child shall be provided an allowance and/or earned privileges as practiced by the resource family with their own children.

(g) The Resource family shall establish well defined age and developmentally appropriate rules which set the expectations, limits, and clear and age appropriate consequences of behavior which shall be shared with the foster child when the child is placed in the resource family home.

(h) The resource family shall teach and guide each child with techniques that stress praise and encouragement. [Eff **DEC 09 2010**] (Auth: HRS §§346-14, 346-17) (Imp: HRS §346-17)

§17-1625-43 Education. Regular school attendance shall be expected of all children in accordance with state laws. Attention shall be given to the special education needs of the child. Each school age child shall be enrolled in school within five school days of the date of placement in the home. [Eff **DEC 09 2010**] (Auth: HRS §§346-14, 346-17) (Imp: HRS §346-17)

§17-1625-44 Religion and culture. The religious

faith and cultural heritage of each child shall be respected. The child shall be provided the opportunity to attend the church, temple, Sunday school, and religious and cultural activities of the child's legal custodian, or in their absence, of the child's choice. [Eff **DEC 09 2010**] (Auth: HRS §§346-14, 346-17) (Imp: HRS §346-17)

§17-1625-45 Resource family's absence. (a) When the resource family is absent from the home because of emergencies or planned vacations or other reasons, the resource family may arrange for the supervision of the child by a responsible adult person for up to two weeks, unless otherwise approved by the department. Notification of the resource family's absence shall be given to the agency immediately, or in the case of independent placement, to the legal custodian. The resource family shall provide the name, address, and phone number of the responsible person and shall attest to the person's ability to provide safe and appropriate care for the child.

(b) The licensing and placement workers, or legal custodian in independent placements, shall verify the information provided by the resource family and approve the planned arrangement for supervision of the child prior to the resource family's absence.

(c) If the licensing and placement workers, or legal custodian in independent placements do not approve the planned arrangement for supervision of the child during the resource family's absence, the agency, or the legal custodian in independent placement, shall make efforts to provide a certified resource family home for the child during the resource family's absence. [Eff **DEC 09 2010**] (Auth: HRS §§346-14, 346-17) (Imp: HRS §346-17)

§17-1625-46 Child's absence from resource home.

(a) When a child is to be absent from the resource family home overnight or longer, with the exception of sleep-overs with friends or relatives of up to two days with resource family approval, the resource family shall secure permission from the child-placing agency, or the legal custodian in independent placements, for the child to be out of the home.

(b) Absence of a child without permission of the resource family shall be reported immediately by the resource family to the child-placing agency or to the legal custodian in independent placements.

(c) After office hours, any child's absence without permission of the resource family shall be reported to the police immediately, with a report to the agency the next working day. [Eff **DEC 09 2010**]
(Auth: HRS §§346-14, 346-17) (Imp: HRS §346-17)

§17-1625-47 Preservation of family connections.

(a) A primary function of resource families will be to ensure contact with siblings, biological parents, relatives, kith and kin.

(b) With the exception of relationships explicitly prohibited by a family court, resource families shall encourage foster children to maintain these pre-existing family relations.

(c) Failure to proactively support and ensure continued contact with kith and kin shall be sufficient reason to deny continued licensure."

3. The repeal of chapter 17-890 and the adoption of chapter 17-1625, Hawaii Administrative Rules, shall take effect ten days after filing with the Office of the Lieutenant Governor.

