

Summary of Regulations Package related to foster care licensing

Current foster care licensing standards require foster care providers to comply with two chapters of the Alaska Administrative Code in order to be licensed as a foster parent. Additionally, changes to foster care licensing standards in the Alaska Administrative Code require changes to the foster care payment regulations, which are included in this regulations package

- **Chapter 50: Community Care Licensing:** outlines the standards for care of children residing in a foster home inclusive of supervision of foster children, qualification of foster parents, administration of a foster home, foster care specializations, and
- **Chapter 10: Licensing, certification and approvals:** Outlines the criminal background; environmental health and safety, general variance provision, and inspections and investigations related to all licensed entities described in AS 47.32.010
- **Chapter 53: Social Services:** outlines payment requirements and processes related to foster care payments inclusive of licensing requirements, payment rates, on-going direct care costs, intensive augmented rates, specialized foster care training and additional requirements for foster parents caring for children with difficulty-of-care or intensive augmented rates; relative care providers; damages and loss; foster care rates paid for in-state and out-of-state relocation of foster homes; and repayments of overpayments.

In September 2012, the Alaska State Legislature enacted AS 47.32.032, requiring “the department to streamline the application and licensing paperwork necessary for a person to be an approved foster parent or relative placement to the extent consistent with federal law”. In order to best facilitate the streamlined processes for foster care licensing the Office of Children’s Services first endeavored to make necessary changes with the scope of the existing regulations. However, it became apparent that duplicative and contradictory requirements between Chapters 10 and 50 required a more significant change to foster care licensing standards within the Alaska Administrative Code. To this end, the Office of Children’s Services is proposing to repeal all sections of Chapter 50 as it relates to foster care licensing standards as well as repeal relevant foster care licensing standards sections of Chapter 10, Article 4: Environmental Health and Safety, and replace the foster care licensing standards into a consolidated Chapter 67 for foster care licensing.

Some of the highlights of these regulations package include:

- Adds to the exemptions under 7 AAC 67.020 individuals who are licensed to operate a foster home by a Tribe or a Tribal entity in which the Tribe has either a current Tribal IV-E pass-through Agreement or a Memorandum of Agreement approved by the department.
- Similarly, 7 AAC 53.010(3) is amended to include Tribal foster homes as outlined in 7 AAC 67.020 as eligible for foster care payments paid by the department
- Provides for guidance for options to relative care providers who are caring for a child in custody, to be either an unlicensed relative provider or a licensed foster care provider.

- Streamlines the initial or renewal for a foster care license and established requirements for an application to be considered complete for purposes of notification and denial of an incomplete foster care application.
- Provides clear timeframes for the department to process foster care licensing applications with the applicant.
- Further defines a two-parent household in which both parents must be licensed foster parents, and exemptions to this requirement.
- Provides clear guidance for the foster care assessment process upon initial application which include:
 - Social and family history, inclusive of family dynamics and any history of child abuse or neglect
 - a foster parent's child rearing practices,
 - parenting techniques,
 - physical, and behavioral health history, inclusive of substance abuse,
 - any history of domestic violence
 - interviews with all family members residing in the home
- Outlines requirements for the formal inspection and issuance of a foster care license
- Includes provisions for provisional licenses, including provisional licenses issued under emergency conditions, as well as the requirements for a biennial licenses and renewal.
- Adds further clarification to the OCS general variance processes, specific to foster homes under 7 AAC 67.080.
- Creates a new section relating to licensing files, disclosure and confidentiality
- Chapter 67, Article 2 outlines the foster home administration operation and management, including the qualifications and responsibilities of a foster parent and others in the home who have regular contact with a children in the home; standards for alternative caregivers including persons employed by the foster parent in the home as babysitters, orientation and training requirements for foster parents, placement responsibilities of a foster parents; and recordkeeping, reporting and storage of a child's foster care reports.
- Chapter 67, Article 3 incorporates and modifies the requirements for care and services for a child in a foster home, including: supervision of a child, maximum capacity of a foster home; supervision requirements for children eligible for DHSS home and community-based waiver services; program and management in the foster home and behavioral guidance.
- Chapter 67, Article 4 incorporates the environmental health and safety standards previously outlined in 7 AAC 10.1000-1095 specific to foster homes.
- Chapter 67, Article 5 incorporates from the existing Chapter 50 the standards for specializations for foster group homes and emergency shelter homes.