

TITLE 21. CHILD SAFETY

CHAPTER 6. DEPARTMENT OF CHILD SAFETY – FOSTER HOME LICENSING

Authority: A.R.S. § 8-453(A)(5)

Editor's Note: Chapter 6 contains rules which were exempt from the regular rulemaking process under Laws 2014, 2nd Special Session, Ch. 1, Sec. 158. The law required the Department to post on its website proposed exempt rulemakings for a minimum of 30 days, at which time the public could provide written comments. In addition, at least two public hearings were held prior to the filing of the final exempt rules. Because the Department solicited comments on its proposed exempt rules, the rules filed with the Office of the Secretary of State are considered final exempt rules (Supp. 15-4).

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ARTICLE 1. DEFINITIONS

R21-6-101. Definitions

The definitions contained in A.R.S. § 8-501 and the following definitions apply when used in this Chapter.

1. “Adult” means any person 18 years of age or older.
2. “Adverse licensing action” means a decision by OLR to deny, suspend, or revoke a license.
3. “Appeal” means the legal right of an applicant to contest an adverse licensing action.
4. “Applicant” means an individual or married couple, unless excepted under R21-6-408, who submit an application for a license as a foster home.
5. “Application” means the documentation and information required by the OLR to evaluate an applicant for a license and includes the application form completed via the Department’s electronic database to initiate the licensing process. The application authorizes the licensing agency and the OLR to conduct assessments and investigations to verify qualifications and compliance with licensing requirements.
6. “Careful and sensible judgment” means the use of decisions and actions that maintain the health, safety, and well-being of a foster child.
7. “Central Registry” means the information maintained by the Department of substantiated reports of child abuse or neglect for the purposes of A.R.S. § 8-804.
8. “Child” means any person less than 18 years of age.
9. “Child developmental home” means the same as A.R.S. § 36-551(11). The DES Division of Developmental Disabilities (DDD) licenses these types of residences to care for a child with a developmental disability in a family setting.
10. “Child Placing Agency” means the same as A.R.S. § 8-501(A)(1)(iii):
 - (iii) *Any agency maintained by this state, a political subdivision of this state or a person, firm, corporation, association or organization to place children or unmarried mothers in a foster home.*
11. “Child Safety Worker” means the same as A.R.S. § 8-801.
12. “Corrective action” means a plan specified by the OLR for a foster parent to remedy the violation of a licensing requirement within a specified time-frame.
13. “Criminal record self-disclosure” means a person’s statement made under penalty of perjury, using the form approved by the OLR, attesting to whether the person:
 - a. Has a record of any arrests, convictions, or pending indictments;
 - b. Has committed a crime specified in the Arizona Revised Statutes as a precluding crime for the issuance of a fingerprint clearance card meeting Level One requirements; or
 - c. Is a registered sex offender.
14. “DCS Report” means the same as “report for investigation” in A.R.S. § 8-201(30).
15. “Department” or “DCS” means the Arizona Department of Child Safety
16. “DES” means the Arizona Department of Economic Security.
17. “Developmentally appropriate” means:
 - a. The activities or items that are generally accepted as suitable for children of the same chronological age or level of maturity or that are determined to be developmentally appropriate for a child, based on the development of cognitive, emotional, physical and behavioral capacities that are typical for an age or age group; and
 - b. In the case of a specific child, activities or items that are suitable for the child based on the developmental stages attained by the child with respect to the cognitive, emotional, physical, and behavioral capacities of the child.
18. “Developmental Disability” means the same as in A.R.S. § 36-551.
19. “Fingerprint clearance card” means the card issued by the Arizona Department of Public Safety (A.R.S. §§ 41-1758 et. seq.) certifying that the person named on the card does not have a state or federal criminal history record containing an offense specified as a precluding crime in A.R.S. Title 41, Chapter 12.
20. “Firearm” means any loaded or unloaded handgun, pistol, revolver, rifle, shotgun, or other weapon that will expel, is designed to expel, or may be readily converted to expel a projectile by the action of an explosive.
21. “Fitness” means the ability of an applicant or foster parent to:
 - a. Provide a safe and nurturing environment for a foster child; and
 - b. Comply with the foster home licensing requirements.
22. “Foster care” means care and supervision provided to a child who is in the custody of the state.
23. “Foster child” means a person less than 18 years of age who is receiving foster care. “Foster child” is further defined under A.R.S. § 8-501(4). For the purpose of this Chapter, “foster child”:
 - a. Includes a young adult less than 21 years of age who continues to reside in a foster home under a written individual case plan agreement for out-of-home care, or under the Independent Living Program defined in A.R.S. § 8-521;
 - b. Includes a child with a Developmental Disability placed by the Department in a child developmental home;
 - c. Does not include a young adult who has returned to a foster home under the Transitional Independent Living Program defined in A.R.S. § 8-521.01; and
 - d. Does not include the birth or adopted child, of an applicant, foster parent, or other household member.
24. “Foster home” means a residence where a foster parent lives and includes a detached home, all structures, and the entire premises belonging to the home, including apartments, guest homes, garages, sheds, and motorhomes. “Foster home” is further defined under A.R.S. § 8-501.
25. “Foster parent” means an individual, or married couple, who provides foster care with a license from the OLR. “Foster parent” is further defined under A.R.S. § 8-501.
26. “Group foster home” means a class of foster home in which the licensed foster parent is certified to provide care to more than five but not more than 10 foster children at a time. “Group foster home” is further defined under A.R.S. § 8-501.
27. “Guardian” means a person who is authorized by law to have the care and custody of a child.
28. “Hazard” means a condition or situation that may cause or result in physical injury or illness to a child.

29. “Health self-disclosure” means an adult household member’s declaration, using the form approved by OLR attesting to the person’s physical, medical, and emotional health. The health-self disclosure:
- Identifies any past or present:
 - Major illness;
 - Communicable disease;
 - Surgery;
 - Drug or substance abuse problem or treatment; and
 - Other medical, physical, or mental health condition or treatment; and
 - Identifies all medications, treatments, adaptive equipment, or other accommodations used to reduce or eliminate any medical, physical, or mental health conditions.
30. “Home” means the residence where a foster parent lives. “Home” may be used interchangeably with “foster home.”
31. “Home and Community Based Services” or “HCBS” means the same as in R6-6-1501. The DES Division of Developmental Disabilities (DDD), Office of Licensing, Certification, and Regulation (OLCR) rules on HCBS are in 6 A.A.C., Chapter 6, Article 15.
32. “Household” means all children and adults living in a foster parent’s home.
33. “Household member” means any individual who lives or intends to live in the foster home or on the premises, for 30 consecutive days or more, or periodically throughout the year for a total of 30 non-consecutive days or more. “Household member”:
- Includes the applicant, licensee, housemates, tenants; children of the applicant, licensee, housemates, or tenants; and adults participating in the Transitional Independent Living Program defined in A.R.S. § 8-521.01; and
 - Does not include a foster child, an adult with a Developmental Disability, or young adult who resides in a foster home under a written agreement with the Department for continued care or under the Independent Living Program defined in A.R.S. § 8-521.
34. “Individual Family Service Plan” or “IFSP” means a written statement of services and supports to be provided to a child and the child’s family for children less than the age of three years who are eligible for the Arizona Early Intervention Program (AzeIP) to enhance the capacity of families and care givers to support the child’s development and engagement and participation in everyday routines and activities.
35. “In-home respite foster parent” means an individual licensed to provide respite care in a licensed foster home, which is not that individual’s own home.
36. “Kinship care” means that the care and supervision of a foster child in a foster home is provided by a relative or an individual who has a significant relationship with the child.
37. “Lawfully present” means that an individual is a United States citizen or national or an alien authorized by an appropriate federal entity or court to be present in the United States.
38. “License” means the permission granted by OLR, to legally operate a foster home and includes an initial, renewal, and amended license.
39. “Licensee” means the individual or married couple who is approved by OLR to be licensed as a foster parent.
40. “Licensing agency” means an entity, which may include a licensed Placing Agency the Department contracts with to recruit and train foster parents and monitor a licensed foster home.
41. “Licensing decision” means the issuance, denial, suspension, revocation of, or amendment to a license by OLR in response to the receipt and review of:
- An application for initial or renewal licensure,
 - An application to amend a license, or
 - A complaint or investigation conducted according to R21-6-418.
42. “Licensing record” means the information maintained by a licensing agency or by the OLR, for the purpose of documenting the fitness of and compliance with licensing requirements, laws, and rules of an applicant or foster parent.
43. “Licensing requirements” means the rules specified in this Chapter and Chapter 8 of this Title.
44. “Life Safety Inspection” means an examination of a family foster home by OLR to verify compliance with standards intended to safeguard a foster child from fire and other hazardous conditions.
45. “Lock” means a device operated by a key, combination, magnet, keycard, or other tool to safeguard medications, swimming pools, weapons, and highly toxic substances.
46. “Medically complex foster home” means a class of foster home in which the licensed foster parent is certified to provide care to a foster child identified by the Department as requiring special care for medically complex needs.
47. “Medical professional” means a doctor of medicine or osteopathy, physician’s assistant, or registered nurse practitioner licensed in A.R.S. Title 32, or a doctor of medicine licensed and authorized to practice in another state or foreign country. A medical professional from another state or foreign country must provide verification of valid and current licensure in that state or country.
48. “Medication” means both prescription and over-the-counter remedies.
49. “Mobile home” means a trailer that is mounted on wheels or a platform with utility connections exposed under the trailer.
50. “Need to know” means the legitimate requirement of a person or organization to know, access, or possess confidential or personally identifiable information that is critical to carry out official duties or to provide services to the child.
51. “OCWI Investigator” means a DCS Investigator who is assigned to the Office of Child Welfare Investigations, and whose primary duties and responsibilities are prescribed in A.R.S. § 8-471.
52. “Office of Licensing and Regulation” or “OLR”, means the administration within DCS that is responsible for reviewing and evaluating applications for licensure; supervising and monitoring licensees; and completing all official licensing actions, including issuing, denying, amending, suspending, and revoking a license.
53. “Physical punishment” means the deliberate infliction of pain or discomfort to a person.
54. “Physical restraint” means the same as A.R.S. § 8-501(A)(14)(b)(iii).
55. “Physician’s Statement” means information on the physical, emotional, and mental health of any adult household member, providing care for a foster child, using a form approved by OLR. The statement shall:
- Be based on an examination by a medical professional,

- b. State whether the household member has a condition that could interfere with the provision of safe care and supervision to a foster child, and
 - c. Include a completed health self-disclosure by the household member.
56. “Placement” means the act of finding an appropriate foster home for a foster child and putting the foster child in that foster home.
57. “Placement agreement” means a written arrangement between a licensee and a Child Placing Agency as specified under R21-6-323.
58. “Placement packet” means documents containing key information needed for a foster parent to understand the needs of the foster child, including medical records and school records.
59. “Pool” means any natural or man-made body of water located at a foster home or on its premises that:
- a. Could be used for swimming, recreational, therapeutic, or decorative purposes;
 - b. Is greater than 18 inches in depth; and
 - c. Includes swimming pools, spas, hot tubs, fountains, and fishponds.
60. “Positive discipline” means a teaching process through which a child learns to develop and maintain the self-control, self-reliance, self-esteem, and orderly conduct necessary to assume responsibilities, make daily living decisions, and live according to generally accepted levels of social behavior.
61. “Premises” means:
- a. The home; and
 - b. The property surrounding the home that is owned, leased, or controlled by the applicant or licensee.
62. “Protective services registries” means the Central Registry and the Adult Protective Services Registry.
63. “Public school” means a school, including a charter school, that is maintained at public expense for the education of the children of a community or district and that constitutes a part of a system of free public education commonly including primary and secondary education.
64. “Reasonable and prudent parenting standard” means the practice of making careful and sensible parental decisions that maintain the health, safety, and best interests of a foster child while at the same time encouraging the emotional and developmental growth of the child when determining whether to allow the child to participate in extracurricular, enrichment, cultural, and social activities.
65. “Receiving foster home” means a class of foster home in which the licensed foster parent is certified to receive a foster child with limited notice and for a limited period of time.
66. “Relative” means an individual who is related by blood, marriage, or adoption to the foster child. For American Indian and Alaska Native children, “relative” could also include a tribally defined extended family relationship.
67. “Respite care” means the provision of temporary care and supervision of a foster child to relieve a foster parent from the duty to care for the foster child for a limited period of time.
68. “Safeguard” means to take reasonable measures to eliminate the risk of harm to a foster child. Where a specific method is not otherwise prescribed in this Chapter, safeguarding may include:
- a. Locking up a particular substance or item;
 - b. Putting a substance or item out of reach of a foster child;
 - c. Erecting a barrier that prevents a foster child from reaching a particular place, item, or substance;
 - d. Using protective safety devices; or
 - e. Providing supervision.
69. “Service Team” means a group of persons brought together to ensure the best care for a foster child and at a minimum, includes a child age 14 years and older, staff from the Department, and the licensing agency.
70. “Sibling” means brothers and sisters by birth or adoption, stepbrothers, stepsisters, half-brothers, and half-sisters.
71. “Skirting” means the barrier around the base of a mobile home that is intended to protect utility connections from damage or unauthorized contact.
72. “Slip-resistant surface” means flooring that provides friction to help prevent falls when the surface is wet. A slip-resistant surface may be achieved by rippling or corrugating the surface, applying textured strips, installing a secured carpet, using rubber mats, and other similar measures.
73. “Smoking” means burning or vaporizing tobacco products or other substances in a cigarette, cigar, pipe, electronic cigarette, or by means of equipment to inhale and exhale the smoke or vapor.
74. “Specialized service” means a higher level of skill, training, and experience required for certification as a Group, Medically Complex, Therapeutic, or Receiving foster home.
75. “Stability” means having the necessary resources, surroundings, temperament, and demeanor to maintain a safe, steady, and consistent home environment for a foster child.
76. “Statement of Understanding” means a signed document completed by an applicant or foster parent confirming the person has read, understands, and agrees to comply with all applicable laws, rules, and regulations relating to the operation of a foster home.
77. “Substantial compliance with licensing requirements” means that the nature and number of violations of licensing requirements are not significant and:
- a. Do not pose a risk to the life, health, safety, or welfare of a child receiving care;
 - b. Do not constitute a pattern of noncompliance or a failure to implement required corrective action; and
 - c. Are not the result of misrepresentation, falsification, or fraud by the applicant or foster parent.
78. “Therapeutic foster home” means a class of foster home in which the care is provided by a foster parent who has received specialized training to provide care and services within a support system of clinical and consultative services to children with behavioral health needs.
79. “Trigger locked” means a method to render a firearm temporarily or permanently inoperable by blocking the firing or discharge mechanism for the firearm with a locked device.
80. “Weapon” means a firearm, bow and arrows, or other device or instrument, which in the manner it is used or intended to be used is capable of inflicting serious bodily injury, or causing death.
81. “UL approved” means a safety certification mark of a Nationally Recognized Testing Laboratory (NRTL), such as UL (Underwriters Laboratories) or ETL (Electro Technical Laboratory) on an electronic device.

Historical Note

New Section made by final exempt rulemaking at 21 A.A.R. 3479, effective January 24, 2016 (Supp. 15-4).

ARTICLE 2. LICENSING AGENCY REQUIREMENTS FOR FOSTER HOME LICENSING AGENCIES

R21-6-201. Minimum Qualifications for an Applicant

The licensing agency shall ensure the right of any individual or married couple to apply for a foster home license, regardless of gender, race, religion, political affiliation, national origin, disability, or sexual orientation, if the applicant meets the minimum qualifications specified under Chapter 6 of this Title.

Historical Note

New Section made by final exempt rulemaking at 21 A.A.R. 3479, effective January 24, 2016 (Supp. 15-4).

R21-6-202. Professional Judgment

The licensing agency shall use professional judgment in all recommendations made and inquiries conducted in the course of licensure. "Professional judgment" means an objective and thorough analysis based on:

1. Commonly accepted industry standards and practices for the regulation of care for children;
2. Knowledge and experience in accordance with contractual requirements;
3. Interviews, assessments, observations, references, and documented sources of verifiable information; and
4. Knowledge of laws, rules, and guidelines for providing foster care.

Historical Note

New Section made by final exempt rulemaking at 21 A.A.R. 3479, effective January 24, 2016 (Supp. 15-4).

R21-6-203. Conflicts of Interest

- A. The licensing agency shall adopt a written code of ethics regarding conflicts of interest.
- B. The licensing agency shall assign the following duties for any conflicts of interest other than those listed in subsection (C) to an impartial party, such as a neutral employee or another licensing agency.
 1. The home study and assessment responsibilities as described under R21-6-206; and
 2. Licensing complaints as described under R21-6-221.
- C. The licensing agency shall not accept as an applicant a person who is:
 1. An employee of the licensing agency, a service provider, a contractor, or a major donor; or
 2. Related by blood or marriage to an employee of the licensing agency. For the purpose of this subsection, relatives include the biological, adoptive, or step:
 - a. Child,
 - b. Grandchild,
 - c. Parent,
 - d. Parent of spouse,
 - e. Grandparent,
 - f. Grandparent of spouse,
 - g. Sibling,
 - h. Sibling of spouse,
 - i. Aunt, or
 - j. Uncle.
- D. A licensing agency that has a conflict of interest at the time this Article is published in the *Arizona Administrative Register* shall have 90 days to transfer cases to an alternative licensing agency that does not have a conflict of interest under subsection (C).

Historical Note

New Section made by final exempt rulemaking at 21 A.A.R. 3479, effective January 24, 2016 (Supp. 15-4).

R21-6-204. Rights of the Applicant and Foster Parent

- A. In addition to the inspection and due process rights specified under A.R.S. § 41-1009, the licensing agency shall ensure that each applicant and foster parent is informed of and afforded the rights specified under this Section. OLR may request that the licensing agency submit the notice used by the licensing agency to OLR.
- B. The licensing agency shall ensure that a foster parent or applicant is permitted to access their licensing record as follows:
 1. Upon written request, a foster parent or applicant shall have the right to access their complete licensing record, except as provided in subsection (C); and
 2. A foster parent or applicant shall have the right to provide a written response to findings and comments in the home study, investigative reports, and any correspondence, with the exception of the items listed in subsection (C).
- C. The licensing agency shall not release the following information to a foster parent or applicant:
 1. Information supplied by confidential references during the licensing process;
 2. Information protected from secondary dissemination under state or federal law, including investigations and DCS Reports of alleged child abuse or neglect; and
 3. The names of persons and organizations identified as sources in a licensing complaint or DCS investigation or DCS Report of alleged child abuse or neglect.
- D. A licensing agency shall make a diligent effort to work with an applicant or foster parent. If however, the parties determine they cannot continue to work together, the licensing agency shall assist the foster parent or applicant to find another licensing agency and transfer their licensing record to the new agency under R21-6-215(C).
 1. If it is the licensing agency that determines that it cannot work with a foster parent or applicant, the licensing agency shall notify the foster parent or applicant in writing specifically listing the reasons the licensing agency cannot work with the foster parent or applicant and assist the foster parent or applicant to find another licensing agency and transfer their licensing record to the new agency under this subsection (D); or
 2. If the foster parent or applicant does not meet the minimum qualifications for licensure under R21-6-401, the licensing agency shall notify the foster parent or applicant in writing specifically listing the reasons, the applicant or foster parent fail to meet the minimum qualifications.

Historical Note

New Section made by final exempt rulemaking at 21 A.A.R. 3479, effective January 24, 2016 (Supp. 15-4).

R21-6-205. Licensing Agency Responsibility; Application for an Initial Foster Home License

- A. When an applicant meets the minimum qualifications specified under R21-6-401, the licensing agency shall provide the assistance needed to submit the application for initial licensure via the Department's electronic database.
- B. The licensing agency shall ensure that the application for an initial license contains, at minimum, information specified under R21-6-403.
- C. The licensing agency shall provide OLR with signed verification that the applicant has provided proof of income and resources and:
 1. Criminal record self-disclosure for each adult household member;
 2. Valid Level One fingerprint clearance cards for each adult household member, as necessary; specified in A.R.S. § 8-509;

3. Health self-disclosure completed by each adult household member;
 4. Physician's statement for the foster parent, applicant, and any other adult household member who will provide care or supervision to the foster child;
 5. Proof of current training in cardiopulmonary resuscitation (CPR) and first aid;
 6. Current immunization record available for each child household member. In accordance with A.R.S. § 8-509(I), the lack of updated or available immunization records will not prohibit licensure, but may be grounds for restricting the license to prevent the placement of infants, young children, and medically complex children;
 7. Valid Arizona driver's license for each household member who transports a foster child, or a transportation plan in place in the absence of a valid Arizona driver's license.
 8. Current registration and insurance card for each vehicle that belongs to a household member and may be used to transport a foster child; and
 9. The Statement of Understanding, as defined under R21-6-101(76).
- D.** The licensing agency shall ensure that the application for an initial license includes the home study and assessment specified under R21-6-206 and the agency signature page.
- E.** The licensing agency shall submit the information required in this Section to the licensing authority no later than 30 days from receipt of all information required by this Section.

Historical Note

New Section made by final exempt rulemaking at 21 A.A.R. 3479, effective January 24, 2016 (Supp. 15-4).

R21-6-206. Licensing Agency Foster Home Study and Assessment

- A.** The licensing agency shall enter the home study via the Department's electronic database.
- B.** To assess the applicant and write the initial home study, the licensing agency shall:
1. Conduct interviews with each household member, including each child household member, if appropriate to the child's age and developmental level, on at least:
 - a. Two occasions in the applicant's home;
 - b. One occasion with each applicant, individually; and
 - c. One occasion with applicants, jointly, if:
 - i. Applicants are married; or
 - ii. Another adult household member is applying for a license or is currently licensed;
 2. Complete reference checks as follows:
 - a. Obtain written statements via postal mail, electronic mail, or on the form supplied by OLR, from at least five reference sources identified by the applicant;
 - b. Ensure that no more than two references are from relatives; and
 - c. Make personal contact, either in a face-to-face meeting or via telephone, with at least one of the reference sources identified by the applicant;
 3. Provide the applicant with the required forms and information to apply for a Level One fingerprint clearance card;
 4. Request Central Registry record checks for each adult household member for Arizona and from each state these individuals resided in during the previous five years;
 5. Ensure completion of all required training by the applicant;
 6. Ensure the applicant has the proper equipment required by this Chapter, such as age-appropriate beds, for each foster child at the time of placement;
 7. Visit the applicant's home and provide information to help the applicant prepare for the Life Safety Inspection to be conducted by OLR throughout the home and premises.
 8. Request a Life Safety Inspection for the applicant's home and verify any corrections made, if applicable; and
 9. Work with each household member to assemble information for self-assessments, using the forms approved by OLR.
- C.** The home study shall include a summary of self-assessments, interviews, and observations evaluating the applicant's fitness for licensure, including:
1. Motivation and expectations for becoming a foster parent;
 2. Commitment to the care and supervision of a foster child;
 3. Parenting skills and ability to use a reasonable and prudent parenting standard characterized by a careful and sensible parental decisions that maintain the health, safety, and best interests of a foster child while at the same time encouraging the emotional and developmental growth of the child;
 4. Daily routine and time available to devote to the care of a foster child;
 5. Support network, including friends, neighbors, relatives, and the community;
 6. Personal or family problems and the applicant's success in undergoing rehabilitation and overcoming or coping with these problems, including abuse, neglect, or violence that was:
 - a. Committed by the applicant;
 - b. Committed against the applicant; or
 - c. Witnessed by the applicant;
 7. History of substance use or abuse and the applicant's success in overcoming or coping with these challenges;
 8. Medical, physical, and mental health problems and the applicant's success in overcoming or coping with these problems;
 9. Ability to deal with anger, stress, and separation;
 10. Personal stability, marital stability, and the stability of the household, as applicable;
 11. Stability of residency in Arizona;
 12. Significant life events, including but not limited to job separation, divorce, child custody, bankruptcy, or the death of a family member;
 13. History of complying with court-ordered child support, if applicable;
 14. Attitude toward discipline, discipline of the applicant's children, and willingness to commit to the Department's discipline policy; and
 15. Willingness to share parenting for a foster child with that child's birth family.
- D.** In addition, the home study shall address:
1. Household members' ability to meet requirements, as described under R21-6-302;
 2. The ability of household members to provide a safe and positive home environment for a foster child;
 3. The strengths and needs of the applicant; and
 4. The applicant's compliance with licensing requirements as defined in Chapter 6 of this Title.
- E.** The home study shall contain a recommendation to issue or deny a license, based on the information available to the licensing agency. A licensing agency shall provide justification for a recommendation to deny a license using specific examples that demonstrate that, in the licensing agency's professional judgment, the applicant does not meet licensing requirements.

- F. The licensing agency may, at its discretion, provide additional recommendations in the home study to:
1. Limit the terms or conditions of a license; and
 2. Certify the applicant to provide specialized services, as described under R21-6-331.

Historical Note

New Section made by final exempt rulemaking at 21 A.A.R. 3479, effective January 24, 2016 (Supp. 15-4).

R21-6-207. Request for Additional Information During Licensing Review

Prior to making a licensing decision, OLR may, as necessary and appropriate, require the licensing agency to assist to:

1. Provide additional documentation to verify compliance with licensing requirements, such as marriage licenses, divorce decrees, child support orders/payments, pay stubs, and bankruptcy documents;
2. Provide additional information if:
 - a. The medical, physical, or mental health needs of a household member could interfere with the care and supervision of a foster child;
 - b. Adults residing outside the household will have frequent or close contact with a foster child; or
 - c. A household member has been charged with or convicted of a crime, even if the specific crime does not preclude the issuance of a Level One fingerprint clearance card;
3. Gather additional information needed to determine the applicant's fitness. This may include:
 - a. Interviewing the applicant,
 - b. Contacting references,
 - c. Verifying information provided in the application or by the licensing agency, and
 - d. Inspecting the applicant's home.

Historical Note

New Section made by final exempt rulemaking at 21 A.A.R. 3479, effective January 24, 2016 (Supp. 15-4).

R21-6-208. Statement of Understanding

The licensing agency shall review the Statement of Understanding with the foster parent at initial licensing, when a child is placed in the foster parent's care, and at each license renewal thereafter.

Historical Note

New Section made by final exempt rulemaking at 21 A.A.R. 3479, effective January 24, 2016 (Supp. 15-4).

R21-6-209. Verification of Equipment at Time of Placement

The licensing agency shall verify that all equipment including age appropriate beds, car seats and restraints required by this Chapter are appropriately installed and in place at the time of placement of a foster child.

Historical Note

New Section made by final exempt rulemaking at 21 A.A.R. 3479, effective January 24, 2016 (Supp. 15-4).

R21-6-210. Approval for Additional Placements from Another Child Placing Agency

The licensing agency shall notify and obtain approval from DCS before a foster parent accepts a child from a Child Placing Agency other than DCS.

Historical Note

New Section made by final exempt rulemaking at 21 A.A.R. 3479, effective January 24, 2016 (Supp. 15-4).

R21-6-211. Life Safety Inspection

- A. The licensing agency shall inform the applicant or foster parent of the Life Safety Inspection rules specified in Chapter 8 of this Title before requesting an inspection by OLR.
- B. At least 30 days before an inspection is due, the licensing agency shall request a Life Safety Inspection by OLR. The request shall provide correct information on:
 1. The name, address, telephone number, and e-mail of the applicant or foster parent;
 2. The major cross streets or directions for locating the home; and
 3. Contact information for the licensing agency.
- C. The licensing agency shall:
 1. Conduct a preliminary inspection of the applicant's or foster parent's home to assess compliance with Life Safety Inspection rules;
 2. Conduct an annual inspection, using the format approved by OLR, to reinforce the importance of the Life Safety Inspection requirements and to verify ongoing compliance; and
 3. Verify corrections made by the applicant or foster parent in response to violations, as applicable.

Historical Note

New Section made by final exempt rulemaking at 21 A.A.R. 3479, effective January 24, 2016 (Supp. 15-4).

R21-6-212. Training Reporting Update

- A. The licensing agency shall update the Department's electronic database within seven days of the licensee completing the training required by A.R.S. § 8-509.
- B. OLR may take an adverse licensing action against the licensee, or the Department may take a contract action against the licensing agency, or both, if the licensing agency does not submit the information as required by this Section.

Historical Note

New Section made by final exempt rulemaking at 21 A.A.R. 3479, effective January 24, 2016 (Supp. 15-4).

R21-6-213. Application for Renewal License

- A. The licensing agency shall assist a foster parent, as needed, in applying for a renewal license via the Department's electronic database.
- B. At least 30 days before the expiration of the license, the licensing agency shall submit the completed application for a renewal license via the Department's electronic database.
- C. The application for a renewal license shall update the information in the Department's electronic database and the previous home study, including:
 1. Training completed by the licensee;
 2. Monitoring visits and safety inspections conducted by the licensing agency;
 3. Corrective action plans implemented since the previous home study and the status of violations that resulted in the need for corrective action, if applicable;
 4. Corrections made by the foster parent in response to violations cited in the Life Safety Inspection conducted by the OLR if applicable;
 5. Complaints and investigations, as described under R21-6-221 and R21-6-418, completed since the previous home study or that are pending completion, if applicable;
 6. Central Registry record checks requested by the licensing agency for each adult household member;
 7. Confirmation of a current, valid Level One fingerprint clearance card for each adult household member;
 8. A summary of significant events and changes occurring since the previous home study, including:

- a. The foster parent's income, resources, expenses, and debts;
 - b. The health of a household member;
 - c. Household composition; and
 - d. The dynamics of the foster parent's family and support network, including changes in roles, interactions, attitudes, and relationships;
9. The foster parent's compliance with licensing requirements, as defined in Article 3.
- D.** The updated home study shall contain a recommendation to issue, amend, or deny a license, based on the information available to the licensing agency. A licensing agency shall justify a recommendation to deny a license using specific examples that demonstrate that, in the licensing agency's professional judgment, the applicant does not meet the licensing requirements.
- E.** The licensing agency may, at its discretion, provide additional recommendations in the home study to limit the terms or conditions of a license, based on the licensing agency's professional judgment.
- F.** The licensing agency shall provide OLR with:
- 1. Criminal record self-disclosure for each adult household member;
 - 2. Physician's statement for the foster parent, completed every two years; and
 - 3. The Statement of Understanding, as defined under R21-6-101(76).

Historical Note

New Section made by final exempt rulemaking at 21 A.A.R. 3479, effective January 24, 2016 (Supp. 15-4).

R21-6-214. Application for License Reinstatement

- A.** "Reinstatement" refers to an action by OLR to reactivate a license that has been expired or closed for less than one year.
- B.** The licensing agency shall submit an application for reinstatement using the same process as an application for renewal licensure. As required for a renewal, the application for reinstatement shall include a new home study.

Historical Note

New Section made by final exempt rulemaking at 21 A.A.R. 3479, effective January 24, 2016 (Supp. 15-4).

R21-6-215. The Licensing Record

- A.** The licensing agency shall compile and maintain a licensing record for each applicant or foster parent in accordance with the requirements of OLR.
- B.** The licensing record shall contain:
- 1. All documentation or evidence gathered during the licensing process and throughout the term of the license, including:
 - a. Documentation gathered to complete the application for licensure and the home study;
 - b. Evidence of compliance with licensing requirements specified in this Chapter;
 - c. Dates and details for home visits, contacts, and communication with the applicant or foster parent regarding licensing requirements or the licensing process; and
 - d. Evidence that inspection and due process rights were explained to the applicant or foster parent in accordance with A.R.S. § 41-1009;
 - 2. The home study completed by the licensing agency, as described under R21-6-206, and submitted to the licensing authority via the Department's electronic database; and

- 3. Requests for or reports demonstrating the completion of Life Safety Inspections for the applicant's home and premises.
- C.** Upon written request by the applicant or foster parent, the licensing agency shall forward the complete and original licensing record to another licensing agency for the purpose of facilitating transfer to the receiving licensing agency:
- 1. Within 30 days of receiving the request, and
 - 2. At no cost to the applicant or licensee.
- D.** Upon written request and payment of reasonable duplication and postage fees by the applicant or foster parent, the licensing agency shall forward a copy of the licensing record to an agency or organization for the purpose of assisting a foster parent who is being considered for a private or out-of-state adoptive placement, or a similar purpose.

Historical Note

New Section made by final exempt rulemaking at 21 A.A.R. 3479, effective January 24, 2016 (Supp. 15-4).

R21-6-216. Amending the License

- A.** The licensing agency shall inquire at each contact with the foster parent if there are any circumstances requiring an amendment to the license.
- B.** The licensing agency shall request an amendment to modify a license via the Department's electronic database, as specified under R21-6-410.
- C.** The licensing agency shall provide the following information to the licensing authority to amend a license:
- 1. A description of the requested change or changes;
 - 2. Justification for the change or changes, as appropriate;
 - 3. A recommendation by the licensing agency based on the licensing record to issue or deny an amendment to the license; and
 - 4. A recommendation by the licensing agency based on the licensing record to limit the terms or conditions of the license, if applicable.
- D.** To change the physical address due to the relocation of the licensee, the licensing agency shall:
- 1. Conduct a preliminary Life Safety Inspection using the form provided by OLR within seven days of the relocation of the licensee; and
 - 2. Within seven days of the preliminary inspection, submit a request to OLR for a Life Safety Inspection.
- E.** To add the name of a spouse due to marriage, the licensing agency shall conduct interviews and assessments to evaluate the spouse's fitness in accordance with licensing requirements. A new spouse shall meet all foster parent licensing requirements in this Chapter, including obtaining a Level One fingerprint clearance card, passing a protective service registries check, and all required pre-service training as prescribed in R21-6-303.

Historical Note

New Section made by final exempt rulemaking at 21 A.A.R. 3479, effective January 24, 2016 (Supp. 15-4).

R21-6-217. Evaluating Changes in Household Composition

- A.** If there is a change in the household composition, the licensing agency shall evaluate the impact of the change on the dynamics within the home and on the provision of care or supervision to a foster child.
- B.** When a household member is added during the term of the license, the licensing agency shall:
- 1. Obtain from each new adult household member:
 - a. Information and consents needed to conduct background checks with the Central Registry in Arizona and, if applicable, with the registries in other states

- the household member has lived in during the previous five years;
- b. A criminal record self-disclosure;
 - c. Verification that the household member possesses a valid fingerprint clearance card that meets Level One requirements;
 - d. A completed health self-disclosure; and
 - e. A Physician's Statement if providing care for a foster child;
2. Request a current immunization record for a new child household member;
 3. Conduct interviews, gather required documents, and make observations to evaluate the new household member, including:
 - a. The length of time the foster parent has known the new household member;
 - b. The background of the new household member, including any criminal history and allegations of child abuse or neglect;
 - c. Financial arrangements, if any, between the foster parent and the new household member;
 - d. The role of the new household member in the care and supervision of a foster child;
 - e. Changes in sleeping arrangements;
 - f. Whether the new household member presents a risk to the health, safety, or well-being of a foster child; and
 - g. Whether licensing requirements continue to be met with the addition of the new household member;
 4. Enter information required by this rule via the Department's electronic database within 15 calendar days of receiving notification from a foster parent regarding a new household member;
 5. Use professional judgment in making a recommendation to OLR on the need for an adverse licensing action in response to the new household member;
 6. The licensing agency shall inform the foster parent that a household member's failure to meet requirements specified in Chapter 6, may constitute grounds for an adverse licensing action.

Historical Note

New Section made by final exempt rulemaking at 21 A.A.R. 3479, effective January 24, 2016 (Supp. 15-4).

R21-6-218. Routine Monitoring and Verification of Ongoing Compliance

- A. At least once every three months, the licensing agency shall conduct assessments, monitoring, on-site visits, and make copies of required documents, as needed, to verify information and maintain a record of ongoing compliance by the foster parent. Inspection and monitoring activities of the licensing agency shall include, as applicable:
 1. A review of records and reports maintained by the foster parent on the care, services, and treatment provided to the foster child;
 2. Interviews with household members;
 3. Interviews with foster children; and
 4. An inspection of the home, premises, and vehicles used to transport foster children.
- B. At least one monitoring visit per year shall be unannounced.
- C. At the time of each monitoring or inspection, the licensing agency shall provide the applicant or foster parent with:
 1. A written summary of the monitoring or inspection;
 2. Planned follow-up and required corrective actions, as applicable; and

3. A written summary of the applicant's or foster parent's rights, in accordance with A.R.S. § 41-1009.

- D. The licensing agency shall keep a copy of the written summaries specified in subsection (C) and make the summaries available to OLR upon request.

Historical Note

New Section made by final exempt rulemaking at 21 A.A.R. 3479, effective January 24, 2016 (Supp. 15-4).

R21-6-219. Corrective Action Plans

- A. The licensing agency shall cooperate with OLR and monitor compliance with a corrective action plan to remedy the violation of a licensing requirement.
- B. The corrective action plan shall:
 1. Be written by OLR in consultation with the licensing agency;
 2. Specify the rule violated by the licensee;
 3. Specify the steps a foster parent must take to remedy a violation, and
 4. Specify a date for completion of the required corrective action.
- C. The licensing agency or OLR may, based on their professional judgment, conduct unannounced monitoring visits to verify the implementation or completion of corrective action.

Historical Note

New Section made by final exempt rulemaking at 21 A.A.R. 3479, effective January 24, 2016 (Supp. 15-4).

R21-6-220. Notification Requirements; Unusual Incident

- A. The licensing agency shall notify OLR and the Child Placing Agency of any issues arising under R21-6-326.
- B. Within 48 hours of the occurrence of an incident specified in R21-6-326, the licensing agency shall provide in writing to OLR and the Child Placing Agency:
 1. A description of the incident, including the place, date, and time of occurrence;
 2. The names and contact information for any persons involved in the incident;
 3. The measures taken by the foster parent to address, correct, or resolve the incident; and
 4. The action taken by the licensing agency in response to the incident, if applicable.

Historical Note

New Section made by final exempt rulemaking at 21 A.A.R. 3479, effective January 24, 2016 (Supp. 15-4).

R21-6-221. Allegations of Child Abuse or Neglect; Licensing Complaints

- A. The licensing agency shall notify OLR in writing of each licensing complaint and each investigation initiated by the Department or law enforcement within 24 hours of the licensing agency becoming aware of the complaint or investigation, unless original notification came from OLR. This notification shall include the:
 1. Date and place of the incident;
 2. Nature of the complaint or allegation; and
 3. Names of all persons involved in the allegation.
- B. The licensing agency shall conduct an inquiry into each licensing complaint or concern. Within 45 days of being notified of a licensing complaint or concern, the licensing agency shall submit a written report of the licensing inquiry to OLR and to the licensee, in accordance with due process rights and subject to R21-6-418, unless OLR grants an extension in writing. The report of the licensing inquiry shall include:
 1. The scope of the inquiry, including a list of persons interviewed and a list of the documentation reviewed;

2. The validity of allegations and other findings related to licensing violations; and
 3. Recommendations by the licensing agency regarding follow-up action.
- C. The licensing agency shall not interfere with, and shall assist, as requested, law enforcement or the Department's Child Safety Workers, and OCWI Investigators in conducting investigations of child abuse or neglect.
- D. OLR may, if necessary and appropriate, conduct an inquiry or investigation independent of or in conjunction with the licensing agency, law enforcement, or the Department's Child Safety Workers or OCWI Investigators.

Historical Note

New Section made by final exempt rulemaking at 21 A.A.R. 3479, effective January 24, 2016 (Supp. 15-4).

R21-6-222. Waiver of Non-Safety Licensing Requirements for Kinship Care

- A. When submitting an application for an initial, renewal, or amended license, the licensing agency may recommend the waiver of a non-safety licensing requirement for an applicant or foster parent who will be providing only kinship care, as defined under R21-6-101(36) if compliance with the non-safety requirement would be a hardship on the applicant or foster parent. The recommendation for a waiver shall include:
1. The specific rule to be considered for waiver by the OLR;
 2. The reason compliance would be a hardship;
 3. Any proposed alternative compliance with the rule requirement, including pictures or diagrams that depict any physical requirement to be waived; and
 4. Justification that waiving the licensing requirement will not compromise the safety of a foster child.
- B. The licensing agency shall submit the waiver request only on forms supplied by OLR.
- C. OLR shall consider the waiver of a non-safety licensing requirement on a case-by-case basis.
- D. An applicant or foster parent shall base a waiver request on a licensing requirement and the needs of the foster child. OLR shall not grant a waiver request because it would be inconvenient for the foster parent or applicant to comply with a licensing requirement.

Historical Note

New Section made by final exempt rulemaking at 21 A.A.R. 3479, effective January 24, 2016 (Supp. 15-4).

ARTICLE 3. LICENSING REQUIREMENTS FOR FOSTER PARENTS

R21-6-301. General Requirements for Foster Parents

- A. A foster parent shall:
1. Be 21 years of age or older;
 2. Reside in Arizona and be lawfully present in the United States;
 - a. Each applicant shall present one of the documents specified under A.R.S. § 41-1080(A) and, as applicable, (E), to the licensing agency to demonstrate that the applicant is lawfully present in the United States; and
 - b. If an alien applicant has only temporary authorization to be present in the United States, the applicant shall provide documentation indicating that the authorization is valid for a minimum of one year or that the applicant has already taken steps to obtain authorization to remain for at least one year.
 3. Live in a home in which all adult household members pass a background check based on:
 - a. A Central Registry check in Arizona and in the registries in other states the applicant has lived in during the previous five years,
 - b. A completed and notarized criminal record self-disclosure, and
 - c. A valid Level One fingerprint clearance card from the Arizona Department of Public Safety (DPS).
4. Be of reputable and honest character. A licensing agency shall verify compliance by evaluating information provided by the applicant and information obtained through background checks, references, interviews, and records of the Department;
5. Live in a home in which all household members are free of medical, physical, or mental health conditions that would interfere with the safe care and supervision for a foster child.
 - a. The applicant shall demonstrate compliance by providing his or her licensing agency with:
 - i. A health self-disclosure completed by all adult household members before initial licensure, and at each renewal thereafter;
 - ii. A physician's statement for the applicant completed no more than 12 months before the license application is submitted via the Department's electronic database and at least every two years thereafter; and
 - iii. A physician's statement for each household member who will be providing care and supervision for a foster child. The physician shall complete the statement no more than 12 months before the license application is submitted via the Department's electronic database and every two years thereafter in accordance with R21-6-302.
 - b. If a health self-disclosure or physician's statement for a household member identifies a history of medical, physical, or mental health conditions, the applicant shall have the opportunity to explain treatments, adaptive equipment, or other accommodations used to reduce or eliminate any risk associated with the condition that could interfere with the applicant's ability to provide safe care and supervision for a foster child;
6. Demonstrate careful and sensible judgment, exercise a reasonable and prudent parenting standard under R21-6-307, and have the stability, maturity, nurturing skills, knowledge, and ability to provide safe care to a foster child. The licensing agency and OLR shall consider relevant factors in this assessment, including:
 - a. Length of time the applicant has lived in the current residence, and recent patterns involving relocation;
 - b. Length of time household members have lived together and their ability to accommodate each other;
 - c. Applicant's ability to cope effectively with change, stress, and anger;
 - d. Applicant's experience providing care and supervision for children or vulnerable adults;
 - e. Applicant's knowledge of or experience with human and child development;
 - f. Applicant's method of discipline with the applicant's own children and the applicant's willingness to use positive discipline; and
 - g. Applicant's willingness and ability to comply with licensing requirements;

7. Have income or resources to afford current expenses without regard to future reimbursement. The calculation of current expenses does not include the expense of caring for a foster child already living with the applicant.
 - a. The applicant shall demonstrate compliance by completing the financial information on the application for licensure and by providing the licensing agency with bank statements, pay stubs, income tax forms, and other financial records that demonstrate income and resources that meet or exceed expenses.
 - b. The licensing agency and OLR shall consider resources including:
 - i. A reliable source of financial assistance or payment, including social security, Nutrition Assistance (formerly known as food stamps), Cash Assistance, adoption subsidy, and Women, Infants and Children; and
 - ii. Reimbursement for medically complex and therapeutic homes, as certified under R21-6-331;
 8. Have the support and agreement of all adult household members on the decision to be a foster parent;
 9. Provide a safe home with sufficient space and privacy for a foster child, as described under R21-6-311 and R21-6-313;
 10. Work cooperatively with a licensing agency and OLR; and
 11. Comply with all licensing requirements specified in this Chapter.
- B.** OLR shall determine whether an applicant meets the licensing requirements for a foster parent based on information provided by the applicant and the licensing agency, including the application, home study, prior licensing history, and the professional judgment of the licensing agency.

Historical Note

New Section made by final exempt rulemaking at 21 A.A.R. 3479, effective January 24, 2016 (Supp. 15-4).

R21-6-302. Requirements for Household Members

- A.** The applicant shall ensure that each adult household member participates in interviews necessary to evaluate the:
1. Role of the household member in the care and supervision of a foster child, and
 2. Household member's support of and agreement with the applicant's decision to be licensed.
- B.** The applicant shall ensure that each adult household member provides the licensing agency with:
1. Information and consents needed to conduct background checks with the protective service registries in Arizona, and, if applicable, with the registries in other states the household member has lived in during the previous five years;
 2. A completed health self-disclosure;
 3. A physician's statement under R21-6-301(A)(5)(iii) if the household member will be providing care and supervision for a foster child;
 4. A criminal record self-disclosure; and
 5. Verification that the household member has a valid Level One fingerprint clearance card.
- C.** The applicant shall provide available immunization records that have been updated, as necessary, for each child household member. In accordance with A.R.S. § 8-509(I), the lack of updated or available immunization records shall not prohibit licensure, but may be grounds for restricting the license to prevent the placement of infants, young children, and medically complex individuals.
- D.** If a person, other than a foster child, moves into the household during the term of the license, the licensee shall:
1. Notify the licensing agency of additions to the household in accordance with R21-6-411;
 2. Ensure that each new household member complies with the requirements specified in subsections (A), (B), and (C); and
 3. Notify the licensing agency and obtain OLR approval of proposed changes in the sleeping arrangements for each household member and for each foster child.
- E.** The applicant's awareness that a household member failed to disclose full and accurate information may constitute grounds for an adverse licensing action if the applicant does not attempt to inform the licensing agency of the incomplete or inaccurate information.
- F.** Failure by a household member to pass a protective services registries background check, to obtain a fingerprint clearance card, or to cooperate with the licensing process may result in an adverse licensing action.

Historical Note

New Section made by final exempt rulemaking at 21 A.A.R. 3479, effective January 24, 2016 (Supp. 15-4).

R21-6-303. Training Requirements

- A.** Before OLR issues an initial license, the applicant shall complete and submit evidence of completion of:
1. The minimum number of hours of training required by A.R.S. § 8-509;
 2. The training curriculum approved by the Department, which includes training in how to exercise the reasonable and prudent parenting standard;
 3. CPR training, which requires the demonstration of CPR skills, and is taught by an instructor certified by a nationally recognized association such as the American Red Cross, the American Heart Association, or the National Safety Council; and
 4. First aid training, taught by:
 - a. An instructor certified to teach first aid that conforms to the requirements of a nationally recognized association such as the American Red Cross or the National Safety Council; or
 - b. A doctor of medicine, physician assistant, registered nurse, paramedic, or emergency medical technician who has a current license or certification to practice.
- B.** After, initial licensure as required by A.R.S. § 8-509 the foster parent shall:
1. In addition to CPR certification and first aid training complete a minimum of six hours of training on topics relevant to the health, growth, development, or welfare of a child, or as recommended by OLR, the licensing agency, or the Child Placing Agency;
 2. Present evidence of current CPR certification that meets the standards specified in subsection (A)(3); and
 3. Present evidence of current first aid training that meets the standards specified in subsection (A)(4).
- C.** The applicant or foster parent shall complete additional training required by the Department, licensing agency, or Child Placing Agency based on the specific needs of the foster parent or of a foster child.
- D.** OLR may waive the requirements for CPR and first aid training if the foster parent has current certification or licensure as a doctor of medicine, physician assistant, registered nurse, paramedic, or emergency medical technician.
- E.** OLR may waive the requirement for CPR training if an applicant or foster parent has a physical limitation preventing them from performing CPR, unless the applicant or foster parent

demonstrates that he or she can perform CPR with tools or devices designed for that purpose. A signed physician's statement shall document the limitation. OLR may, at its discretion, restrict the license of such a foster parent to a specific foster child or population.

Historical Note

New Section made by final exempt rulemaking at 21 A.A.R. 3479, effective January 24, 2016 (Supp. 15-4).

R21-6-304. Life Safety Inspection

- A. A foster parent is responsible for ensuring compliance with the Life Safety Inspection rules specified in Chapter 8 of this Title.
- B. An applicant and foster parent shall cooperate with OLR and the licensing agency when performing the Life Safety Inspection.
- C. OLR shall:
 1. Conduct a full inspection to verify compliance with Life Safety Inspection rules:
 - a. Before an initial license is issued,
 - b. Before an amended license is issued for a new location, and
 - c. At least every two years;
 2. Conduct an inspection to verify compliance with specific Life Safety Inspection rules following notification of significant structural modifications to a home or the addition of a pool, as defined by R21-6-101(59); and
 3. Permit and encourage the applicant or licensee to make necessary corrections at the time of an inspection. For corrections that cannot be made immediately, the inspector shall explain how OLR or the licensing agency will verify corrections at a later date.

Historical Note

New Section made by final exempt rulemaking at 21 A.A.R. 3479, effective January 24, 2016 (Supp. 15-4).

R21-6-305. Nurturing Responsibilities

A foster parent shall nurture a foster child by:

1. Providing the child with opportunities to develop emotionally, socially, culturally, physically, and educationally, as appropriate to the child's skill and developmental level;
2. Helping the child develop a positive identity by respecting the child's race, ethnicity, religion, gender, culture, and sexual orientation;
3. Providing the child with opportunities to make choices and to express preferences appropriate to the child's age and developmental level;
4. Providing the child with a variety of safe and developmentally appropriate play equipment, toys, and recreational supplies;
5. Practicing positive discipline;
6. Assisting the child with day-to-day concerns;
7. Providing the child with assistance, comfort, and emotional support to ease the distress associated with coming into care and with related transitions;
8. Assisting in maintaining the child's connection to their family, friends, community, and culture; and
9. Providing opportunities for the child to contact family members by means of face-to-face contact, mail, telephone, or other modes of communication, unless otherwise directed by the Child Placing Agency.

Historical Note

New Section made by final exempt rulemaking at 21 A.A.R. 3479, effective January 24, 2016 (Supp. 15-4).

R21-6-306. Supervisory Responsibilities

- A. A foster parent shall commit the time necessary to provide each foster child with care and supervision in accordance with licensing requirements and based on the child's age, developmental level, and maturity.
- B. A foster parent shall implement the alternative supervision plan, as prescribed by R21-6-331, or R21-6-332 as applicable, if the foster parent must leave any of the following foster children in the care of another person:
 1. Medically complex child,
 2. Child receiving therapeutic foster care, or
 3. Child diagnosed with a developmental disability.
- C. For routine child care of a foster child or unless prescribed in subsection (B), a foster parent shall have arrangements approved by the Child Placing Agency and the licensing agency. For the purpose of this subsection, "routine care" refers to care that is recurrent and predictable, including pre-school, after school care, or care that allows the foster parent to attend recurring activities.
- D. Except as prescribed in subsections (B) and (C), a foster parent may independently select an adult to provide short-term care or supervision that is not routine. For the purpose of this Section, "short-term" means a time period that does not exceed 24 hours in a nonemergency and does not exceed 72 hours in an emergency.
 1. A foster parent shall use careful and sensible judgment in selecting an adult to provide short-term care or supervision for a foster child and shall ensure that the adult has the ability to meet the specific needs of a foster child.
 2. Before leaving a foster child with an adult to provide short-term care or supervision, a foster parent shall provide the adult with:
 - a. Information about the child's behavioral health, medical, or physical condition that is necessary for the adult to provide care;
 - b. Medication prescribed to be administered to the child, and any relevant instructions for the administration of the medication; and
 - c. Emergency information for contacting the child's physician, the Child Placing Agency, the licensing agency, and the foster parent.
 3. The foster parent shall notify the licensing agency and obtain approval from the Child Placing Agency before the short-term care exceeds:
 - a. Twenty-four hours in a nonemergency situation. Examples of a nonemergency situation include going out to dinner, running errands, grocery shopping, and participation in a special training activity.
 - b. Seventy-two hours in an emergency situation. Examples of an emergency situation include a death in the family, serious illness of a family member, and foster parent illness.
- E. A foster parent shall use careful and sensible judgment:
 1. To protect each foster child from harm and teach the foster child to manage risks as permitted by the child's age, developmental level, and maturity; and
 2. In determining when additional help or support is needed to ensure the health, well-being, and educational needs of a foster child.

Historical Note

New Section made by final exempt rulemaking at 21 A.A.R. 3479, effective January 24, 2016 (Supp. 15-4).

R21-6-307. Reasonable and Prudent Parenting Standard

- A. A foster parent shall use a reasonable and prudent parenting standard to promote normalcy for children in his or her care by

encouraging participation in age or developmentally appropriate activities to the greatest extent possible.

- B.** Such activities may include giving permission for a foster child to:
1. Spend time alone or with friends;
 2. Participate in clubs or extracurricular activities, or on teams; and
 3. Attend birthday parties with friends or sleep-overs.
- C.** A foster parent's exercise of the reasonable and prudent parenting standard, shall not conflict with any appropriate court order or case plan.

Historical Note

New Section made by final exempt rulemaking at 21 A.A.R. 3479, effective January 24, 2016 (Supp. 15-4).

R21-6-308. Positive Discipline

- A.** A foster parent shall:
1. Provide positive discipline that is appropriate to the age, life experience, and developmental level of a foster child;
 2. Establish well-defined and clearly communicated rules that set the limits of behavior;
 3. Develop and implement reasonable, developmentally appropriate, and consistent rewards and consequences;
 4. Use disciplinary methods that help a foster child build self-control, self-reliance, and self-esteem;
 5. Inform the Child Placing Agency and the licensing agency of behaviors displayed by the foster child that endanger the health, safety, or well-being of the child or others; and
 6. Abide by Department policy and rule related to positive discipline and prohibited practices under subsection (B).
- B.** A foster parent shall not use or threaten to use, or engage in and shall not permit any other person to use or engage in, the following or similar punishment or maltreatment of a foster child:
1. Any form of physical punishment, including hitting, spanking, biting, pinching, shaking, slapping, smacking, punching, or kicking;
 2. Deprivation of essential nutrition, clothing, bedding, shelter, medical care, or sleep;
 3. Force-feeding, except as prescribed by a licensed medical professional;
 4. Locked confinement in a room or small area;
 5. A consequence that requires a foster child to remain silent or motionless or to be isolated for a time period that is not developmentally appropriate;
 6. Mechanical restraint. A mechanical restraint is an article, device, or garment that:
 - a. Restricts a foster child's mobility, freedom of movement, or the movement of a portion of a child's body;
 - b. Cannot be removed by the foster child; but
 - c. Does not include an orthopedic, surgical, or medical device that allows a foster child to heal from a medical condition or to participate in a treatment program.
 7. Humiliation, verbal abuse, or profane language targeting a foster child;
 8. Derogatory remarks about the foster child, the child's identity, or about a person who is significant to the child;
 9. Threats to remove the foster child from the home;
 10. Cruel, severe, deprived, humiliating, or frightening actions or statements;
 11. Noxious stimuli as a consequence, including putting soap, vinegar, or hot sauce into a foster child's mouth;

12. Denial of a foster child visitation or communication with the child's birth family members or with a significant person when such denial is not approved by the Child Safety Worker, the Child Safety Worker's supervisor, or ordered by the Court; or
13. Over-the-counter or prescription medication for the purpose of restraining or sedating a foster child without a physician's order.

- C.** A foster parent shall notify the Child Placing Agency and the licensing agency within 24 hours of a physician ordering a medication for the purpose of behavior management.
- D.** The use of physical restraint of a foster child is prohibited except to protect a foster child, foster parent, or another person from imminent physical harm resulting from a foster child's sudden, out-of-control behavior.
1. Only a foster parent specifically trained in crisis intervention may use physical restraint on a foster child.
 2. No person shall use physical restraint for the purposes of discipline or convenience.
 3. A trained foster parent shall administer physical restraint in the least restrictive manner possible to protect the child or others and cease when the child becomes calm.
 4. A foster parent shall notify the Child Placing Agency and the licensing agency within 24 hours of the use of physical restraint as required by R21-6-326.

Historical Note

New Section made by final exempt rulemaking at 21 A.A.R. 3479, effective January 24, 2016 (Supp. 15-4).

R21-6-309. Capacity Requirements

- A.** The maximum capacity of a license shall not exceed five foster children, and may be restricted to fewer than five, if the foster home provides special services under R21-6-331 or an increase is not justified under subsection (F).
- B.** The total number of children in a foster home at one time, including the children of the foster parent and the children of a household member, shall not exceed eight.
- C.** Subject to subsection (F), OLR may permit an applicant or licensee to exceed the maximum number of children in the home:
1. To keep a sibling group together, if approved in writing by the DCS Director's office or designee;
 2. If the total number of foster children exceed five and the additional requirements specified in R21-6-331 are met for a Group Foster Home; or
 3. If the children living in the applicant or licensee's home would exceed eight, including any foster children, and the applicant or licensee meets the requirements of subsection (F);
 4. To keep a foster child in the home as of the effective date of this Section.
- D.** The total number of children in the foster home at one time, including the children of the foster parent and any household member, any child placed for respite care, child care services, or babysitting shall not exceed:
1. Four who are five years of age or younger in the care of one adult; and
 2. Two who are less than one year of age in the care of one adult.
- E.** OLR may permit the licensee to exceed the age limits of children in the foster home, as specified in subsection (D), to accommodate multiple birth siblings.
- F.** Recommendations of the licensing agency and decisions of OLR to establish or increase the capacity of a foster home or to exceed the limits as indicated in subsections (B) and (C), shall be justified by:

1. Adequate sleeping arrangements (as specified by R21-6-310 and R21-6-311),
 2. The support network available to the foster parent, and
 3. The licensee's willingness and ability to provide care for each additional foster child.
- G.** A foster parent is limited to the capacity, age, gender, and other conditions or restrictions specified on the license when providing care, including respite care.

Historical Note

New Section made by final exempt rulemaking at 21
A.A.R. 3479, effective January 24, 2016 (Supp. 15-4).

R21-6-310. Sleeping Arrangements

- A.** The sleeping arrangement for each foster child shall be safe and appropriate, based on the child's age, gender, special needs, behavior, and history of abuse or neglect.
- B.** A foster parent shall ensure compliance with the following sleeping arrangements:
1. A foster child shall not share a bedroom with an adult, with the following exceptions:
 - a. A foster child less than the age of three years may share a bedroom with a foster parent.
 - b. A foster child age three years and older may share a bedroom with a foster parent when:
 - i. The child temporarily needs the attention of the foster parent during sleeping hours, or
 - ii. The sleeping arrangement and the reason for it are approved by the Child Placing Agency.
 - c. A foster child who has regularly shared a bedroom with another child who has turned 18 years of age may continue to share the bedroom unless the Child Placing Agency determines that the arrangement is contrary to the best interests of the foster child.
 2. Any child in the home, aged six years and older, shall not share a bedroom with a foster child of the opposite gender, except as permitted by subsection (C).
- C.** A foster child, aged six years and older, may share a bedroom with a sibling of the opposite gender:
1. When the Child Placing Agency grants written approval for the purpose of facilitating a smooth transition for a child into the foster home;
 - a. The Child Placing Agency shall limit such approval to the first 60 days of placement; unless
 - b. The Child Placing Agency makes a written finding after 60 days and annually thereafter that is consistent with the case plan of all siblings sharing the bedroom and it is in the best interest of all of the siblings to continue to share the bedroom;
 2. When there are no safety issues, such as that listed in subsection (C)(3)(a) and
 3. The Child Placing Agency shall not grant approval:
 - a. If either child has a history of sexual abuse, or
 - b. Solely for the convenience of the foster parent,
- D.** A foster child who is a minor parent may share a bedroom with his or her child.
1. Floor-to-ceiling walls,
 2. A door with a working doorknob or latch,
 3. Lighting,
 4. Ventilation,
 5. Appropriate heating and cooling, and
 6. A window or door that opens directly to the outdoors and is accessible for emergency evacuation.
- C.** A foster parent shall not use a space used as a closet, passageway, or primarily for purposes unrelated to sleeping as a bedroom for a foster child.
- D.** The bedroom for a foster child shall be large enough to accommodate a bed, furniture to store and display personal belongings, and space for the child to dress and move about.
- E.** A foster parent shall provide each foster child with a bed that is safe and appropriate based on the child's age and special needs. For the purpose of this Section, "bed" does not include sleeper sofas, rollaway beds, couches, cots, portable crib such as Pack 'n Play, sleeping bags, or mats, unless approved by OLR on a temporary basis not to exceed six days.
1. A foster parent shall ensure that:
 - a. Each foster child is provided with a separate bed or crib, as appropriate;
 - b. A foster child less than the age of three years does not sleep on a waterbed; and
 - c. A foster child does not sleep on the top tier of a bunk bed or similar style bed in which the top of the mattress is elevated four or more feet above the floor, if the child:
 - i. Is less than the age of six years,
 - ii. Has a disability that limits mobility, or
 - iii. Has a seizure disorder.
 2. A foster parent may:
 - a. Provide a foster child with a used mattress if the mattress is sanitary; and
 - b. Allow a foster child not identified by subsection (E)(1)(c) to sleep in a bunk bed or similar style bed in which the top of the mattress is elevated four or more feet above the floor, if:
 - i. The top bunk is securely fastened to the side frames;
 - ii. The top bunk has guard-rails that extend at least five inches above the mattress surface to prevent a child from rolling off;
 - iii. The top bunk has cross ties or other secure structures under the mattress foundation to prevent the mattress from falling through the frame;
 - iv. The distance between the two beds or between the top bunk and the ceiling is sufficient to allow the child to sit upright while in bed; and
 - v. The bunk bed does not exceed two tiers.
- F.** A foster parent providing respite care for a foster child may use a sleeper sofa, rollaway bed, couch, cot, portable crib such as a Pack 'n Play, sleeping bag, or mat as an acceptable sleeping accommodation provided that:
1. The respite care does not exceed 14 consecutive days, and
 2. The accommodation does not compromise the health or safety of the child.
- G.** Except as provided in subsection (H), bedding for a foster child shall be clean and shall include:
1. A pillow;
 2. Bottom or fitted sheet;
 3. A top sheet, blanket, or cover, as appropriate; and
 4. A waterproof mattress cover, as needed.

Historical Note

New Section made by final exempt rulemaking at 21
A.A.R. 3479, effective January 24, 2016 (Supp. 15-4).

R21-6-311. Bedrooms, Beds, and Bedding

- A.** The placement of a foster child shall not displace another foster child or a household member from a bedroom to a space unrelated to sleeping.
- B.** A foster parent shall provide a foster child with a bedroom that accommodates the privacy and safety needs of the child and that is a finished room demonstrated by:

- H.** Bedding for infants shall be clean and shall not include pillows, blankets, bumper pads, or other soft items or surfaces.

Historical Note

New Section made by final exempt rulemaking at 21 A.A.R. 3479, effective January 24, 2016 (Supp. 15-4).

R21-6-312. Meals and Nutritional Needs

A foster parent shall:

1. Encourage a foster child to participate in meals as a member of the family;
2. Provide a foster child with a well-balanced and nutritionally adequate diet; and
3. Provide for the special dietary needs of a foster child, as determined by a medical or nutritional authority or as is customary in the child's religion or culture.

Historical Note

New Section made by final exempt rulemaking at 21 A.A.R. 3479, effective January 24, 2016 (Supp. 15-4).

R21-6-313. Hygiene and Daily Needs

The foster parent shall provide a foster child with:

1. Clean clothing and shoes that are in good repair and appropriate to the child's age, size, developmental level, gender, gender identity, the weather conditions, and the occasion;
2. The supplies, instruction, and assistance needed to care for the child's hygiene, including tooth brushing, bathing, hair care, using the toilet, hand washing, diapering, menstrual care, and shaving, as appropriate; and
3. Privacy while dressing, bathing, and during the care of other personal needs, as developmentally appropriate.

Historical Note

New Section made by final exempt rulemaking at 21 A.A.R. 3479, effective January 24, 2016 (Supp. 15-4).

R21-6-314. Health and Medical Care

The foster parent shall protect and care for the health and well-being of a foster child and:

1. Provide necessary first aid and care to treat common childhood ailments and injuries;
2. Obtain 10 well-child visits for each child aged from birth to two years as described in subsections (a)-(h) below. A well child visit includes both a medical and vision examination as appropriate to the child's age. A foster parent shall obtain a well-child visit when a foster child is the following ages:
 - a. Three to five days;
 - b. One month;
 - c. Two months;
 - d. Four months;
 - e. Six months;
 - f. Nine months;
 - g. Twelve months; and
 - h. Fifteen Months;
3. Obtain an annual well-child visit for each child older than two years of age.
4. Obtain routine dental examinations for each foster child older than one year of age at least once every six months and more frequently as needed for other services, such as filling cavities and orthodontics;
5. Review the child's medical, vision, and dental records if available; and if the foster child has not had a medical, vision, or dental exam within the past year, the foster parent shall schedule the child for an exam within two weeks after the foster child is placed with the foster parent;

6. Obtain necessary care and treatment for medical, vision, dental, behavioral health, and other services identified in the placement agreement specified under R21-6-314;
7. Obtain immunizations based on the current recommended immunization schedule published by the Centers for Disease Control and Prevention, unless specified otherwise in the care plan for the foster child;
8. Administer prescription medication only as prescribed and ensure no lapse occurs in the administration of the prescription medication to the foster child;
9. Carry out the written and verbal instructions from qualified professionals regarding the medical, vision, dental, and therapeutic needs of the foster child and notify the Child Placing Agency when written and verbal instructions from multiple medical professionals conflict; and
10. Ensure that a foster child, 12 months of age and younger, is placed to sleep on the foster child's back to reduce the risk of Sudden Infant Death Syndrome (SIDS), unless otherwise authorized in writing by the child's physician.

Historical Note

New Section made by final exempt rulemaking at 21 A.A.R. 3479, effective January 24, 2016 (Supp. 15-4).

R21-6-315. Smoking Restrictions

To reduce the risk of secondhand smoke, the foster parent shall ensure that smoking any substance, including tobacco, e-cigarettes, and prescribed marijuana through any delivery system, is prohibited and does not occur at any time in the foster home, or at any time when a foster child is present in a vehicle used to transport a foster child.

Historical Note

New Section made by final exempt rulemaking at 21 A.A.R. 3479, effective January 24, 2016 (Supp. 15-4).

R21-6-316. Transportation Responsibilities

- A.** A foster parent shall provide or arrange appropriate local transportation to meet the routine educational, medical, recreational, social, religious, and therapeutic needs of a foster child.
- B.** When a foster child is transported by or at the direction of a foster parent, the foster parent shall ensure that the vehicle, at a minimum:
 1. Is maintained in safe operating condition;
 2. Is properly licensed, registered, and has liability insurance; and
 3. Has passenger safety restraints available and:
 - a. Each foster child less than the age of five years or weighing less than 40 pounds is properly secured in a child car seat and child restraint system that is appropriate to the height, weight, and physical condition of the child;
 - b. Each foster child five to eight years of age who weighs more than 40 pounds, but is less than four feet nine inches in height is properly secured in a child restraint system that is appropriate to the height, weight, and physical condition of the child;
 - c. Each foster child not covered by subsections (a) and (b) is properly secured with a seat belt;
 - d. Each foster child with a disability that prevents the child from maintaining head and torso control while sitting is secured in a car bed, harness, or other device designed to protect the child during transportation; and
 - e. If a foster child is transported in a wheelchair, the child is properly secured with a floor-mounted seat

belt, and the wheelchair is properly immobilized using lock-down devices.

- C. A foster parent shall not leave a foster child unattended during transportation if the child:
- Is less than seven years of age;
 - Has a developmental disability; and
 - Is more than seven years of age and that the child is physically and emotionally incapable of traveling alone;
- D. The Child Placing Agency shall ensure that the foster parent has all of the equipment in place and properly installed to meet the requirements of subsection (B) prior to placement.
- E. A foster parent shall ensure the following safety requirements for drivers selected by the foster parent to transport a foster child:
- The driver has a valid driver license; and
 - The driver practices safe, defensive driving and obeys all traffic laws.
- F. A child shall not be transported in a truck bed, cargo area, camper, or in a trailer attached to a motor vehicle.

Historical Note

New Section made by final exempt rulemaking at 21 A.A.R. 3479, effective January 24, 2016 (Supp. 15-4).

R21-6-317. Education and Development

The foster parent shall:

- Communicate developmental and educational progress and challenges to the Child Safety Worker or Child Placing Agency, including any noted developmental delays;
- Send a school-age foster child to public school unless alternative educational arrangements, such as private or home schooling, have been approved in the child's case plan, by the Child Safety Worker's supervisor, or the Child Placing Agency supervisor;
- Work with the Child Safety Worker or Child Placing Agency to determine educational needs beyond those provided in the school setting and make reasonable efforts to obtain these educational services that are available from the school, district, or other providers for education services;
- Encourage the foster child's academic progress by making reasonable efforts to ensure the completion of homework and participating in parent-teacher conferences, the Individualized Education Program (IEP), and Individualized Family Service Plan (IFSP) Meetings, as appropriate; and
- Make reasonable effort to:
 - Ensure school attendance; and
 - Schedule appointments, visitations, and other activities during hours that do not interfere with school.

Historical Note

New Section made by final exempt rulemaking at 21 A.A.R. 3479, effective January 24, 2016 (Supp. 15-4).

R21-6-318. Religious and Cultural Practices

- A. The foster parent shall:
- Protect and support a foster child's right to participate in the child's religious and cultural practices,
 - Coordinate with the licensing agency or Child Placing Agency, to provide opportunities for a foster child's participation in the child's religious and cultural activities, and
 - Not compel a foster child to participate in the foster parent's religious or cultural activities if it is contrary to the child's cultural or religious practices or the wishes of the child's birth parent.

- B. If there is a conflict between the religious or cultural practices of a foster parent and a foster child, the foster parent shall notify the licensing agency, which shall notify the Child Placing Agency, so that alternative arrangements may be made.

Historical Note

New Section made by final exempt rulemaking at 21 A.A.R. 3479, effective January 24, 2016 (Supp. 15-4).

R21-6-319. Recreation

The foster parent shall:

- Encourage a foster child to participate in appropriate indoor and outdoor recreation;
- Provide adequate supervision, protection, and guidance during the use of recreational equipment, including swimming pools;
- Ensure that the use of recreational equipment is in accordance with manufacturers' guidelines; and
- Promote the foster child's use of appropriate safety gear for recreational activities.

Historical Note

New Section made by final exempt rulemaking at 21 A.A.R. 3479, effective January 24, 2016 (Supp. 15-4).

R21-6-320. Out-of-State Travel

Before taking a foster child out of Arizona for more than seven consecutive days, a foster parent shall notify the licensing agency and Child Safety Worker of the destination and dates of travel.

Historical Note

New Section made by final exempt rulemaking at 21 A.A.R. 3479, effective January 24, 2016 (Supp. 15-4).

R21-6-321. Rights of a Foster Child

- A. A foster parent shall ensure that the rights of a foster child as listed in A.R.S. § 8-529 are protected and upheld. In addition, a foster child has the right to:
- Live in a safe, clean, and humane environment;
 - Be free to express their gender identity and sexual orientation;
 - Be free from physical, sexual, emotional, or other abuse;
 - Be treated with dignity and respect by foster parents and household members;
 - Protection from exploitation and to learn the skills needed to protect him or herself from exploitation;
 - Protection for and access to his or her adaptive aids, if applicable;
 - Retain personal belongings when moving from the foster home, including usable clothing, furniture, electronic equipment, bicycles, toys, and other items purchased specifically for or given to the child;
 - Access his or her personal spending money, unless access is limited by the Child Placing Agency as part of a documented plan approved by the Child Placing Agency such as a plan to protect the child from exploitation or a pattern of misuse;
 - Be taught how to manage personal spending money;
 - Assume responsibility for some household duties in accordance with the child's age, health, and ability; assigned responsibilities and tasks shall not deprive the child of school, sleep, reasonable play time, or study periods;
 - Participate in activities as a member of the family, including meals, outings, and celebrations;
 - Participate in extracurricular, enrichment, social, and community activities, including sports, school activities, cultural programs, and religious groups based on a reasonable and prudent parenting standard. This participa-

tion may be restricted by reasonable curfew, cost considerations, a court order, or as agreed upon by the foster parent and the Child Placing Agency;

13. Be encouraged to have contact with and visit family members, consistent with the case plan, unless prohibited by court order;
 14. Have visitors, within reasonable boundaries established by the foster parent, and unless prohibited by court order;
 15. Confidential communication with his or her Child Safety Worker or Child Placing Agency, advocates, attorney, guardian ad litem, and guardian; and
 16. Express dissatisfaction with or file a complaint against a foster parent or the Child Placing Agency without retaliation.
- B.** A foster child over the age of puberty, or as early as can be reasonably expressed by the child, shall have the right to specify the gender of the person to assist the child with personal care, if needed and appropriate.
- C.** A foster child with a disability has the right to participate in typical daily activities with the least amount of physical assistance necessary to accomplish the task and to live in a home adapted to protect the child and to assist the child in experiencing developmentally appropriate independence.
- D.** If a foster parent is not able to protect or uphold one or more of the above rights, the foster parent shall immediately notify the Child Placing Agency and the licensing agency so that alternative arrangements or assistance may be made to protect the rights of the child.

Historical Note

New Section made by final exempt rulemaking at 21 A.A.R. 3479, effective January 24, 2016 (Supp. 15-4).

R21-6-322. Confidential Information

- A.** A foster parent shall protect and maintain the confidentiality of a foster child, by protecting and safeguarding all personally identifiable information about a foster child and his or her family.
- B.** Information related to the reason for a foster child's placement or related to a foster child's family is considered confidential information, under A.R.S. § 8-807 and A.R.S. § 8-502.
- C.** A foster parent may only share a child's confidential information strictly on a need-to-know basis:
1. With health care providers, schools, child care providers, and legal representatives, as appropriate; or
 2. As authorized by the Child Placing Agency or guardian.
- D.** A foster parent shall not share information or photos that identify a child as a foster child on the internet, including social media.
- E.** A foster parent shall not share a foster child's information or photos that identify the child as a foster child, unless there is a need to know, with other individuals or organizations, including friends, co-workers, relatives, and neighbors.
- F.** A foster parent shall safeguard and maintain a foster child's records in a manner that prevents loss, tampering, or unauthorized access or use.
- G.** Failure to keep confidential a foster child's records or information may result in an adverse licensing action.

Historical Note

New Section made by final exempt rulemaking at 21 A.A.R. 3479, effective January 24, 2016 (Supp. 15-4).

R21-6-323. Information and Records to Be Provided to the Foster Parent

- A.** The Child Placing Agency shall provide a foster parent with the following documents and information, to the extent that

this information is available for each foster child within 30 days:

1. The insurance card or insurance identification number and written consent authorizing the foster parent to access medical records and obtain routine, nonsurgical, and emergency medical care for the child;
2. A summary of the child's medical history and the name of the child's last known physician;
3. A summary of the child's education history and the name of the school most recently attended by the child;
4. A summary of the child's social history;
5. Restrictions or limitations to the sharing of confidential and personally identifiable information about the child;
6. Information about the child's behavioral health, medical, or physical condition that is necessary or beneficial to provide quality care;
7. Medication that is prescribed to be administered to the child, and any relevant instructions for the administration of the medication;
8. The religious and cultural beliefs and preferences of the child and of the child's birth family;
9. Emergency contact information for the child, including a means to contact the Child Placing Agency;
10. Placement packets from prior placements, if applicable;
11. A copy of the child's case plan; and
12. A placement agreement that specifies the following:
 - a. Requirements and restrictions related to the child's diet, personal care, and activities;
 - b. Requirements and restrictions related to the supervision of the child;
 - c. Requirements and restrictions for interaction with the child's family and other persons;
 - d. The person responsible for obtaining and transporting the child to needed services. These services include medical care, vision care, dental care, counseling, and other services or treatment;
 - e. A plan for the purchase, installation, and maintenance of environmental modifications to accommodate the disabilities of a child, if applicable; and
 - f. A plan for the completion of training needed by the foster parent to care for the special needs of the child, if applicable.

- B.** A foster parent shall sign and abide by the placement agreement, described in subsection (A)(12).
- C.** A foster parent shall maintain and store the foster child's records from DCS in a secure place.
- D.** The foster parent shall not use the information obtained to initiate discussions of the child's history or experience of abuse or neglect with the child.

Historical Note

New Section made by final exempt rulemaking at 21 A.A.R. 3479, effective January 24, 2016 (Supp. 15-4).

R21-6-324. Records Maintained by the Foster Parent

- A.** A foster parent shall maintain a record throughout the care of the foster child of:
1. Each foster child's contact with family members and other significant persons; and
 2. Educational, medical, vision, dental, or therapeutic care provided to the foster child while living in the home.
- B.** At the discretion of the Department or the licensing agency, a foster parent shall, when requested, provide proof of how the funds designated for a foster child were expended.
- C.** A foster parent shall safeguard a foster child's records to prevent loss, tampering, and unauthorized access.

- D.** A foster parent shall collect and maintain information and materials significant to a foster child's personal history. The collection is sometimes referred to as a "life book":
1. Typically includes photos, letters, report cards, school projects, artwork, and souvenirs; and
 2. Is the property of the child and will go with the child if he or she moves from the foster home.
- E.** Within seven days of the end of a foster child's placement in a home, the foster parent shall provide the Child Placing Agency with:
1. The records described in subsection (A); and
 2. A written description of the child's daily routine, personal preferences, and habits.

Historical Note

New Section made by final exempt rulemaking at 21 A.A.R. 3479, effective January 24, 2016 (Supp. 15-4).

R21-6-325. Participation in the Service Team

- A.** The purpose of the service team is to ensure collaboration on the development and review of a foster child's case plan. A foster parent is a member of the service team for each foster child in his or her care. The service team also includes:
1. The foster child, as appropriate to the child's age and developmental level;
 2. The foster child's family, including persons who have a significant relationship with the family or the child;
 3. A representative of the Child Placing Agency;
 4. A representative of the licensing agency;
 5. Court-appointed advocates; and
 6. Persons providing services to the foster child, including attorneys, physicians, therapists, teachers, tribal representatives, and law enforcement personnel.
- B.** A foster parent shall participate as a member of the service team by:
1. Attending team meetings when:
 - a. The foster parent receives reasonable advance notice of the date, time, and location of the meeting; and
 - b. The meetings are held at a time and place that is accessible to the foster parent and compatible with the foster parent's work and child care schedules.
 2. Participating in team meetings through alternative means, which may include:
 - a. Conference calls, and
 - b. Providing advance comments to the Child Placing Agency or to other team members who will attend the meeting.
 3. Reporting to the team on the child's progress and concerns.
 4. Assisting in the review and development of the case plan.
 5. Assisting the child in attending and participating in meetings, as appropriate to the child's schedule, age, and developmental level.
- C.** A foster parent shall implement the case plan by:
1. Performing the tasks assigned to the foster parent in the case plan;
 2. Helping a foster child to attain the goals identified in the case plan; and
 3. Helping a foster child to obtain services specified in the case plan.

Historical Note

New Section made by final exempt rulemaking at 21 A.A.R. 3479, effective January 24, 2016 (Supp. 15-4).

R21-6-326. Notification Requirements; Unusual Incident

- A.** A foster parent shall immediately notify the Child Placing Agency and licensing agency of the following incidents. For

the purpose of this section, "immediately" means as soon as possible, following the notification of emergency services (911).

1. Death of a foster child;
 2. Unexplained absence of a foster child;
 3. Unauthorized removal or attempted removal of a foster child from the care and supervision of the foster parent;
 4. A serious illness, injury, or mental health crisis of a foster child requiring hospitalization or emergency room treatment;
 5. An allegation or the discovery of a sign of abuse or neglect of a foster child;
 6. Arrest of a foster child or the involvement of a foster child with law enforcement that does not lead to arrest;
 7. Fire or other situation requiring overnight evacuation of the home;
 8. Incidents that involve or are likely to involve the media; or
 9. Any other unusual incident that seriously jeopardizes the health, safety, or well-being of a foster child.
- B.** A foster parent or the licensing agency shall document the incident on a form provided by the Department.
- C.** A foster parent shall notify the Child Placing Agency and the licensing agency within 24 hours of the following incidents:
1. Injury, illness, change of medication, or medication error that requires a foster child to be seen by a doctor of medicine, physician assistant, or registered nurse practitioner;
 2. Theft of money or property belonging to a foster child;
 3. Significant damage to the property of a foster child;
 4. Injury to others or significant damage to the property of others caused by a foster child;
 5. The use of physical restraint to control a foster child's sudden, out-of-control behavior;
 6. Arrest of a household member or involvement of a household member with law enforcement that does not lead to an arrest;
 7. Changes in the household that affect the foster parent's ability to meet the needs of the foster child;
 8. Life-threatening illness, injury, or the death of a household member; or
 9. Incidents involving a DCS Report or investigation.
- D.** Within 24 hours of the occurrence of an incident specified in subsection (A) or (C), a foster parent shall provide the licensing agency in writing with:
1. A description of the incident, including the date and time of occurrence;
 2. The names and contact information for any persons involved in the incident;
 3. The names and contact information for any person who witnessed the incident; and
 4. The measures taken by the foster parent to address, correct, or resolve the incident.

Historical Note

New Section made by final exempt rulemaking at 21 A.A.R. 3479, effective January 24, 2016 (Supp. 15-4).

R21-6-327. Notification Requirements; Home or Household Changes

- A.** A foster parent shall notify the licensing agency of any changes in the family or household composition, as soon as the foster parent is aware of the change including:
1. Marriage of a foster parent;
 2. Divorce or separation of a foster parent;
 3. Death of a foster parent or of a household member;
 4. Addition or departure of a household member from the home, including the birth or adoption of a child;

5. Any changes in the living arrangements or circumstances of the unlicensed spouse when a foster parent is married but licensed individually under R21-6-408(B); or
 6. The addition of a visitor or household member to the foster home for:
 - a. 30 or more consecutive days, or
 - b. 30 or more cumulative days in a year.
- B.** A foster parent shall notify the licensing agency of substantial changes to the home, foster home, or premises, including:
1. Moving or relocation to another home;
 2. The addition of a pool, as defined in Article 1 of this Chapter; or
 3. Significant structural modifications to the home. For the purpose of this section, “structural modification” includes:
 - a. Adding or removing walls, windows, or doors; or
 - b. Converting a garage, attic, basement, or other similar space into a bedroom.
- C.** If a foster parent has advance knowledge of an event or change listed in subsection (A) or (B), the foster parent shall give the licensing agency reasonable advance notice of the anticipated event or change. “Reasonable advance notice” means notice that permits sufficient time for:
1. The licensing agency to request a Life Safety Inspection, in accordance with R21-6-211;
 2. OLR to issue an amended license, as prescribed in R21-6-410; and
 3. The foster parent to continue providing care and supervision in the licensed foster home without disruption of the placement.
- D.** The foster parent shall notify and obtain approval from DCS and the licensing agency before receiving a child from a Child Placing Agency, other than DCS.
- E.** Failure to notify the licensing agency of an event or change may result in an adverse licensing action.

Historical Note

New Section made by final exempt rulemaking at 21 A.A.R. 3479, effective January 24, 2016 (Supp. 15-4).

R21-6-328. Emergency and Disaster Plan

- A.** A foster parent shall develop and maintain in the home a written emergency and disaster plan that includes:
1. Contact information for each foster child, including the name and telephone number of the primary care physician and the Child Placing Agency;
 2. An evacuation plan for the home, as required by Chapter 8 of this Title; and
 3. A plan for relocation from the home in the event of displacement due to flood, fire, the breakdown of essential appliances, or other disasters.
- B.** A foster parent shall provide a copy of the relocation plan to the Child Placing Agency for each foster child and to the licensing agency.
- C.** As appropriate to the foster child’s age and developmental level, a foster parent shall review and practice the evacuation plan with the child:
1. Within 72 hours of the child’s placement in the home,
 2. Within 72 hours of the foster parent’s relocation to another home, and
 3. At least once each year following the child’s placement in a foster home.

Historical Note

New Section made by final exempt rulemaking at 21 A.A.R. 3479, effective January 24, 2016 (Supp. 15-4).

R21-6-329. Special Provisions for Respite Care

- A.** A foster parent who provides respite care shall comply with all foster home requirements.
- B.** A foster parent who provides respite care may simultaneously provide respite care, family foster care, and receiving care so long as the total number of children in the foster home at any one time does not exceed the ratios prescribed in R21-6-309 and the terms of the foster home license.
- C.** A foster parent who provides respite care shall request and receive information and instruction from the regular foster home licensee on at least the following:
1. Information and instruction about the specific personal care of a child in respite care;
 2. Information and instruction about the provision of medications required by a child in respite care;
 3. Behavior management policies and practices and specific instructions for a child in respite care; and
 4. Emergency contacts and telephone numbers for a child in respite care.
- D.** A foster parent who provides respite shall comply with the requirements of R21-6-316. The respite provider shall have properly installed and adequate safety restraints and child car seats appropriate to the foster child’s age for each child in respite care being transported. A foster parent may provide the equipment required by this subsection to the respite provider.

Historical Note

New Section made by final exempt rulemaking at 21 A.A.R. 3479, effective January 24, 2016 (Supp. 15-4).

R21-6-330. Special Provisions for an In-home Respite Foster Parent

- A.** A person applying for licensure solely as an in-home respite foster parent shall comply with all requirements in this Chapter except as otherwise provided in this Section.
- B.** An applicant for an in-home respite foster parent is not required to provide the following:
1. Immunization records for each child in the applicant’s household as required by R21-6-403;
 2. Documentation of sufficient income as required by R21-6-403;
 3. A statement explaining the child care arrangements the applicant would make for a foster child, or the applicant’s own children, during the applicant’s working hours;
 4. A statement explaining how activities related to a business activity will not interfere with the care of a foster child;
 5. A description of the applicant’s home and neighborhood;
 6. Fingerprinting or a criminal history check for household members, other than the applicant for in-home respite care, as required by R21-6-302; and
 7. Contact information for the foster child’s Child Safety Worker.
- C.** The following rules do not apply to a person seeking licensure solely as an in-home respite foster parent:
1. R21-6-304. Life Safety Inspections;
 2. R21-6-311. Bedrooms, Beds and Bedding;
 3. Life Safety Inspection requirements in Chapter 8 of this Title;
 4. R21-6-314. Health and Medical Care; subsections (2)-(5);
 5. R21-6-323. Information and Records to be Provided to the Foster Parent, specifically the Placement Agreement requirements;
 6. R21-6-324. Records Maintained by the Foster Parent, except to document any behavioral health incidents, medical care, provision of medication, and any other event or

- service required by the case plan or which may be requested by the regular foster parent while the in-home respite foster parent has responsibility for the foster child in care;
7. R21-6-325. Participation in the Service Team, unless requested to do so;
 8. R21-6-326. Notification Requirements; Unusual Incident, subsection (C)(7), unless the change or event directly affects the licensee's ability to provide respite care and comply with these rules; and
 9. R21-6-327. Notification Requirements: Home or Household Changes, unless the change or event directly affects the licensee's ability to provide respite care and comply with these rules.
- D.** An in-home respite foster parent shall request and receive information and instruction from the foster parent on at least the following:
1. Information and instruction about the specific personal care of a foster child in respite care;
 2. Information and instruction about the provision of medications required by a foster child in respite care;
 3. Behavior management policies and practices and specific instructions for a foster child in respite care; and
 4. Emergency contacts and telephone numbers for a foster child in respite care;
 5. Household policies and practices for emergency situations; and
 6. Routine household management practices that will provide for continuity in operation of the foster home for the comfort and support of a foster child in care.
- E.** An in-home respite foster parent shall not permit any unlicensed person to accompany or assist the in-home respite foster parent while providing respite care.
- Historical Note**
- New Section made by final exempt rulemaking at 21 A.A.R. 3479, effective January 24, 2016 (Supp. 15-4).
- R21-6-331. Requirements for Certification to Provide Specialized Services**
- A.** A license for a foster parent is a regular license.
- B.** If the foster parent has met the additional requirements for certification to provide specialized services, OLR shall document the area of certification on the regular license. If more than one person is identified on the license, both shall meet the additional requirements for certification to provide a specialized service; except the foster parent who is not the primary care giver is exempt from compliance with subsections (E)(1)(a), (E)(2)(a) and (b), (E)(3)(b) and (c), and (E)(4).
- C.** The foster parent shall comply with the requirements specified in this Section to renew the certification.
- D.** The certification to provide a specialized service:
1. Does not change the renewal date of the regular license; and
 2. Shall expire at the next renewal date of the regular license.
- E.** The classes of foster homes that provide specialized services and the certification requirements are:
1. Receiving Foster Home. This is a home in which the licensed foster parent receives a foster child with limited notice and provides care for a limited period of time. The foster parent for a receiving foster home shall:
 - a. Have three months' successful experience in child welfare, foster care, health care, education, or a related profession as approved by OLR. "Successful experience" means that the foster parent has been responsible for the health, safety, and well-being of a child for a minimum of 20 hours per week without any negative actions, such as termination for cause;
 - b. Assist the Child-Placing Agency in assessing the needs of each foster child placed on an emergency basis;
 - c. Assist the Child-Placing Agency in transitioning the foster child to another care setting.
 - d. Shall be prepared to accept a foster child, according to the capacity and terms of the foster home license, 24 hours per day, seven days per week; and
 - e. May be approved to simultaneously provide receiving care, family foster care, and respite care so long as the total number of children in the foster home at any time does not exceed the number approved in the regular foster home license, or any of the other limitations of the regular foster home license.
 2. Medically Complex Foster Home. This is a foster home that is licensed with a maximum capacity of three foster children, and each foster parent has completed specialized training to provide care to foster children identified by the Department as having medically complex needs. Children with medically complex needs include those who have or are at risk for chronic physical or developmental conditions and who require health-related services beyond that required by children in general. The foster parent for a Medically Complex Foster Home shall:
 - a. Have one of the following minimum experience or education:
 - i. One year's experience as a licensed foster parent; or
 - ii. Licensed or certified as a healthcare professional, such as a doctor, nurse, or certified nursing assistant; or
 - iii. Three months' successful experience in child welfare, foster care, health care, education, or a related profession as approved by OLR. "Successful experience" means that the foster parent has been responsible for the health, safety, and well-being of a child or adult with medically complex needs for a minimum of 20 hours per week without any negative actions, such as termination for cause; or
 - iv. A bachelor's or graduate degree in healthcare, such as medicine or nursing.
 - b. Not have employment or commitments that interfere with the foster parent's ability to meet the foster child's medical needs and schedule;
 - c. Use adaptive equipment and encourage the foster child to use adaptive equipment to facilitate the child's participation in daily living activities;
 - d. Provide the foster child with opportunities to participate in community activities on a regular basis unless there is a compelling medical reason not to do so;
 - e. Develop and follow an alternate supervision plan, approved by the Department, Child Placing Agency, and the licensing agency, if the foster parent is not available to provide primary care and supervision to foster children with medically complex needs. The alternate supervision plan shall include:
 - i. The name of each adult, age 18 years and older, who can provide supervision if the foster parent is not present;
 - ii. Information about the foster child's medical, physical, or behavioral health condition that is necessary to provide care;

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- iii. Medication that is prescribed to be administered to the foster child while the foster parent is not present and any relevant instructions for the administration of that medication;
 - iv. Specialized training necessary to provide care and supervision; and
 - v. Emergency contact information for the foster child, including a means to contact the foster parent, the licensing agency, and the Child Placing Agency.
- f. In addition to the training specified under R21-6-303, complete a minimum of 18 hours of training approved by the Department, prior to certification that includes:
- i. An overview of the assessment categories for children defined as having medically complex needs by the Department;
 - ii. Medical and health care issues, procedures, and techniques;
 - iii. The purpose and safe use of medications;
 - iv. Overview of medication interactions and potential medication reactions; and
 - v. Positive behavior development;
- g. Complete training to care for the special needs of a foster child, as indicated in the placement agreement; and
- h. In addition to the training specified under R21-6-303, complete a minimum of 12 hours of specialized training prior to license renewal related to the medically complex needs of children and other approved topics by the Department that include:
- i. Medical and health care issues, procedures, and techniques;
 - ii. The purpose and safe use of medications;
 - iii. Overview of medication interactions and potential medication reactions;
 - iv. Positive behavior development; and
 - v. Specialized training related to the medically complex needs of children.
3. Therapeutic Foster Home. This is a foster home that is licensed with a maximum capacity of three foster children, and each foster parent has received specialized training to provide care and services within a support system of clinical and consultative services to foster children with special behavioral health needs, as identified by the Department. In addition to meeting the requirements for a regular license, the foster parent for a Therapeutic Foster Home shall:
- a. Be at least 21 years of age, and
 - b. Have at least one of the following minimum experience or education:
 - i. One year's experience as a licensed foster parent;
 - ii. Three months' successful experience in child welfare, foster care, behavioral health, education, or a related profession as approved by OLR. "Successful experience" means that the foster parent has been responsible for the health, safety, and well-being of a child or adult with behavioral health needs for a minimum of 20 hours per week without any negative actions, such as termination for cause; or
 - iii. A bachelor's or graduate degree in health care, social work, psychology, or a related behavioral health field.
- c. Not have employment or commitments that interfere with the foster parent's ability to meet the foster child's special behavioral health needs, including supporting the foster child and as applicable, participating in in-home and community based services;
 - d. Provide the foster child with opportunities to participate in developmentally appropriate community based activities on a regular basis;
 - e. Develop and follow an alternate supervision plan, approved by the Child Placing Agency and the licensing agency, if the foster parent is not available to provide primary care and supervision for a foster child with treatment needs. The alternate supervision plan shall include:
 - i. The name of each adult, age 21 years and older, who can provide supervision if the foster parent is not present;
 - ii. Information about the foster child's behavioral, health, medical, or physical condition that is necessary to provide care;
 - iii. Medication that is prescribed to be administered to the foster child while the foster parent is not present and any relevant instructions for the administration of that medication;
 - iv. Specialized training taken by individuals in subsection (i) that is necessary to provide care and supervision of the foster child; and
 - v. Emergency contact information for the foster child, including a means to contact the foster parent, the licensing agency, and Child Placing Agency.
- f. In addition to the training specified under R21-6-303, complete a minimum of 18 hours of training prior to certification, approved by the Department that includes:
- i. Positive behavior development and de-escalation techniques,
 - ii. The purpose and safe use of medications, and
 - iii. Overview of medication interactions and potential medication reactions.
- g. Complete training to care for the special needs of a foster child, as indicated in the placement agreement;
- h. In addition to the training specified under R21-6-303, complete a minimum of 24 hours of training prior to license renewal. The Department shall approve the training curriculum and coordinate the training curriculum through a licensing agency. The training shall include:
- i. Positive behavior development and de-escalation techniques,
 - ii. The purpose and safe use of medications, and
 - iii. Overview of medication interactions and potential medication reactions.
4. Group Foster Home. This is a home in which all licensed foster parents are certified to provide care for six to 10 foster children for the purpose of accommodating a specific sibling group, or as otherwise provided in A.R.S. § 8-514, for over capacity placements. In addition to meeting the requirements for a regular license, the foster parent for a Group Foster Home shall:
- a. Have the following minimum experience or education:
 - i. History of care or contact with the specific children to be placed in the Group Foster Home; or

- ii One year's experience as a licensed foster parent; or
 - iii Three months' successful experience in child welfare, foster care, education, or a related profession as approved by OLR. "Successful experience" means that the foster parent has been responsible for the health, safety, and well-being of a child for a minimum of 20 hours per week without any negative actions, such as termination for cause.
- b. Uphold the age limitations of children prescribed by R21-6-309;
 - c. Conduct a fire drill at least once every three months;
 - d. Have at least two full bathrooms in the home; and
 - e. If recommended by OLR, or the Child Placing Agency, complete advanced training on positive behavior development, de-escalation techniques, or other topics related to the specific care needs of the foster children.

Historical Note

New Section made by final exempt rulemaking at 21 A.A.R. 3479, effective January 24, 2016 (Supp. 15-4).

R21-6-332. Placement of a Child With a Developmental Disability in a Foster Home

- A. OLR shall refer the foster parent to the DES Division of Developmental Disabilities (DDD), Office of Licensing, Certification and Regulation (OLCR) for licensing as a child developmental home, if the Department has placed a child with a Developmental Disability in a foster home and the foster home has:
 - 1. No more than three placements, including the child with a Developmental Disability, or
 - 2. More than three placements but the placements are only the child with the Developmental Disability and that child's siblings,
- B. If the foster home is licensed by DES OLCR as a child developmental home, OLR shall place the regular foster home license on inactive status. The foster parent may reactivate the regular foster home license by complying with R21-6-413.
- C. If the foster home is not licensed by the DES OLCR as a child developmental home, or the foster home has more than three, but no more than five placements, including the child with a Developmental Disability, the home may remain a regular foster home with the following requirements:
 - 1. If the child with a Developmental Disability is eligible under A.R.S. § 36-559, OLR shall refer the foster parent to DES OLCR as an option to become HCBS certified; and
 - 2. The foster parent shall follow written and verbal instructions and orders from qualified professionals regarding the medical, dental, habilitative, and therapeutic needs of the child with a Developmental Disability.
- D. If the foster parent is not available to provide primary care and supervision for a foster child with a Developmental Disability, the foster parent shall develop and follow an alternate supervision plan, approved by the licensing agency and the Child Placing Agency in consultation with DES if the child with the Developmental Disability is eligible under A.R.S. § 36-559. The alternate supervision plan shall include:
 - 1. The name of each adult, age 18 years and older, who can provide supervision if the foster parent is not present;
 - 2. Information about the foster child's medical, physical, behavioral health condition, or other factors that put the child's health, safety, or well-being at risk that is necessary to provide care;

- 3. Medication that is prescribed to be administered to the foster child while the foster parent is not present and any relevant instructions for the administration of that medication;
- 4. Specialized training taken by individuals in subsection (1) necessary to provide care and supervision to the foster child; and
- 5. Emergency contact information for the foster child, including a means to contact the foster parent, the licensing agency, and the Child Placing Agency.

Historical Note

New Section made by final exempt rulemaking at 21 A.A.R. 3479, effective January 24, 2016 (Supp. 15-4).

ARTICLE 4. THE LICENSING PROCESS FOR FOSTER PARENTS

R21-6-401. Minimum Qualifications to Apply for a License

- A. Any individual or married couple meeting the following minimum qualifications shall be eligible to apply for licensure as a foster parent regardless of gender, race, religion, political affiliation, national origin, disability, or sexual orientation.
- B. All applicants shall submit a complete application and accompanying documentation for a foster home license.
- C. To apply for a family foster home license, the applicant shall:
 - 1. Be at least 21 years of age, except as provided in R21-6-419.
 - 2. Reside in Arizona and be lawfully present in the United States.
 - 3. Not have a record of withdrawing from the licensing application process or closing a license before the completion of an investigation or licensing inquiry, except as permitted under R21-6-414(I); and
 - 4. Declare under oath that he or she:
 - a. Has not committed a crime specified in Arizona Revised Statutes as a precluding crime for the issuance of a Level One fingerprint clearance card; and
 - b. Is not a registered sex offender.

Historical Note

New Section made by final exempt rulemaking at 21 A.A.R. 3479, effective January 24, 2016 (Supp. 15-4).

R21-6-402. Rights of the Applicant and the Foster Parent

- A. In addition to the inspection and due process rights specified under A.R.S. § 41-1009, and A.R.S. § 8-530, the foster parent shall have the right to:
 - 1. Participate in an orientation offered by OLR or a licensing agency, which provides the following information:
 - a. An overview of the licensing process,
 - b. A copy of, or instructions for, accessing the licensing rules,
 - c. Requirements and information specific to the available licensing agencies, and
 - d. The mission and philosophy of the Department.
 - 2. Choose or transfer to a licensing agency approved by the Department, at no cost to the applicant or foster parent;
 - 3. Be treated with courtesy, dignity, and fairness by the licensing agency and the Department;
 - 4. Be free from discrimination in the licensing process on the basis of political affiliation, marital status, or sexual orientation;
 - 5. Receive information and training pertinent to the responsibilities of a foster parent;
 - 6. Receive advice and technical assistance provided by the licensing agency or OLR to assist the applicant or foster parent in understanding the licensing requirements;

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7. Direct the licensing agency to enter the applicant's complete and accurate information for licensure via the Department's electronic database;
 8. Appeal an adverse licensing action as described under R21-6-417;
 9. Elevate concerns about the licensing process in writing to the program administrator for OLR.
 10. Be free from retaliation by a licensing agency and the Department in the event of a disagreement, an appeal, or an elevation of concerns by the foster parent or applicant;
 11. Be informed of and provided the opportunity to be heard in any adverse licensing action conducted by OLR that impacts the foster parent's or applicant's license;
 12. Reasonably refuse placement or request removal of a child without reprisal from the licensing or Child Placing Agency; and
 13. The confidential treatment of private information revealed in the licensing process in accordance with A.R.S. § 8- 502 and A.R.S. § 8-530.
- B.** Upon written request and payment of reasonable duplication and postage fees by a foster parent, the licensing agency shall forward a copy of the contents of the licensing records to an agency or organization for the purpose of assisting a foster parent who is being considered for a private or out-of-state adoptive placement, or any similar purpose.
- C.** Upon written request, OLR and a licensing agency shall permit a foster parent or applicant to access their licensing record, except as provided in subsection (E).
- D.** A foster parent shall be permitted to provide a written response to the Child Placing Agency and OLR on findings and comments in the home study, investigative reports, and any correspondence, with the exception of the items listed in subsection (E).
- E.** A foster parent or applicant shall not have access to the following:
1. Information supplied by confidential references during the licensing process;
 2. Information protected from secondary dissemination under state or federal law, including DCS Reports and investigations and related records; or
 3. The names of or identifying information for persons and organizations listed as sources in a licensing investigation or DCS Report or inquiry.
6. The relationship between the applicant and all other household members, including a parent, sibling, housemate, or tenant;
 7. The telephone number and e-mail address of the applicant;
 8. The mailing address of the applicant and the physical address of the applicant's home;
 9. A statement that the applicant resides in Arizona;
 10. The document specified under A.R.S. § 41-1080(A) and, as applicable (E), to demonstrate that the applicant is lawfully present in the United States;
 11. The name of the school district in which the applicant's home is located;
 12. Each address held by each adult household member during the previous 10 years;
 13. The name, date of birth, current address, and telephone number of each child of the applicant who lives outside the applicant's home, if known, and a statement as to whether the child is reasonably expected to have contact with a child in foster placement;
 14. The applicant's employment history, including the names of employers, dates of employment, and positions held during the previous 10 years;
 15. A summary of the applicant's education;
 16. A description of the applicant's experience in caring for children or adults;
 17. The applicant's household budget, showing income, resources, assets, debts, and obligations;
 18. Plans for the sleeping arrangements for each household member and for each potential foster child;
 19. Plans for transportation of each potential foster child including:
 - a. Evidence of a valid driver license for each household member who will provide transportation;
 - b. Evidence that each vehicle to be used for transportation is registered and insured to operate in Arizona; and
 - c. Evidence that the applicant has or shall obtain prior to placement, the correct number and type of child car seats for the conditions of the license.
 20. A description of any pool on the foster home premises;
 21. A description of the applicant's prior efforts to be certified or licensed for adoption, foster care, assisted living, child-care, and any other service for children or vulnerable adults, including:
 - a. Applications that were withdrawn or denied; and
 - b. Applications that resulted in a license or certification that was suspended or revoked.
 22. A list of the names, mailing and e-mail addresses, and telephone numbers of five references, to attest that the applicant is of good character and has the qualifications to care for a foster child:
 - a. At least one of the references, but not more than two, shall be related to the applicant;
 - b. At least three of the references shall be unrelated to the applicant;
 - c. If the applicant is married, then at least two of the references shall be familiar with the applicant as a couple; and
 - d. If another adult household member is applying for a license or is currently licensed, then at least two of the references shall be familiar with both the applicant or foster parent and other household member.
 23. A disclosure of civil and court proceedings in which the applicant has been a party, including:
 - a. Criminal proceedings;

Historical Note

New Section made by final exempt rulemaking at 21 A.A.R. 3479, effective January 24, 2016 (Supp. 15-4).

R21-6-403. Application for an Initial License

- A.** An individual or married couple shall complete the application for an initial license accurately and in full via the Department's electronic database. The applicant may direct the licensing agency to enter the application.
- B.** The application for an initial license shall include:
1. The full legal name of each household member;
 2. All other names and aliases, including birth names and names used in previous marriages, of each household member;
 3. The current marital status of the applicant;
 4. The date of birth of each household member, except other foster children, including evidence that the applicant is at least 21 years of age;
 5. The Social Security Number of each adult household member, for the purpose of conducting a background check;

- b. Lawsuits;
 - c. Dependency actions, including:
 - i. Removal of a dependent,
 - ii. Voluntary relinquishment,
 - iii. Suspension of custody, or
 - iv. Termination of parental rights;
 - d. Charges of child abuse or neglect;
 - e. Child support enforcement proceedings within the last five years;
 - f. Bankruptcy within the last five years;
 - g. Divorce, separation, or any other civil proceedings; and
 - h. Adoption;
24. A criminal record self-disclosure completed by each adult household member;
 25. Evidence that each adult household member, has obtained a Level One fingerprint clearance card;
 26. A disclosure by the applicant of any allegation against the applicant of abuse or neglect of any child or vulnerable adult;
 27. Any history of abuse or neglect involving the applicant;
 28. Authorization for a Central Registry record check:
 - a. For each adult household member, and
 - b. With each state in which any adult household member resided in during the previous five years.
 29. A health self-disclosure completed by each adult household member;
 30. A physician's statement as defined in R21-6-101(54), related to the physical and behavioral health completed for the applicant and for each adult household member who will be providing care and supervision;
 31. An up-to-date immunization record, if available, for each child household member. The lack of available immunization records shall not prohibit licensure, but may be grounds for restricting the license to prevent the placement of infants, young children, and medically complex individuals; and
 32. A Statement of Understanding signed by the applicant and attesting to the truth of the information provided during the application process.
- C.** The applicant in cooperation with a licensing agency shall submit the information required under R21-6-205 and this Section and the home study and assessment as directed under R21-6-206 and R21-6-405.

Historical Note

New Section made by final exempt rulemaking at 21 A.A.R. 3479, effective January 24, 2016 (Supp. 15-4).

R21-6-404. Types of Licenses

- A.** OLR grants the following types of licenses:
1. An initial license,
 2. A renewal license, and
 3. An amended license to reflect changes made to information on the initial or renewal license.
- B.** The license for a foster parent shall specify the following:
1. The type of license (initial, renewal, or amended);
 2. The name of the foster parent;
 3. The physical address of the home;
 4. The date the license is issued;
 5. The maximum number of foster children that may be placed in the home;
 6. The age range of foster children that may be placed in the home;
 7. The gender of foster children that may be placed in the home;

8. Specialized services the foster parent is certified to provide, as applicable, under Article 3 of this Chapter include the following:
 - a. Receiving Foster Care,
 - b. Medically Complex Foster Care,
 - c. Therapeutic Foster Care, and
 - d. Group Foster Care.
 9. All restrictions applicable to the license, including restriction to:
 - a. A specific foster child.
 - i. OLR shall not identify the name of a foster child on the license.
 - ii. OLR shall only specify the name of a foster child in confidential correspondence.
 - b. Respite care only.
 - c. Prevent the placement of infants, young children, and medically complex individuals, to protect their health due to a lack of a household member's immunization; and
 10. The name of the licensing agency.
- C.** A license shall be valid for the period of time specified on the license and shall expire on the specified date unless the foster parent licensee files an application for renewal before the expiration date. In addition, a license shall terminate if:
1. The foster parent voluntarily closes the license, under R21-6-414(I);
 2. OLR revokes the license as described under R21-6-414;
 3. The foster parent moves to a different residence without first notifying the licensing agency or OLR; or
 4. The foster parent moves out of Arizona.

Historical Note

New Section made by final exempt rulemaking at 21 A.A.R. 3479, effective January 24, 2016 (Supp. 15-4).

R21-6-405. Home Study and Assessment

- A.** The applicant and adult household members shall complete self-assessments, using the forms approved by OLR, and share the results of the self-assessments with the licensing agency. The licensing agency shall, in the home study, summarize and consider information provided in the self-assessments.
- B.** All household members, including each child household member, if appropriate to the child's age and developmental level, shall participate in interviews conducted by the licensing agency, as directed by R21-6-206.
- C.** The applicant shall participate in and successfully complete pre-service training as specified in R21-6-303.
- D.** The applicant shall provide additional information as needed for the licensing agency to evaluate the fitness of the applicant and to conduct the home study.

Historical Note

New Section made by final exempt rulemaking at 21 A.A.R. 3479, effective January 24, 2016 (Supp. 15-4).

R21-6-406. The Licensing Decision

- A.** OLR shall evaluate the applicant's compliance with licensing requirements before making a licensing decision.
- B.** Prior to making a licensing decision, OLR may, as necessary and appropriate:
1. Require the applicant or licensing agency to provide additional documentation to verify compliance with licensing requirements, such as marriage licenses, divorce decrees, legal separation agreements, child support orders or payments, pay stubs, and bankruptcy documents;
 2. Require the applicant or licensing agency to provide additional information if:

- a. The medical, physical, or mental health needs of a household member could interfere with the care and supervision of a foster child;
 - b. Adults residing outside the household will have frequent or close contact with a foster child; or
 - c. A household member has been charged with or convicted of a crime, even if the specific crime does not preclude the issuance of a Level One fingerprint clearance card;
3. Gather additional information needed to determine the applicant's fitness. This may include:
 - a. Interviewing the applicant,
 - b. Contacting references,
 - c. Verifying information provided in the application or by the licensing agency, and
 - d. Inspecting the applicant's home.
- C.** When making a licensing decision, OLR shall consider factors that have a bearing on the applicant's or foster parent's fitness. These factors include:
1. The applicant's current and historical compliance with licensing requirements. In assessing complaints and violations with statutes and licensing requirements, OLR shall consider:
 - a. The type of complaint or violation,
 - b. The severity of each violation,
 - c. The number of complaints or violations,
 - d. A pattern of complaints or violations, and
 - e. The applicant or foster parent's response to a corrective action plan.
 2. The applicant's history of parenting or caring for children or vulnerable adults;
 3. Allegations of abuse or neglect of a child or vulnerable adult made to DCS or the DES adult protective services against any of the following individuals residing in the home: the applicant, a household member, a foster child, an adult with a Developmental Disability, or a young adult residing in the foster home under a written individual case plan agreement for out-of-home care. To determine whether the allegation of abuse or neglect affects the applicant's fitness, OLR shall consider all relevant factors, including:
 - a. Whether the allegation was substantiated,
 - b. The number and nature of all allegations,
 - c. The length of time that has elapsed since each allegation,
 - d. The circumstances surrounding each allegation,
 - e. The extent of the person's rehabilitation, and
 - f. The nature and extent of each household member's involvement in the allegation.
 4. The stability of residency in Arizona;
 5. The stability of marital and household relationships;
 6. The applicant's or foster parent's financial stability and ability to meet obligations;
 7. Medical, physical, or mental health concerns that impact the applicant's or foster parent's ability to provide safe care and supervision to a child. OLR shall consider accommodations presented by the applicant, as permitted under R21-6-301 to reduce or eliminate any medical, physical, or mental health conditions;
 8. Significant life disturbances, including the death of a family member, divorce, bankruptcy, and job separation;
 9. Patterns of criminal charges or allegations; and
 10. Other significant factors in the applicant's life.
- D.** OLR may waive non-safety licensing requirements on a case-by-case basis for an applicant who will only provide kinship care.
- E.** The licensing decision shall occur within the time-frames specified under R21-6-407.
- Historical Note**
- New Section made by final exempt rulemaking at 21 A.A.R. 3479, effective January 24, 2016 (Supp. 15-4).
- R21-6-407. Licensing Time-frames**
- A.** OLR shall review an application and render a licensing decision within required time-frames.
- B.** Within 30 days of receiving an application, OLR shall conduct an administrative completeness review to determine whether all required documentation and information has been submitted. Within the 30-day administrative review time-frame:
1. If the application is complete, OLR shall immediately move the application forward for a substantive review; or
 2. If the application is incomplete, OLR shall issue a Notice of Incomplete Application to the applicant and the licensing agency containing a list of items and information needed to complete the application.
 - a. The applicant shall have 30 days to supply the missing items or information to OLR via the licensing agency.
 - b. The time-frame for the administrative completeness review shall be suspended from the date OLR issues the Notice of Incomplete Application to the date that OLR receives the missing item or information.
 - c. If the applicant does not supply the requested items or information within 30 days of receiving the Notice of Incomplete Application, OLR may close the file. Once closed, the applicant may reapply for licensure, except as prohibited by R21-6-414.
 - d. If the applicant supplies the required items and information via the licensing agency to OLR within 30 days, OLR shall conduct a substantive review of the application.
- C.** Within the 30 days following the administrative completeness review of an application, and if the application is complete, OLR shall complete a substantive review to evaluate the applicant's fitness for licensure. Within the 30-day substantive review time-frame, OLR:
1. May request that the applicant or licensing agency provide additional information if needed to evaluate the suitability of the applicant for licensure.
 - a. The applicant and the licensing agency shall have an additional 21 days to provide the information to OLR.
 - b. The time-frame for the substantive review shall be suspended from the date OLR requests additional information to the date OLR receives the information.
 2. Shall make the licensing decision, as described under R21-6-406, and take a licensing action, as described under R21-6-414.
- D.** Within an overall time-frame of 60 days upon receipt of a complete application, OLR shall:
1. Complete an administrative review of an application,
 2. Complete a substantive review of an applicant's fitness, and
 3. Notify the applicant and the licensing agency of the decision to grant or deny a license.
- E.** The same time-frames used for initial licensure shall also apply to renewing and amending a license:
1. OLR shall complete the administrative completeness review within a maximum of 30 days from receipt of the application.

- 2. OLR shall complete the substantive review of a complete application within a maximum of 30 days following the administrative completeness review. maximum of 60 days, not including suspended time-frames, from receipt of the application.
- 3. OLR shall review the application and notify the applicant and licensing agency of the licensing decision within a

Process	Responsible Party	Time-frame for Completion
Completion of training and assembly of the application	Applicant and licensing agency	Not regulated: typically two–four months
Administrative completeness review	OLR	Maximum of 30 days
Respond to the notification of incompleteness	Applicant and licensing agency	Maximum of 30 days (time-frame is suspended)
Substantive review	OLR	Maximum of 30 days
Respond to request for additional information to evaluate fitness	Applicant and licensing agency	Maximum of 21 days (time-frame is suspended)
Overall time-frame for a licensing decision	OLR	Maximum of 60 days

Historical Note

New Section made by final exempt rulemaking at 21 A.A.R. 3479, effective January 24, 2016 (Supp. 15-4).

R21-6-408. Licensing Limitations

- A. OLR may license unmarried applicants who reside together individually and shall link the unmarried applicants in the Department's electronic database.
- B. OLR shall license married applicants jointly, unless a married applicant applies to be licensed individually because:
 - 1. The applicant's spouse is permanently, physically disabled to such an extent that the spouse is unable to provide care for a child, as verified by a physician's statement;
 - 2. The applicant's spouse is absent from the household and expected to be absent from the household for nine or more of the following 12 months due to military service; or
 - 3. The applicant and his or her spouse have been separated for at least one year, and the spouses have not lived together. If the spouses have not lived together for:
 - a. Five or more years the applicant shall:
 - i. Sign a statement that the marriage is over and the applicant has no intent to live or reconcile with their spouse;
 - ii. If the applicant knows the location of the spouse, obtain a statement from the spouse that the marriage is over, and the spouse has no intent to live or reconcile with the applicant;
 - iii. Submit evidence that the spouse is living elsewhere, if available; and
 - iv. Submit any other evidence that the spouse is not going to return to the household; or
 - b. One to five years, the applicant's spouse shall:
 - i. Obtain a Level One fingerprint clearance card, and
 - ii. Pass a protective services registries check.
- C. If OLR licenses a married applicant individually under subsections (B)(2) or (3) and the applicant's spouse returns, the applicant shall:
 - 1. Notify OLR immediately under R21-6-411; and
 - 2. Submit a new application as a married couple under R21-6-403 and meet all licensing requirements.
- D. A license is only valid for the licensee specified on the license.
- E. A license is only valid for the address specified on the license.
- F. A foster parent shall not simultaneously hold more than one license or a license and certification to provide human care services in the foster home, including foster care, child care,

assisted living, or an adult developmental home without the written approval of OLR. This restriction does not apply to the certification of a licensed foster home to provide specialized services under the classification of licenses described under R21-6-331.

- G. An applicant shall not be an employee or relative of an employee for the licensing agency that is assisting the applicant with licensure.
- H. OLR's issuance of a license to a qualified applicant does not guarantee the placement of a child.
- I. A foster parent is limited to the capacity, age, gender, and other conditions or restrictions specified on the license when providing care, including respite care.
- J. The foster parent shall notify and obtain approval from DCS and the licensing agency before receiving a child from a Child Placing Agency, other than DCS.

Historical Note

New Section made by final exempt rulemaking at 21 A.A.R. 3479, effective January 24, 2016 (Supp. 15-4).

R21-6-409. Training Reporting Update

- A. The foster parent shall cooperate with the licensing agency to provide proof of completion of the training required by A.R.S. § 8-509.
- B. OLR may take an adverse licensing action against the foster parent if he or she fails to complete the required training and to submit the information in subsection (A) as required by A.R.S. § 8-509.

Historical Note

New Section made by final exempt rulemaking at 21 A.A.R. 3479, effective January 24, 2016 (Supp. 15-4).

R21-6-410. Amending the License

- A. The foster parent shall notify the licensing agency if there are any circumstances requiring an amendment to the license.
- B. The foster parent shall work with the licensing agency to request an amendment to modify the following information on the license:
 - 1. License type;
 - 2. Increase or decrease in capacity, age range, and gender of the foster children who may be placed in the home;
 - 3. Physical address of the home;
 - 4. Remodel of the home;
 - 5. Legal name of the foster parent;
 - 6. Change in marital status;
 - 7. Addition of a household member; including the birth of an adopted child;

8. Name of a spouse, due to the death of a spouse or due to a change in marital status;
 9. Death of a licensed foster parent;
 10. Name of the licensing agency specified on the license;
 11. Modification of the license expiration date; or
 12. Any condition or certification specified on the license.
- C.** The foster parent shall work with the licensing agency to request an amendment to the license via the Department's electronic database. The following information shall be included in the request to amend a license:
1. A description of the change or changes being requested;
 2. Justification for the change or changes, as appropriate;
 3. Other relevant information to assist in the issuance of a license amendment;
 4. Results of a new Life Safety Inspection, if required;
 5. A recommendation by the licensing agency to issue or deny an amended license; and
 6. A recommendation by the licensing agency to limit the terms or conditions of a license, if applicable.
- D.** To request an amendment to the license to change the physical address due to the relocation of the foster parent, the foster parent shall:
1. Provide new contact information including:
 - a. Phone number,
 - b. Address, and
 - c. E-mail;
 2. Provide evidence that the change in residence does not negatively impact their ability to meet financial obligations;
 3. Provide plans for the sleeping arrangements for each household member and foster child; and
 4. Ensure that the home meets the standards for a Life Safety Inspection, in accordance with Chapter 8 of this Title.
- E.** To request an amendment to the license to add the name of a spouse due to marriage, the foster parent and spouse shall jointly:
1. Complete an application for licensure;
 2. Submit proof of legal marriage;
 3. Participate in the home study and assessment; and
 4. Cooperate with the licensing agency's evaluation of the spouse's fitness as defined in R21-6-101(20).
- F.** OLR may initiate the action to amend a license to protect the health, safety, or well-being of a foster child.
- G.** An amendment shall not change the expiration or issuance dates on a license, unless the amendment is approved to modify the license expiration date.
- H.** Information provided for a renewal does not replace the process required to amend the license.

Historical Note

New Section made by final exempt rulemaking at 21 A.A.R. 3479, effective January 24, 2016 (Supp. 15-4).

R21-6-411. Addition of Household Members

If there is a change in household members during the term of the license, the foster parent shall:

1. Notify the licensing agency of the change to the household in accordance with R21-6-327 and R21-6-411;
2. Ensure that each new household member complies with the applicable requirements of this Chapter; and
3. Notify the licensing agency and obtain OLR and Child Placing Agency approval of proposed changes in the sleeping arrangements for each household member and for each foster child.

Historical Note

New Section made by final exempt rulemaking at 21

A.A.R. 3479, effective January 24, 2016 (Supp. 15-4).

R21-6-412. Application for a Renewal License

- A.** A license shall:
1. Be valid for the period of time specified on the license, and
 2. Expire at midnight of the expiration date if the applicant does not apply for a renewal license in accordance with this Article.
- B.** To initiate the renewal of the license, the foster parent shall confirm:
1. With the licensing agency that he or she wishes to renew the license, and
 2. The accuracy of or update the information via the Department's electronic database.
- C.** The foster parent shall cooperate with the licensing agency by:
1. Participating in and facilitating interviews necessary for the licensing agency to update the home study;
 2. Assembling the documents needed to demonstrate ongoing compliance with licensing requirements;
 3. Completing training, as described in R21-6-303 and R21-6-331 if applicable.
 4. Cooperating with the completion of a Life Safety Inspection of the home as described under R21-6-304:
 - a. By the licensing agency every year, and
 - b. By OLR at least once every two years.
 5. Providing a current health self-disclosure for each adult household member every year;
 6. Obtaining a physician's statement for the foster parent at least once every two years and providing a physician's statement for other adult household members if determined to be necessary by OLR in accordance with R21-6-302;
 7. Maintaining a current and valid fingerprint clearance card meeting Level One requirements for each adult household member; and
 8. Signing the Statement of Understanding.

Historical Note

New Section made by final exempt rulemaking at 21 A.A.R. 3479, effective January 24, 2016 (Supp. 15-4).

R21-6-413. Application for License Reinstatement

- A.** OLR shall evaluate an applicant for reinstatement the same as an applicant for a renewal license under R21-6-412.
- B.** Reinstatement is available to applicants previously licensed by OLR, including those foster parents whose license is on inactive status because the foster home has been licensed by DES as a child developmental foster home if:
1. The previous application for licensure was submitted via the Department's electronic database;
 2. The previous license has been expired for less than one year, or if a child developmental home, there has been a gap in licensure between the foster home license and the child developmental foster home license of less than one year; and
 3. OLR completes a new Life Safety Inspection.

Historical Note

New Section made by final exempt rulemaking at 21 A.A.R. 3479, effective January 24, 2016 (Supp. 15-4).

R21-6-414. Licensing Actions

- A.** Within the time-frame specified in R21-6-407, OLR shall notify the applicant and the licensing agency of the licensing decision.
- B.** OLR shall issue a license if OLR determines that an applicant or foster parent is in:
1. Full compliance with all licensing requirements;

2. Substantial compliance with licensing requirements and an approved corrective action plan is in place for violations, as specified under R21-6-416; or
 3. Substantial compliance based on information currently available if an investigation is pending.
- C.** OLR may deny, suspend, or revoke a license if an applicant or foster parent:
1. Refuses or fails to provide the licensing agency or OLR with information needed to evaluate compliance with licensing requirements;
 2. Misrepresents or falsifies information needed by the licensing agency or OLR to evaluate compliance with licensing requirements;
 3. Misrepresents or falsifies information presented by a household member during the licensing process;
 4. Is aware of a misrepresentation or falsification of the information presented by the household member during the licensing process;
 5. Refuses or fails to substantially comply with licensing requirements, Arizona or federal laws, or local codes or ordinances;
 6. Refuses or fails to carry out a required corrective action plan to correct a violation;
 7. Has been denied a certificate or license to provide care to a foster child or vulnerable adult, unless the denial was based on failure to complete the process according to a required time-frame;
 8. Has had a certificate or license to provide care to a foster child or vulnerable adult denied, suspended, or revoked;
 9. Has a household member that refuses to cooperate with the licensing process;
 10. Lives in a home in which a fingerprint clearance card meeting Level One requirements for a foster parent and an adult household member has been suspended, denied, or revoked;
 11. Lives in a home in which an allegation of child abuse or neglect has been substantiated against a household member; or
 12. The foster parent moves to a different residence without first notifying the licensing agency.
- D.** OLR may initiate an adverse licensing action if OLR concludes that:
1. A violation of licensing requirements is not correctable;
 2. A violation of licensing requirements poses a risk to the health, safety, or well-being of a child;
 3. A foster parent has a history or pattern of similar violations with licensing requirements; or
 4. A violation is ongoing and continuing.
- E.** If OLR takes an adverse licensing action, OLR shall send a dated notice of the action to:
1. The applicant or foster parent by certified mail,
 2. The licensing agency, and
 3. The Child Placing Agency for each child placed with the foster parent or applicant at the time of the action.
- F.** The notification for an adverse licensing action shall specify:
1. The effective date of the adverse action;
 2. The facts upon which the adverse action is based;
 3. The law or rule violation that is the basis of the adverse action; and
 4. The time-frame and process for the applicant or foster parent to appeal the adverse action, including:
 - a. The form approved by DCS to appeal the adverse action, and
 - b. The procedure for the applicant or foster parent to request an appeal of the adverse action.
- G.** In the event of an adverse licensing action, and until there is final resolution of the matter:
1. The foster parent shall not:
 - a. Receive new placements;
 - b. Accept additional foster children;
 - c. Provide short-term care as described under R21-6-306 or respite care;
 2. A Child Placing Agency shall not place additional foster children with the foster parents; and
 3. The Child Placing Agency may remove a current foster child from the home if, in the judgment of the Child Placing Agency, there is reasonable belief of a risk to the health, safety, or well-being of the child.
- H.** In the event of a license revocation, the adverse action shall be effective:
1. On the 26th day after the foster parent's receipt of the revocation notice; or
 2. On the date that an administrative hearing officer or appeals board issues a written decision affirming the revocation, if the foster parent appeals the revocation.
- I.** An applicant or foster parent may voluntarily withdraw the application for licensure or close the license at any time by submitting written notice to the licensing agency and OLR, using the form approved by OLR.
1. If the foster parent voluntarily withdraws an application or closes a license while in good standing, the applicant or foster parent may re-apply for a license.
 2. A license is not in good standing, and the licensing authority shall deny a re-application, if the foster parent withdrew or closed a license:
 - a. Before the completion of a corrective action, or with the knowledge that a corrective action plan was pending if the closure was to avoid compliance with the corrective action plan;
 - b. Before the completion of an investigation or inquiry; or
 - c. When a DCS investigation of child abuse or neglect is pending.

Historical Note

New Section made by final exempt rulemaking at 21 A.A.R. 3479, effective January 24, 2016 (Supp. 15-4).

R21-6-415. Routine Monitoring and Verification of Ongoing Compliance

- A.** Throughout the term of a license, the foster parent shall ensure ongoing compliance with licensing requirements.
- B.** The foster parent shall cooperate with monitoring requirements by making the home available for inspections and by participating in interviews. Inspection and monitoring activities by the licensing agency or OLR may include, as necessary and appropriate:
1. A review of records and reports maintained by the foster parent on the care, services, and treatment provided;
 2. Interviews with the foster parent and household members including children in the home age five years and older;
 3. Interviews with foster children; and
 4. An inspection of the home, foster home, and vehicles used to transport foster children.
- C.** At the time of each monitoring or inspection, the licensing agency shall provide the applicant or foster parent with:
1. A written summary of the monitoring or inspection activities conducted;
 2. Planned follow-up and required corrective actions, as applicable; and
 3. A written summary of the applicant's or foster parent's rights, in accordance with A.R.S. § 41-1009.

- D. The licensing agency shall keep a copy of the written summaries specified in subsection (C) and make the summaries available to OLR upon request.

Historical Note

New Section made by final exempt rulemaking at 21 A.A.R. 3479, effective January 24, 2016 (Supp. 15-4).

R21-6-416. Corrective Action Plan

- A. OLR may initiate and place a foster parent on a corrective action plan to remedy the violation of a licensing requirement. A foster parent shall comply with the corrective action plan.
- B. In determining whether to require corrective action, OLR shall consider the following criteria:
1. The nature of the violation;
 2. Whether the violation can be corrected;
 3. Whether the foster parent understands the violation and shows a willingness and ability to participate in corrective action;
 4. The length of time required to implement corrective action;
 5. Whether the same or similar violations have occurred on prior occasions;
 6. Whether the foster parent has had prior corrective action plans, and, if so, the foster parent's success in achieving the goals of the plan;
 7. The foster parent's history as a foster parent or care giver; and
 8. Other similar or comparable factors demonstrating the foster parent's ability and willingness to follow through with a corrective action plan and avoid future violations.
- C. The corrective action plan shall:
1. Be written by OLR and may be in cooperation with the licensing agency,
 2. Specify the facts that constitute the violation,
 3. Specify the law or rule violated by the foster parent,
 4. Specify the steps a foster parent must take to remedy the violation, and
 5. Specify a date for completion of the required corrective action.
- D. The licensing agency or OLR may, as necessary and appropriate, conduct an unannounced monitoring visit to verify the implementation or completion of a corrective action.

Historical Note

New Section made by final exempt rulemaking at 21 A.A.R. 3479, effective January 24, 2016 (Supp. 15-4).

R21-6-417. The Appeal Process

- A. An applicant or foster parent shall have the right to appeal an adverse licensing action following the process specified under 21 A.A.C. Chapter 1, Article 3.
- B. To appeal, per A.R.S. § 8-506, an applicant or foster parent shall submit a written notice of appeal to OLR within 25 days from the mailing date on the adverse licensing action notice.
- C. The notice of appeal shall specify the action being appealed, and a statement of why the adverse licensing action is wrong.
- D. If a child has been removed from the home because of a health, welfare, or safety issue, the child shall remain out of the home while the appeal is pending.
- E. The following are not appealable:
1. Restrictions or limits specified by OLR on the license, including the capacity, age group, or gender of children that may be placed in the home;
 2. The assignment of a required corrective action, as specified under R21-6-416, to bring the applicant or foster parent into compliance with licensing requirements.

Historical Note

New Section made by final exempt rulemaking at 21 A.A.R. 3479, effective January 24, 2016 (Supp. 15-4).

R21-6-418. Allegations of Abuse or Neglect; Licensing Complaints

- A. The applicant or foster parent shall immediately report allegations of abuse or neglect of a child, or a licensing complaint to the Department's Centralized Intake Hotline and to the licensing agency.
- B. The applicant or foster parent shall cooperate with:
1. An investigation conducted by DCS, and
 2. A licensing investigation conducted by a licensing agency or OLR.
- C. The Child Placing Agency shall not place additional children in the foster home throughout the DCS or licensing investigation until the matter is resolved.
- D. OLR shall determine the action, if any, that it will take against the foster parent.
1. OLR shall implement an adverse licensing action as described under R21-6-414 if the DCS or licensing investigation:
 - a. Substantiates an allegation of abuse or neglect; or
 - b. Confirms the violation of a licensing requirement and there is reasonable cause to believe the violation:
 - i. Is continuing;
 - ii. May recur; or
 - iii. Poses a risk to the health, safety, or well-being of a child.
 2. If the licensing investigation validates that there was a violation of a licensing requirement but that the foster parent has corrected the violation, OLR:
 - a. Shall record the incident and resolution in the licensing record,
 - b. May specify additional required corrective action, and
 - c. Shall notify the licensing and Child Placing Agency of the violation and corrective action.
- E. A complainant's identity is confidential unless OLR takes a licensing action based on the testimony of the complainant.

Historical Note

New Section made by final exempt rulemaking at 21 A.A.R. 3479, effective January 24, 2016 (Supp. 15-4).

R21-6-419. Waiver of Non-Safety Licensing Requirements for Kinship Care

- A. OLR may waive specific non-safety rule requirements for an applicant or foster parent providing only kinship care, as defined under R21-6-101(36), on a case by case basis, if the applicant or foster parent demonstrates that compliance would be a hardship. The applicant or foster parent may work with his or her licensing agency to comply with this Section.
- B. The request for a waiver shall include:
1. The specific rule to be considered for waiver by OLR;
 2. The reason compliance would be a hardship;
 3. Any proposed alternative compliance with the rule requirement, including pictures or diagrams that depict any physical requirement to be waived; and
 4. Justification that waiving the licensing requirement will not compromise the safety of a foster child.
- C. The applicant or foster parent or licensing agency shall submit a waiver request only on forms supplied by OLR.
- D. OLR shall consider the waiver of a non-safety licensing requirement on a case-by-case basis.
- E. An applicant or foster parent shall base a waiver request on a licensing requirement and the needs of the foster child. OLR

shall not grant a waiver request because it would be inconvenient for the foster parent or applicant to comply with a licensing requirement.

- F. Non-safety issues may include granting licensure to applicants who are 18 to 20 years of age, have fewer than two full bath-

rooms, or may not meet the financial requirements of R21-6-301.

Historical Note

New Section made by final exempt rulemaking at 21 A.A.R. 3479, effective January 24, 2016 (Supp. 15-4).