



State of Rhode Island and Providence Plantations
Rhode Island Department of Children, Youth and Families

Emergency Revision: Foster Care and Adoption Regulation for Licensure

The Rhode Island Department of Children, Youth and Families (DCYF) is responsible for establishing regulations governing foster and adoptive homes. Rhode Island's *Foster Care and Adoption Regulation for Licensure* include standards for fire safety and lead safety that adoptive, foster, and kinship parents must comply with to become licensed. This emergency revision to these standards reduces imminent peril to the public health, safety, or welfare by reducing the number of children in unlicensed foster homes and those placed inappropriately in institutional settings.

A large body of research shows that children do best in families. Federal law requires that children in out-of-home care are placed in the least restrictive (most family-like) environment. Title IV-E of the *Social Security Act* requires that states "consider giving preference to an adult relative over a nonrelated caregiver when determining placement for a child, provided that the relative caregiver meets all relevant State child protection standards." The *Fostering Connections to Success and Increasing Adoptions Act* of 2008 requires state child welfare systems to notify relatives when a child is removed from his/her home.

Kinship and family foster parents play a critically important role in preventing children from being placed in institutional settings such as group homes or residential facilities. For children removed from homes because of abuse and neglect, kinship homes preserve community and family ties and increase and minimize the trauma of being separated from parents. When an appropriate relative or family friend cannot be located, DCYF looks to family foster homes to provide care in a family setting.

Frequently, kinship providers are called upon by DCYF to care for their relatives with little notice, often the result of crisis in the child's home. When considering placement in a kinship home, DCYF conducts an assessment to determine that the relative is "fit and willing." This includes conducting a criminal records check, child welfare records check, and a visual inspection of the home. After completion of this initial assessment and placement of the child, DCYF has six months to complete full licensing process.

Under Rhode Island's current regulations, achieving licensure requires that kinship, foster, and adoptive parents live in homes that comply with fire and lead standards that are far more stringent than what is required for residents without a foster child placement. Home settings, like kinship and family foster care, are not institutional settings and should not be held to those standards for fire safety.

The current standards put an undue financial burden on kinship, foster, and adoptive families and prevent them from being granted a license in a timely way. When a kinship provider is unable to meet these standards, DCYF is often faced with an untenable choice: allow a child to remain in an unlicensed home or move the child to a more restrictive, institutional setting. Both of these options put children's public health, safety, and welfare in peril. When a prospective family foster home or adoptive home is unable to meet the current fire and lead standards, the family may choose not to proceed with the process.

The emergency revisions to the *Foster Care and Adoption Regulation for Licensure* will allow DCYF to hold families with a foster child in the home to the same safety standard as other Rhode Island families. This will ensure that children in the care of DCYF are living with kin in fully licensed homes and there is an adequate supply of family foster and adoptive homes. Without this regulation, DCYF will have to consider placing children in a home that is too restrictive for the child's needs. Moving forward, these updated regulations will help DCYF license kinship homes in a timely manner and remove a significant barrier towards recruiting and licensing foster and adoptive parents.

Approved by:

Claire Richards 7/29/16
Claire Richards, Esq Date
Chief Legal Counsel
Office of the Governor

Jamie R. McDonald 7/29/16
Jamie R. McDonald Date
Chief Strategy Officer
Department of Children, Youth and Families