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New Model Family Foster Home Licensing Standards

Facilitate Safe and Appropriate Placements and Promote Opportunity to Become Foster Parents

Generations United, The American Bar Association Center on Children and the Law, The Annie E. Casey Foundation, and the National Association for Regulatory Administration just released the first set of comprehensive model family foster home licensing standards. NARA, the national association of human service regulatory professionals, has taken the additional step of adopting them as its standards. Each partner, along with Advocates for Families First, a collaboration between the North American Council on Adoptable Children, the National Foster Parent Association, and Generations United, is currently working to promote the standards to states and counties with the ultimate objective that they use them to assess and align their own family foster home licensing standards.

The package of materials, which is available free of charge at www.grandfamilies.org, includes:

- A purpose statement
- Ten guiding principles
- The model standards
- An interpretative guide, which summarizes the purpose of each standard and provides instructions for compliance determinations
- A crosswalk tool, which is designed to assist states and counties in comparing and aligning their current standards with the Model

FEDERAL LAW FLEXIBILITY ON FAMILY FOSTER CARE LICENSING AND WIDE VARIATION AMONG STATES

Federal law allows states a great deal of flexibility in creating family foster home licensing standards, and consequently they differ dramatically around the country. States are required to develop standards that are

“reasonably in accord” with recommended standards of national organizations. Although several national groups have developed guidelines for licensing standards, these model standards are the only set of comprehensive national standards for licensing family foster care homes. They fill the previous void by creating common standards that work to ensure that children, regardless of the state in which they live, will be placed in homes that have met the same reasonable and achievable safety standards. The federal government can now reference a set of model standards for states, and the states will have guidance in their efforts to license appropriate, safe homes.

This project began by researching the various state standards around the country, because families were reporting that standards were posing unnecessary barriers to becoming licensed. Research confirmed the stories by exposing a variety of problematic standards, standards that had more to do with middle class ideals and the result of lawsuits. For example, prohibiting certain types of dogs and/or requiring that foster care applicants own a car.

PURPOSES OF THE MODEL LICENSING STANDARDS

Equipped with the state standards from all 50 states and the District of Columbia, the partners decided to create model licensing standards that:

- Fulfill the public policy intent behind licensing standards, which is to ensure that children in foster care have safe and appropriate placements.
- Fill the previous void in “national standards” by creating clear, practical, common standards that work to ensure that children, regardless of the state in

which they live, will be placed in homes that have met the same safety standards.

- Facilitate the licensing of additional relative and non-relative homes by recognizing and respecting related and non-related foster parents as caregivers who are performing an invaluable service.
- Reflect community standards and be flexible so children in out-of-home care are placed in the best homes for them.

ELEMENTS OF MODEL LICENSING STANDARDS

The partners used model language from the states, while also considering language from accreditation agencies like the Child Welfare League of America and the Council on Accreditation to create reasonable and achievable safety standards for family foster home licensing.

The model standards cover all the requirements necessary to license safe and appropriate family foster homes. They include 14 categories of criteria necessary to become a family foster home — everything from physical and mental health to criminal, abuse and neglect background checks. The standards even include an “assurances” section, which cover areas like weapons safety after child placement, so applicants know the standards to which they will be held and can agree in advance of placement. Other than this assurances section, however, the standards are limited to the standards necessary to become a licensed family foster home and do not include placement or post-placement requirements.

ELIGIBILITY STANDARDS

As an example of how the model standards are written, consider the “eligibility” requirements. In many states, applicants must speak English, have high school diplomas,

and have enough income and resources to cover the expenses of a foster child. Instead of creating barriers like these to applicants who otherwise might be appropriate and suitable, the model standards require:

- Functional literacy or the ability to read and write at the level necessary to participate effectively in society. That means, for example, being able to follow written directions from a health care provider or child welfare agency, read street signs and medicine labels. Moreover, “society” is where the applicant lives and works. So, for example, if the applicant is in Little Havana in Miami, Spanish would be the language necessary to participate effectively.
- The ability to communicate with the child in his or her own language.
- The ability to speak to service providers and the child welfare agency, but this may occur through the use of family and friends as translators.
- “Income or resources to make timely payments for shelter, food, utility costs, clothing and other household expenses prior to the addition of child in foster care.” This standard addresses the public interest of not promoting applications from those who are only seeking foster children as income supplements, while also not limiting applications from only those wealthy enough to take on a child without monthly financial assistance to help meet the needs of that child.

LIVING SPACE STANDARDS

The model standards contain similar common sense approaches to living space. Rather than requiring minimum, specific square footage, the model standards look at community standards and seek to ensure that the foster child has the same type of space as any other child in the home. A foster child cannot live in the dining room, when all the other children have their own bedrooms. But, if other children have similar spaces, a foster child could have a sleeping space that doubles as a sitting area during the day. Homes will be assessed based on a comprehensive homestudy that looks at

safety, but that does not judge the home based on 21st century building codes. The standards allow for the licensing of appropriate rural, urban and suburban homes, provided they meet community standards and are safe. For example, if the home was built in the 19th century and is maintained in accord with community standards, the house will not be automatically excluded from consideration if it has lead paint or small bedrooms. The licensors will use the model standards, along with guidance in an accompanying Interpretive Guide, to determine suitability.

CRIMINAL BACKGROUND STANDARDS

Another area that often acts as a barrier for licensing appropriate foster parents is criminal background checks. Violent felonies act as automatic barriers to licensing, as they should, under the federal Adam Walsh law. However, other crimes, such as catching too many fish on a fishing license or writing bad checks, have prevented otherwise suitable relative and non-relative applicants from becoming foster parents in many states around the country. Consequently, the model standards strictly follow the Adam Walsh law, but for other crimes, the model uses language from Illinois that provides eight specific criteria — including type of crime and the relationship of the crime and the capacity to care for children — to use in assessing whether a crime should act as a barrier to licensure.

NEXT STEPS

The model standards are clear, practical standards that are not case specific, the result of litigation or socioeconomic bias. They are the first step to facilitating the licensing of additional relative and non-relative homes, so that children live in safe homes with child welfare and court oversight, receive monthly support to help meet their needs, and can access services, such as child care. By living in licensed homes, children who live in the many states and tribes that participate in the federal Guardianship Assistance Program may also have access to the permanency option of subsidized guardianship.

The partners who created this model are working toward all states adopting it. Not all states will be able to implement the model in its entirety without any modifications, but the partners challenge states to use the model and an accompanying Crosswalk Tool to assess and align their standards with the model.

After adopting the standards, states should work with related and non-related caregivers and help them become licensed by providing support throughout the process. With improved standards and assistance throughout the process, more relatives and non-relatives will be able to provide families to the many children around the country needing safe and appropriate homes.

The authors of this article are available to provide free technical assistance to states seeking to consider the model standards. Please email Ana Beltran at abeltran@gu.org if your state is interested. ☼

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