

Licensing
Regulations for
Child-Placing
Agencies
in Vermont



DEPARTMENT FOR CHILDREN & FAMILIES
FAMILY SERVICES DIVISION

Note to Readers

These regulations were adopted in November of 1992 and reflect state law in effect at that time.

For More Information

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dcf.vermont.gov/fsd

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GENERAL INFORMATION

Definition of a Child-Placing Agency

A child-placing agency is an organization established for the purpose of providing or arranging placement for children in foster homes, residential childcare facilities or adoptive homes.

All child-placing agencies must meet the requirements of the “Administration and Organization” and “Staff” sections of this guide. In addition:

- a. To receive children for their placement in private homes for adoption and/or to investigate and approve adoptive homes, Agencies must also meet the requirements of the “Adoption” section.
- b. To receive children for their placement in foster homes or residential child care facilities and/or to investigate and approve foster homes or residential childcare facilities, Agencies must also meet the requirements of the “Foster Care” section.

Statutory Authority

Pursuant to the provisions of 33 VSA, the Vermont Department for Children and Families is the agency of government authorized and responsible for the regulation of child-placing agencies and the promulgation of standards governing these agencies.

Scope and Applicability of Regulations

These licensing regulations provide for the protection and well-being of children receiving services from child-placing agencies. Vermont laws regulating licensing of child-placing agencies are set forth in Title 33 of the Vermont Statutes Annotated as follows:

Section 2851. Foster care and placement licensing

- a. A person, other than an employee of a department within the agency of human services, shall not place any child in foster care for more than fifteen consecutive days unless the person has a license from the department to do so or is an employee of a child-placing agency licensed by such department.

- b. A person shall not receive, board or keep any child in foster care for more than fifteen consecutive days unless he has a license from the department to do so. This subsection shall not apply to foster homes approved by a department within the agency of human services or by a licensed child-placing agency nor shall it apply to those facilities where educational or vocational training is the primary service and foster care is a supportive service only.
- c. This section shall not restrict the right of a court, parent, guardian, or relative to place a child, nor the right of a person not in the business of providing foster care or child care to receive, board and keep a child when a valuable consideration is not demanded or received for the child's care and maintenance.

And as set forth in Title 15A §2-102 of Vermont Statutes Annotated as follows:

432. Agencies Authorized to Receive Custody of Minor For Adoption

- a. The Department for Children and Families or any charitable or religious corporation organized under the laws of this state and having no capital stock, when properly licensed by the Department for Children and Families as a child-placing agency, shall have the power to receive, for the purpose of obtaining for him a legal adoption, any minor who shall be relinquished to it by his parent, surviving parent, or guardian. Such corporation shall have the sole and exclusive care, guardianship and direction of the person of such a minor, but not of his property. The act of relinquishment on the part of those entitled to execute the same shall be in writing and all such relinquishments and orders of commitment by court or certified copies of such orders shall be preserved in the records of the corporation. After such relinquishment, surrender or commitment of the minor, the corporation shall have the power to file a petition for adoption and to sign, seal, and acknowledge the final adoption decree required by law on behalf of such minor. In all cases of relinquishment of a minor to a private individual, such relinquishment must be made before a judge of probate in Vermont.

Provisional License

A provisional license may be issued when certain requirements have not been met, provided that the noncompliance does not constitute a hazard or a major programmatic weakness.

Renewal

Application for renewal of a license as a child-placing agency shall be made in accordance with the policies and procedures of the Department.

Appeals

In accordance with Title 33, Vermont Statutes Annotated, a person who has been refused a license, or whose license has been suspended, or whose license the Department has proposed to revoke will be granted a fair hearing before the Human Services Board upon request. Rules governing the conduct of fair hearings are available from the Human Services Board. All requests for fair hearings shall be addressed to the Human Services Board, 120 State Street, Montpelier, Vermont 05620-4301, (802) 828-2536.

Penalty

Operation of a child-placing agency without a license may result in the imposition of penalties and denial of the license application.

Consultation

The Department, on the written request of an applicant, licensee, or any interested person, will give consultation about the interpretation of any of these regulations.

Authority To Approve Foster Homes

The state licensing authority will grant the authority to approve foster homes to a child-placing agency, which has previously been licensed to perform and has performed this function in Vermont or in another state at a level, which meets Vermont regulations. Such agencies will be required to submit home studies to the state licensing authority for review during at least the first year of operation; at the time of each annual relicensure, the state licensing authority will determine whether it will continue to require such submissions.

The state licensing authority will not grant the authority to approve foster homes to a child-placing agency, which does not meet these criteria. Such agencies may be authorized to conduct foster home studies and to submit them to the state licensing authority for review and issuance of a license.

If a child-placing agency's approval process and home review fail to meet licensing requirements, the child-placing agency's prospective foster homes may be required to undergo a home study and licensing process completed by the state licensing authority.

At the time of license renewal, the Agency's ability to complete home studies in accordance with Vermont licensing regulations will be reviewed.

ADMINISTRATION AND ORGANIZATION

100 Administrative Practices And Procedures

100.01 An Agency involved in foster care placement shall not be operated without the formal prior approval of the state licensing authority.

100.02 An applicant shall apply for a license on a form provided by the state licensing authority.

100.03 An applicant shall submit with the first application for licensure the following:

100.03.1 A copy of the agency's by-laws

100.03.2 A proposed budget for the first year of operation including proposed expenditures and funding sources

100.03.3 A statement of purpose

100.03.4 A proposed organization chart

100.03.5 A list of members and the positions of the governing body they hold

100.03.6 A description of staff job responsibilities

100.04 An Agency shall allow the state licensing authority to inspect all aspects of a program's functioning which impact on children and to interview any staff member of the Agency or any child in care of the Agency.

100.04.1 An Agency shall make available to the state licensing authority any information required for the assessment of compliance with these regulations.

100.05 An Agency shall notify the state licensing authority at least 90 days before any of the following:

100.05.1 A planned change of ownership and/or sponsorship

100.05.2 A planned change of location

100.05.3 A planned change in the name of the agency

100.05.4 A planned change in the chief administrator

100.05.5 A substantial planned change in service provided or population served

100.05.6 The agency shall give notice as soon as possible if any of the above changes occurs without prior planning

101 Variances

101.01 An Agency shall comply with all applicable requirements unless a variance for specific requirements has been granted through a prior written agreement with the state licensing authority.

101.02 A variance for specific requirement(s) shall be granted only when the Agency has documented that the intent of these requirement(s) will be satisfactorily achieved in a manner other than that prescribed by the requirement(s).

101.03 When an Agency fails to comply with the agreement, in any particular, the agreement shall be subject to immediate cancellation.

102 Purpose And Incorporation

102.01 Every Agency shall be incorporated. If incorporated outside the State of Vermont, it shall secure authorization from the Secretary of State to do business in Vermont.

102.02 The purpose or purposes of the Agency shall be set forth in the Articles of Incorporation and by-laws under which the Agency operates.

103 The Governing Body

- 103.01** An agency shall have a governing body that has the ultimate authority for the program and is responsible for assuring the agency's continual compliance and conformity with the provisions of the state law and licensing regulations.
- 103.02** The governing body shall consist of not less than five members.
- 103.03** The governing body shall provide for local input into the policies and operation of the agency's activities in Vermont.
- 103.04** The governing body of an agency shall adopt and periodically review and revise written by-laws and policies. These shall define the program goals and shall describe and define the major lines of authority and areas of responsibility within the agency. These by-laws and policies shall:
- 103.04.1 Define the qualification for governing body membership
 - 103.04.2 Define the types of membership
 - 103.04.3 Have provisions which preclude the fact and the appearance of conflict of interest
 - 103.04.4 Outline the method of selecting members
 - 103.04.5 Specify the terms of appointment or election of members, officers, and chairpersons of governing body committees and the frequency of governing body meetings and attendance requirements
 - 103.04.6 Prohibit members of the governing body from being paid members of the staff
 - 103.04.7 Provide for orientation of new staff members
- 103.05** The governing body of an agency shall have duties including:
- 103.05.1 Appointment of a qualified administrator, along with a delineation of the responsibilities and authority of this individual
 - 103.05.2 Establishment of program policy and review of major operational decisions made by the administrator

- 103.05.3 Review and approval of an annual budget to carry out the objectives of the Agency
- 103.05.4 Annual written evaluation of the administrator, based on the job description and standards of performance
- 103.06** The governing body in consultation with the administrator shall formulate and at least annually review written policies concerning:
 - 103.06.1 The Agency's goals and current services
 - 103.06.2 Personnel practices and job descriptions
 - 103.06.3 Fiscal management
 - 103.06.4 Ongoing evaluation of services
- 103.07** The governing body shall provide to the licensing authority documents, which fully identify the ownership of the Agency

104 Program Description

An Agency shall have a written program description which outlines all programs operated by the Agency, their interrelationships and how these contribute to the stated purposes of the Agency. The program description shall include the Agency's plan for the provision of services, as well as the assessment and evaluation procedures used. It shall make clear which services are provided directly by the Agency and which will be provided in cooperation with community resources. The program description shall be available to the public on request.

105 Fiscal Management

- 105.01** An Agency shall demonstrate fiscal accountability through regular recording of its finances, an annual financial statement and an annual review of its finances by an independent, external auditor. This statement shall be made available to any agency which provides funds to the child-placing Agency.
- 105.02** An Agency shall have written disclosure of any financial transaction concerning the provision of goods or services to the Agency when that transaction involves a member of the immediate family of a member of the governing body or a staff person. This disclosure shall indicate that the services or goods involved are provided at competitive costs or under terms favorable to the Agency.

106 Fund Raising, Publicity And Research

- 106.01** An Agency shall assure that any fund raising, community activity, publicity or research involving children is conducted in a manner which respects the dignity and rights of children and their families and complies with all relevant state and federal laws regarding confidentiality.
- 106.02** An Agency shall obtain the written consent of a child, when appropriate, and the child's custodian before the child is photographed or recorded for research or program publicity purposes.
- 106.03** Prior to engaging in any form of research involving the direct participation of children, an Agency shall have written policies regarding participation of children in research projects. These policies shall:
- 106.03.1 Provide for obtaining the consent of the child's parent(s) or custodian
 - 106.03.2 Assure the confidentiality of all information obtained
 - 106.03.3 Be consistent with accepted guidelines regarding the participation of human subjects in research

107 Records

- 107.01** An Agency shall have written procedures for the maintenance, security and protection of records, specifying who shall supervise the maintenance of records, who shall have custody of records, and to whom records may be released. Records shall be the property of the Agency. The Agency shall secure records, including electronic records, against loss, tampering and unauthorized use.

108 Case Records

- 108.01** An Agency shall have a written policy for protection of the confidentiality of all case records. This policy shall not conflict with relevant state and federal law.
- 108.01.1 Staff shall be made aware of the need for protection of confidential information, whether written or oral
 - 108.01.2 Access to confidential information among the staff shall be on a need-to-know basis.

- 108.02** An Agency shall, upon request, make available information in the case record to the child, his parent(s) or custodian and their respective legal counsel if the information being released does not contain material which violates the right of privacy of another individual and/or material that should be withheld from release according to other laws or by order of a court of competent jurisdiction. If, in the professional judgment of the administration of the Agency, certain information contained in the record would be damaging to a child, that information may be withheld except when release of the information is ordered by the court.
- 108.03** An Agency may use material from case records for teaching or research purposes, development of the governing body's understanding and knowledge of the facility's services or similar educational purpose, provided that names are deleted and other identifying information is disguised or deleted.
- 108.04** The content and format of all case records shall be uniform within the Agency.
- 108.05** An Agency shall maintain a separate written record for each child, which shall include administrative, treatment, and educational data from the time of admission until the time the child leaves the Agency. A child's case record shall include at least the following:
- 108.05.1 The name, sex, birthdate and birthplace of the child
 - 108.05.2 The name, address, telephone number and marital status of the parent(s) or guardian of the child
 - 108.05.3 Date of admission and source of referral
 - 108.05.4 When the child was not living with his/her parent(s) prior to admission, the name, address, telephone number and relationship to the child of the person with whom the child was living
 - 108.05.5 Date of discharge, reason for discharge and the name, telephone number and address of the person or agency to whom the child was discharged

- 108.05.6 All documents related to the referral of the child to the Agency
- 108.05.7 Current custody and legal guardianship status
- 108.05.8 Consent forms signed by the parent(s) or guardian or custodian prior to placement allowing the Agency to authorize all necessary medical care, routine tests, immunization and emergency medical or surgical treatment for the child when such treatment is procured by the Agency
- 108.05.9 When any of the above information is unavailable, the Agency shall document its attempts to procure this information. When information is in the possession of another person or agency but is unavailable to the child-placing Agency, the Agency shall place a note in the case record indicating the location of such information.

109 Child Abuse And Neglect

- 109.01 An Agency shall report any suspected or alleged incident of child abuse or neglect to the appropriate State authority and cooperate fully in the investigation of any incident.

110 Interstate And International Placement

- 110.01 An Agency, which places children in or receives children from a state other than Vermont or a foreign country, shall adhere to the laws and rules pertaining to such placements.
- 110.02 An Agency shall comply, as appropriate, with the terms of the Interstate Compact on Juveniles, Interstate Compact on the Placement of Children, and Interstate Compact on Adoption and Medical Assistance.

STAFF

200 Staff Qualifications

- 200.01 An Agency shall have an executive director who has the necessary and appropriate education and experience required for the management of the Agency's operation; and who has at least five years's experience in a public or private organization involved in providing services to children, at least two of which shall be with an agency involved with the placement of children.

200.02 An Agency shall have a social work supervisor who has at least a masters' degree in social work and two years' subsequent experience in the field being supervised (adoption or foster care); or a masters' degree in human services, psychology, guidance and counseling or sociology and four years' subsequent experience in the field being supervised.

200.03 Social workers shall have at least a bachelors' degree.

201 Staff Evaluation And Development

201.01 An Agency shall have and implement a written plan for orientation, ongoing staff development, supervision and evaluation of all staff members.

201.02 An Agency shall have an introductory orientation program for all staff. This program shall include orientation to the Agency's policies and procedures, to overall program goals and to the responsibilities of the staff member's job.

201.03 An Agency shall assure that at least one evaluation/ planning conference per year for each staff member is held, documented and signed by the staff person and his/her immediate supervisor. There must be an opportunity for the employee to express agreement or disagreement with the evaluation in writing. The staff person shall be given a copy of the evaluation.

202 Personnel Policies And Practices

202.01 There shall be a sufficient number of qualified staff with sufficient authority to adequately perform the following functions:

202.01.1 Administrative

202.01.2 Fiscal

202.01.3 Clerical

202.01.4 Supervisory

202.01.5 Record keeping and reporting

202.01.6 Other service functions which form a part of the program

- 202.02** All staff members shall be properly certified and/or licensed as legally required.
- 202.03** An Agency shall have a written description of its personnel policies and procedures. This description shall be provided to all staff members and available to all persons seeking employment.
- 202.04** An Agency shall have complete written job descriptions covering all positions within the Agency and a list of all current staff assignments and lines of authority. All staff shall have access to these.
- 202.05** An Agency shall not hire or continue to employ any person whose health, educational achievement or behavior and actions including history of criminal activity impair his/her ability to protect the health and safety of the children served, or is such that it might endanger the physical or emotional well-being of the children served.
- 202.06** An Agency shall not continue to employ any person whose performance indicates the lack of skill or ability to perform the job.
- 202.07** An Agency shall require written references or written telephone notes on such references before hiring staff who will work directly with children.

203 Personnel File

- 203.01** An Agency shall have a personnel file for each employee which shall contain:
- 203.01.1 The application for employment and/or resume
 - 203.01.2 Reference letters or telephone notes on such references
 - 203.01.3 Applicable professional credentials/certifications
 - 203.01.4 All performance evaluations
 - 203.01.5 Personnel actions, other appropriate materials, reports and notes relating to the individual's employment with the Agency
 - 203.01.6 Employee's starting and termination dates

204 Staff Communications

204.01 An Agency shall establish procedures to assure adequate communication and support among staff to provide continuity of services to children.

205 External Professional Services

205.01 An Agency shall make every effort to obtain any professional services required for the implementation of the individual service plan of a child that are not available from employees of the Agency.

206 Volunteer Services

206.01 An Agency, which uses volunteers or student interns on a regular basis, or uses volunteers or student interns to work directly with a particular child or group of children for an extended period of time, shall have a written plan for using such resources. This plan shall be given to all volunteers or student interns. The plan shall indicate that all such persons shall:

- 206.01.1 Conform to written qualifications for volunteers and student interns
- 206.01.2 Be directly supervised by a paid staff member
- 206.01.3 Be oriented and trained in the philosophy of the Agency and the needs of children in care, and methods of meeting those needs
- 206.01.4 Be subject to character and reference checks similar to those performed for employment applicants
- 206.01.5 Be used to enrich the program, but not be given the responsibility to provide essential service
- 206.01.6 Be made aware of the need for protection of confidential information, whether written or oral

ADOPTION

300 Staff Development

300.01 An Agency shall assure that all social work staff have the qualifications needed to provide adoption services.

These qualifications shall include knowledge of;

- 300.01.1 Needs of single parents and services offered by the Agency to meet these needs
- 300.01.2 Motivations of adoptive applicants
- 300.01.3 Methods of assessing adoptive applicants
- 300.01.4 Legal aspects of adoption, including rights of relinquishing parents and of adopting parents
- 300.01.5 Cultural issues
- 300.01.6 Needs of adoptive children following adoption

300.02 An Agency shall have an ongoing program of staff development and training in the areas specified in Regulation 300.01, and shall document that all social work staff receive appropriate training in these areas.

301 Permanency Planning And Relinquishment

301.01 An Agency shall have written policies and procedures governing its activities in accepting surrenders of children for adoption. These policies and procedures shall include:

- 301.01.1 A description of services provided to the relinquishing parent(s) prior to and following relinquishment
- 301.01.2 Provisions for assuring that a relinquishing parent understands the meaning of surrender of parental rights and is afforded sufficient opportunity to make a rational decision
- 301.01.3 Provisions for avoiding conflict of interest between the needs of relinquishing parents, the needs of adopting parents, and the needs of the Agency
- 301.01.4 Provisions for assuring the participation of the child in the procedure, consistent

301.02 An Agency shall encourage the personal appearance of the relinquishing parent(s) at the probate court hearing at which termination of parental rights occurs.

301.03 An Agency shall provide counseling to parents wishing to relinquish their children. When such counseling is not possible or is contraindicated, the reasons shall be documented in the case record.

301.04 An Agency shall have a written description of any other services it is able to provide to relinquishing parents who desire them.

302 The Approval Process

302.01 An Agency shall have a written description of its process for approving adoptive parents, including areas to be explored in the approval process.

302.02 An Agency shall obtain a written application from all applicants for adoption.

302.03 An Agency shall prepare a written home study before approving an applicant for adoption. The home study shall include:

302.03.1 History of significant childhood relationships of family members

302.03.2 Significant experiences in the history of the family, including separation and loss through death, divorce, desertion, etc., and history of criminal activity

302.03.3 History of reaction to stress

302.03.4 Parenting experiences, styles, and philosophy of discipline

302.03.5 Family composition including daily routines

302.03.6 Reasons for family's applying for adoption

302.03.7 Current relationships within the family, i.e., marital and parent-child relationships and attitudes toward human sexuality

302.03.8 Education, employment, & patterns of social relationships

302.03.9 Hobbies, special interests, skills, and talents

302.03.10 Social, intellectual, and cultural information about the family

302.03.11 Current functioning in relation to daily living as well as in relation to stress or crisis

302.03.12 Physical and mental health of all family members, including use of controlled substances

302.03.13 Home and money management

302.03.14 Religious observance, affiliations, and activities

302.03.15 Attitudes toward biological parents, reunification and open adoption

302.03.16 Child preference and fertility issues

302.04 Before approving an applicant for adoption, an Agency shall conduct personal interviews with all members of the household, consistent with their ability to participate.

302.05 An Agency shall obtain written references or written telephone notes on such references before approving an adoptive applicant.

302.06 The decision to approve an adoptive applicant shall be that of the Agency's professional social work staff. At least two such staff shall be involved in the decision.

302.07 An Agency shall inform each applicant of the Agency's decision on the application.

303 Placement

303.01 An Agency shall have written policies and procedures governing the placement of children in adoptive homes.

303.02 An Agency shall not place a child with a family that can not reasonably be expected to meet the child's needs.

303.03 An Agency shall not place a child for adoption except with an applicant who has completed the Agency's adoption study process and is currently approved by the Agency.

303.04 An Agency shall respect the right of an applicant to refuse a placement without prejudice.

304 Case Management And Supervision

304.01 An Agency shall make available to applicants for adoption at the time of application a written description of services which are available to them from the Agency. The description shall include services available prior to placement, during the post-placement period, and following finalization. The description shall include all applicable fees for services.

304.02 An Agency shall provide supervision to the adoptive family and to the placed child during the period between placement and finalization of adoption. Supervisory contacts shall be of sufficient frequency and intensity to facilitate the success of the placement.

304.03 An Agency shall have a written description of its plan for dealing with failed or disrupted placements, including provision for counseling of the child and the family, respite care, foster care, or placement in another adoptive home.

304.03.1 When the failure or disruption takes place prior to finalization, the Agency shall provide such services as are necessary to remedy the situation.

304.03.2 The Agency shall inform adoptive applicants of its policies on the provision of such services after the adoption is finalized.

305 Records

305.01 An Agency shall maintain the following information on both biological parents of children placed for adoption.

305.01.1 Name, sex, birthdate, and birthplace

305.01.2 Physical description

305.01.3 Medical, educational and social history

305.01.4 Marital status, including related legal documents

305.01.5 Information about interests and personality traits, positive as well as negative

305.01.6 Affidavits in cases where the mother's husband is not the biological father of the child

305.01.7 Statements about the parents' religious preferences, including consent to have their child placed in a home of a religion different from their own

305.01.8 Updated information provided by biological parents to be given to their child at maturity

305.01.9 Any agreement of the biological parents to have their identities revealed to their child

305.01.10 A summary of the services provided to the parents

305.01.11 When any of the above information is not available, the Agency shall document its attempts to procure the information

305.02 An Agency shall maintain the following information on children placed for adoption:

305.02.1 Birth records

305.02.2 Decree of relinquishment or termination of parental rights

305.02.3 Date of acceptance into the Agency's care

305.02.4 Preplacement study of the child

305.02.5 Date of placement

305.02.6 Progress reports during the period between placement and finalization of adoption

305.02.7 Evidence of finalization of adoption

305.02.8 When any of the above information is not available, the Agency shall document its attempts to procure the information

306 Contributions

306.01 An Agency shall neither solicit nor accept voluntary contributions from prospective adoptive applicants before finalization of the adoption.

307 Surrogate Parenting

307.01 An Agency which is involved in the adoption of children borne by a surrogate parent shall have policies addressing the issues involved in surrogate parenting, including potential conflict of interest.

FOSTER CARE

400 Foster Care

400.01 An Agency shall assure that all foster homes and residential child care facilities approved by the Agency meet current Vermont licensing regulations.

401 Staff

401.01 An Agency shall assure that all social work staff have the qualifications needed to provide foster family services. These qualifications shall include:

- 401.01.1 Specialized knowledge and skills in child care placement
- 401.01.2 Knowledge and understanding of growth and developmental needs of children
- 401.01.3 Ability to communicate and work effectively in a professional relationship with children
- 401.01.4 Ability to work with families (both natural and foster family with personal, social and environmental problems)
- 401.01.5 Ability to work with the various persons involved in the placement constellation (child, parents, foster parents) and to differentiate one's own role in the specific relationship with each person
- 401.01.6 Knowledge of other professional services and community resources pertaining to child placement and child welfare
- 401.01.7 Ability to work with families on asking for help

401.02 An Agency shall have an ongoing program of staff development and training in the areas specified in Regulation 401.01 and shall document that all social work staff receive appropriate training in these areas.

401.03 An Agency shall make available the services of other professionals when needed to meet the range of needs and problems of children and their families, foster families and staff involved in foster family program.

402 Recruitment

402.01 All recruitment methods used by an Agency shall respect the confidentiality of the children and families served by the Agency.

403 Approval

403.01 An Agency shall have a written description of its approval process to determine the suitability of a family for foster care. The process shall include:

- 403.01.1 Screening of applications to determine initial eligibility in terms of Agency requirements
- 403.01.2 Provision of information to the prospective foster parents about the services, policies, procedures and expectations of the Agency so they can make an informed decision regarding their suitability for doing foster care
- 403.01.3 Personal interviews with all members of the household, consistent with their ability to participate
- 403.01.4 Assessment of compliance with all regulations relating to the physical facility
- 403.01.5 Obtaining written references or written telephone notes on such references before approving an adoptive applicant. If the family has previous experience with another Agency, that Agency shall be one of the references
- 403.01.6 Contact with other sources of information, when necessary, to satisfy questions about the family's suitability

403.02 An Agency shall prepare and maintain a written home study on all approved foster homes. The home study shall include:

- 403.02.1 History of significant childhood relationships of family members
- 403.02.2 Significant experiences in the history of the family, including separation and loss through death, desertion, divorce, etc., and history of criminal activity
- 403.02.3 History of reaction to stress
- 403.02.4 Parenting experiences, styles, and philosophy of discipline
- 403.02.5 Family composition, including daily routines
- 403.02.6 Reasons for family's applying for a foster child

- 403.02.7 Current relationships within the family, i.e., marital and parent-child relationships, and attitudes toward human sexuality
- 403.02.8 Education, employment, and patterns of social relationships
- 403.02.9 Hobbies, special interests, skills, and talents
- 403.02.10 Social, intellectual, and cultural information about the family
- 403.02.11 Current functioning in relation to daily living as well as in relation to stress or crisis
- 403.02.12 Physical and mental health of all family members, including use of controlled substances
- 403.02.13 Home and money management
- 403.02.14 Religious observances, affiliations and activities
- 403.02.15 Ability to work with biological families and with the Agency as part of a team
- 403.02.16 Attitudes toward the biological families of foster children

403.03 The decision to approve a foster home shall be that of the Agency's professional social work staff. At least two such persons shall be involved in the decision.

403.04 An Agency shall inform each applicant of its decision on the application.

404 Reapproval Process

404.01 An Agency shall conduct an annual reapproval evaluation of its foster families. This shall include:

- 404.01.1 A site visit to verify compliance with Vermont foster home licensing regulations and Agency requirements
- 404.01.2 Assessment by the foster parents and the Agency's social work staff of the family's performance during the year
- 404.01.3 Recommendations for the future use of the home, including the matching of the family with foster children

404.02 The written re-evaluation shall be discussed and reviewed with the foster family and social work staff, and both shall sign the report.

405 Placement

405.01 An Agency shall have a written placement philosophy that includes a description of the placement process. The placement process shall emphasize the suitability of the family and the child for each other. The placement process shall include:

- 405.01.1 Provision of information about the child and the child's family to the foster family prior to placement
- 405.01.2 Provision of information about the foster family to the foster child and the child's family prior to placement
- 405.01.3 Provision for a pre-placement visit by the child to the foster family
- 405.01.4 Involvement of the child's family in the placement process when possible

406 Supervision and Support of Foster Homes

406.01 No Agency shall place a child in an approved foster home without providing formal orientation to foster parents including but not limited to the following:

- 406.01.1 The goals and functions of the Agency
- 406.01.2 The specific needs of the populations served by the Agency
- 406.01.3 The dynamics of foster care
- 406.01.4 Legal issues (custody and guardianship, the court system)
- 406.01.5 The licensing or approval process

406.02 A minimum of eight hours of training must be offered to all foster families annually.

406.03 An Agency shall assign a member of the social work staff to visit each foster home in which there is a child placed in accordance with the family's need for supervision and support. Such visits shall occur at least monthly.

406.04 An Agency shall assure that a member of the social work staff shall visit each foster home within seven days after a placement is made.

406.05 An Agency shall assure that a member of the social work staff shall visit each foster home within seven days of the termination of any placement.

407 Case Management

407.01 Before accepting a child for services, an Agency shall conduct an intake evaluation to determine if a child qualifies for and requires services provided by the Agency.

407.02 An Agency shall develop an initial written placement plan with the involvement of the child, foster parents, the parent(s) or guardian and/or custodian. If involvement of any of these is not feasible or desirable, the reasons for the exclusion shall be recorded. The placement plan shall include at least the following:

- 407.02.1 A discussion of the child's, the parent's and the custodian's expectations at the time of placement regarding: family contact and visitation and how it shall occur; the nature and goals of care, including any specialized services to be provided; the religious orientation and practices of the child; and the anticipated discharge date and plan
- 407.02.2 A discussion of expectations at the time of placement of the respective roles and responsibilities of all agencies and persons involved with the child and his/her family
- 407.02.3 Provision for reports to and meetings with parent(s), guardian and/or custodian

407.03 Within 60 days of placement, an Agency shall conduct a review of the child's service needs and strengths in at the least the following areas:

- 407.03.1 Health care
- 407.03.2 Education
- 407.03.3 Personal and social development
- 407.03.4 Family relationships

- 407.03.5 Vocational training
- 407.03.6 Recreation
- 407.03.7 Life skills development

407.04 On the basis of this review, an Agency shall develop a written service plan, aimed at successful discharge. This plan shall include the following components:

- 407.04.1 Goals to be achieved or worked toward, based on identification of specific problems and strengths
- 407.04.2 Strategies for fostering positive family relationships for the child with his/her family or guardian
- 407.04.3 Services to be provided and activities to be pursued in order to achieve the stated goals
- 407.04.4 Identification of all persons responsible for implementation of the plan
- 407.04.5 Specific time-limited targets in relation to over all goals, and specific objectives and methods to be used for evaluating the child's progress
- 407.04.6 Preliminary plan for discharge and aftercare

407.05 The completed service plan shall be signed by the chief administrator of the Agency or his/her designee; and by the child, the child's parents or custodian and the foster parents, unless contraindicated.

407.06 An Agency shall provide an opportunity for at least the child, the child's parents or custodian and the foster parents to participate in the planning process, unless contraindicated. An Agency shall assure that the service plan and subsequent revisions are explained in language understandable to these persons.

407.07 An Agency shall review each service plan at least once every six months and shall evaluate the degree to which the goals have been achieved. The service plan shall be revised as appropriate to the needs of the child.

407.08 Prior to the planned discharge of a child, an Agency shall formulate an aftercare plan specifying the supports and resources to be provided to the child, unless there is another Agency, which provides this function.

- 407.08.1 Prior to discharge, the Agency shall advise the child and the child's custodian of his/her aftercare plan.
- 407.08.2 When a child is placed with another Agency, there shall be sharing of information concerning the child.

408 Legal Safeguards

- 408.01** An Agency shall not remove children from their own homes without the written consent of their parents, person standing in loco parentis or legal guardian, or an appropriate court order. If the legal status of a child is in doubt, the Agency shall petition the appropriate court for a determination of the status of the child.
- 408.02** An Agency shall establish legal safeguards through verification of guardianship. Appropriate agreements, such as consent for placement, medical consent and financial agreement between the Agency and foster family, natural parents and/or legal guardian, court, institution, or another Agency, shall be obtained and recorded.

DEFINITIONS

Agency: A child-placing agency.

Applicant: a person formally seeking authority to operate a child-placing agency; a person seeking to become a foster parent, adoptive parent or the operator of a residential child care facility.

Approval: the formal process used by an Agency to determine the acceptability of a foster home, adoptive home or residential child care facility; the document resulting from the process.

Case Record: a unified, comprehensive collection of information concerning a child in the care of an Agency.

Chief Administrator: the person designated responsible for the overall daily operation of the Agency.

Child: any person legally defined as a child under State law; a child receiving services from an Agency.

Child-Placing Agency: an organization established for the purpose of providing or arranging placement for children in foster homes, residential childcare facilities or adoptive homes.

Custodian: any person or agent legally defined as such under State law.

Family: a unit having as its nucleus one or more adults with a long-term commitment to caring for and rearing children; an extended network of related people.

Finalization: the final legal approval of an adoption by order of the Probate Court, usually following a six-month trial period, though the trial period may be waived by the Probate Court.

Governing Body: a person or persons with the ultimate responsibility for conducting the affairs of an Agency.

License: a written certification of an Agency's authorization to operate under State law together with the conditions of such authorization.

Open Adoption: an agreement, either private or through a court order, between biological and adoptive parents that the adopted child may remain in contact with the biological parents.

Parent: the natural or adoptive mother or father

Permanency Planning: casework practice aimed at providing children with a stable, permanent home, preferably with their own family or an adoptive family

Placement: the placement of a child in an adoptive home, foster home or residential childcare facility

Placement Agreement: a written document specifying the terms of a child's placement

Residential Child Care Facility: a place that provides a planned program aimed at behavioral change, administered by qualified staff, for children in a twenty-four hour residential setting.

Service Plan: a comprehensive, time-limited, goal-oriented, individualized plan for the care, treatment and education of a child in the care of an Agency. The service plan is based on a current comprehensive evaluation of the child's needs.

Staff: all persons providing services within an Agency, including all employees, volunteers, student interns and consulting professionals.

State Licensing Authority: the governmental agency with the ongoing responsibility for the formal authorization of the operation of child-placing agencies.

Surrogate Parenting: a contractual arrangement, usually involving a fee, whereby a woman conceives and bears a child for the purpose of adoption by a specific individual or couple. The adopting father may or may not be the biological father.

Treatment Strategy: a consistent plan of services designed to meet the special needs of a child, over and above the provision of basic care.

Variance: legal permission received from the state licensing authority to meet the intent of a regulation in a way other than that specified by the regulation.

NOTES

Family Services Division District Offices

Barre: (802) 479-4260

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Brattleboro: (802) 257-2888

Burlington: (802) 863-7370

Hartford: (802) 295-8840

Middlebury: (802) 388-4660

Morrisville: (802) 888-4576

Newport: (802) 334-6723

Rutland: (802) 786-5817

Springfield: (802) 289-0648

St. Albans: (802) 527-7741

St. Johnsbury: (802) 748-8374

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