

## Lummi Nation Child Welfare Foster Care Licensing Procedures

The Lummi Child Welfare (LCW) foster care licensing process will ensure licensing standards are applied uniformly to all applicants with a fair and impartial assessment of each applicant for initial licensing and every three years thereafter. Considerations of specific needs of a child and allowances of certain non-safety standards may be applied on a case by case basis to expedite the licensing of homes for specific relative placements.

LCW shall accept, review, and process applications for family foster care licensure and determine license approval and disapproval, and monitor licensed and certified homes. The LCW Licensing process is organized in four phases although, in an effort to expedite Licensure the order of each step may vary. During the first phase three steps will be completed: Application, Background checks and Orientation. The second phase consists of a Home Inspection, Personal Interviews with the potential foster parents and home residents, documentation of Physical and Mental Health, and completion of the Core Training. Phase three consists of the Final Licensing Process and finally phase four of the process is details the License Maintenance process.

A License will be approved when the provider meets all licensing requirements. The duration of the license shall not exceed three years.

A Foster Care Certification may be applied for when a full licensure is not desired to verify that minimum safety requirements have been met to ensure the safety and protection of related foster children.

### Phase One: Application Process

Application forms are provided by the department and contain the initial required information, and commitment of the applicant(s) to comply with licensure regulations. It is important that foster parents are willing and capable of working collaboratively with the LCW staff as well as the birth family.

Foster Care License Application Forms may be obtained through the LCW office.

An adult interested in becoming a foster care parent will first complete a Foster care license application and return it to the LCW with accompanying documentation. In the event all application materials are not submitted with the application form the foster home applicant has 90 days of initial application submission to provide the additional documentation including: Driver's License, Tribal Identification, Social Security card, and proof of auto insurance. Applicants are encouraged to maintain personal copies of all application documents.

Misrepresentation or omission of information on a foster home application is cause for denial.

After a complete foster care license application is received the process for determining eligibility for complete foster care licensure continues with criminal fingerprint background checks, a home inspection, a personal interview, and documentation that the applicant has the physical and mental health to meet the demands of a foster child, as well as, satisfactory completion of the orientation and training requirements.

Upon completion of the Application the applicant will be notified of the next scheduled Orientation session.

#### Consent for Background Checks:

Upon submitting a complete foster care license application and supporting documents all adults, 16 years old and over, residing in or frequenting the residence, identified on the application, must consent to Criminal and Child Protective Services/ Child Welfare History Background Check. Consent for Background Checks will be completed and includes:

- FAMLINK Records
- Department of Child Youth and Family Services (DCYFS)
- Fingerprint or Name based background check
- Tribal criminal history check(s)

Background checks for criminal and CPS history are required in all States and/or reservations of residence in the last five years. Fingerprint background checks will be conducted on all household members age 16 and over every three years and annual name based background checks (Indian Child Protection and Family Violence Prevention Act of 2016). Additionally, the Licensors will check the sexual offender registries for mention of any household member 16 years and older.

License will be denied for findings of:

- Convictions for felonies of child abuse or neglect, spousal abuse, or any crime involving children including child pornography.
- Convictions for felonies involving violent crimes including rape, sexual assault or homicide, but not including physical assault or battery;
- Felony convictions for physical assault, battery, or for drug related offenses committed in the last five years (SSA Sec. 471 [42 U.S.C. 671](a)(20)).
- There is an open Child Dependency case involving the applicant's child.
- There is any founded CPS investigation related to sexual abuse

If a conviction or founded finding is identified a Denial Letter is sent within 7 days to notify the applicant of the discovery. The applicant may apply for a waiver of convictions and offenses other than: a felony conviction for child abuse or neglect, spousal abuse, crimes against children, or crimes involving violence. A Waiver for felonies committed less than 10 years old,

or misdemeanors less than five years old will be considered by determining if a child's safety will be impacted by the following:

- The type of crime;
- The number of crimes or recurrence of crime;
- The circumstances surrounding the offenses;
- The age of the individual at the time of conviction(s);
- The length of time that has lapsed since the last conviction;
- The relationship of the crime and the capacity to care for and keep children safe;
- Evidence, history, and support for rehabilitation

Upon request, the LCW Licenser will assist the applicant with completing a request for Waiver.

A waiver may be granted for some crimes after passage of sufficient time and proof of rehabilitation efforts. The Licenser will present the case for waiver to the LCW Director who makes the final determination of approval or denial of the waiver request.

All background check information will be kept confidential, not be released without the permission of the person for whom the check is being conducted.

In the event a Foster Care License application process is delayed beyond 90 days an application may be reactivated with an update of information. In this case a new Consent for Background Checks may be required, depending on the length of time since last Background check (Required if older than 12 months).

### Orientation

To assure potential foster parents have sufficient information to support their decision to become foster parents all applicants will be required to attend the licensing orientation before entering phase two of the licensing process.

Orientation topics will include: an overview of LCW system, policies and procedures, working with the Courts, Roles and Responsibilities of the foster parents and the program, home and child safety, impacts of fostering on the child and the biological family, and will touch on issues of separation and loss, attachment, child development, behavior management and appropriate discipline, and cultural sensitivity.

### Phase Two: Home Assessment Process

Following completion of orientation, the application and background check process a written comprehensive home study will be conducted, in collaboration with the applicants, to determine the safety and suitability of the home to accommodate the needs of the family and foster children. The assessment includes at least one scheduled on-site visit to assess the safety of the home and ability to meet licensing standards.

The premise of the study is that any home can be a foster home and with this in mind the inspection and investigation of the residence will focus primarily on an examination of the homes safety and for compliance with fire safety and sanitation standards which include, but are not limited to: water and sewer management, garbage and refuse disposal, food storage and appliances used in food preparation. The home inspection will specifically cover the home for:

- Composition: Residents (including pets) and Frequent Visitors,
- Floor Plan: For adequate space by number of Bedrooms, Bathroom(s), Hallways, Kitchen, Dining Area, Living Room, Laundry facilities, and for compliance with the licensing standards
- Reasonable cleanliness
- Smoke detectors their installation and function
- Carbon Monoxide Detectors when the home has a fire place
- Approved fire extinguisher 5lbs. or larger is on hand
- First Aid Supply
- Storage of poisons and cleaning solutions, out of reach of children
- Storage of medications, including vitamins and herbal remedies, in their original containers and inaccessible to children
- Safety and appearance for potential structural hazards
- Firearms, ammunition and other weapons to assure they are kept in locked containers inaccessible to children
- Water on or around the residence to assure it is secure and does not impose a safety risk, i.e. pools have a fence and a locking gate, Hot tub and spa areas are locked when they are not in use, and safety can be ensured in around all water crafts including, but not limited to, canoes and boats

*It is important to be clear that Smoking is NOT allowed in the living space of ANY foster home or facility caring for children or in ANY motor vehicles used to transport children. Adults may smoke outdoors away from children*

All children must have a separate bed and children of the opposite sex can only share a room if they both are under six years of age, unless a relative waiver is obtained.

If as a result of the home inspection the licensor determines there are concerns to be addressed before recommendation for licensure a corrective action plan will be developed to address the concerns within an appropriate time frame. The Licensor may determine on a case by case basis to issue a non-safety waiver for relatives.

### Personal Interviews

Each foster family license applicant, as well as all the residents of the home, will participate in an assessment process to aid with determining the safety of the home environment. The

assessment includes at least one personal interview, to evaluate the physical and mental ability and determine the capacity of the applicant to provide a nurturing environment.

Individual interviews will be scheduled with all persons who reside at the home. At least one interview with the applicant will be scheduled at the applicant's home to assess the ability to provide a safe and nurturing family environment, the willingness to work with the birth family and the department, and to observe family interactions. Interview questions will be provided in advance to assist the applicant with preparing for the personal interview.

The Licensor will determine on a case by case basis the interview or observation of each child based on his or her age and developmental ability.

If following the personal interview and family observation the licensor determines there is a concern which need to be addressed a plan will be developed to address and resolve the specific concern within a reasonable time frame.

At any time the department may require additional information concerning the evaluation of the residence and property, or of a person in the home. Applicants must sign a Release of Information granting permission to all identified providers, associated with the licensing process, to share information with the Licensor throughout the licensure application and review process.

#### Physical and Mental Health Documentation

All applicants and household members must provide documentation of a complete physical exam from a licensed health care professional, which must be no older than 12 months prior to application. The Physical and Mental Health form will indicate that the applicants are free of dangerous communicable disease or illness, no evidence of a mental health condition, and that they are capable of meeting the demands of a foster child. In the event it is determined that further documentation and/or evaluation is required to determine the safety and suitability of the applicant(s) a referral may be made and a Release of Information will be signed to permit the results of the evaluation to be sent to the LCW Licensor.

Documentation must be provided to verify all children who reside in the household are up to date on all immunizations jointly recommended by the American Academy of Pediatrics, the Advisory Committee on Immunization Practices of the Center for Disease Control and Prevention, and the American Academy of Family Physicians.

When an immunization is contrary to the child's health it must be documented in writing by a licensed health care professional.

To be licensed to serve children under the age of two, Pertussis and influenza immunizations are required for all people living in your home.

When someone in the home is unable to obtain an influenza vaccination for medical reasons, a licensed health care provider's written statement is required noting that the influenza vaccination would result in severe medical consequences to the person and that there is no other form of the influenza vaccine that would not cause severe medical consequences.

### Core Training

To assure adequate preparation for placement and the ability to respond to health emergencies of a child, all applicants and household members over the age of 18 will be required to complete the core training prior to license approval. Core training consists of Mandatory Reporting and First Aid and age-appropriate CPR certification, as approved by the department; HIV/AIDS and blood borne pathogens training, including infection control standards. In the event the required household members have previously been certified copies of certification cards must be filed with the licenser.

Upon completion of Phase Two: the Core Training, Personal Interviews, documentation of physical and mental health, and the Home Inspection process the final Phase of licensing will commence.

### Phase Three: Licensing Approval Process

#### Assurances Process

When all the documents are complete and the Licensor can certify that required pre-license training requirements are met, the final step for licensure is for the applicant to sign an Agreement confirming that they, and all household members, understand, and will comply with, the expectations, roles and responsibilities of a foster family, as discussed with LCW. The Agreement will address the following:

- The use of corporal punishment,
- The use of alcohol, drugs or illegal substances,
- Smoking in the presence of children,
- The supervision of children around a swimming pool or any body of water, water safety instruction, water craft safety, and swimming pool safety,
- The supervision of children in and around motorized vehicles including ATV's and boats
- The supervision of children on and around trampolines
- Safe and legal transportation to and from appointments, school activities, and family visitation; and
- Any additional requirements to assure a foster child's safety.

Additionally, the licensed foster parents will be required to:

- Ensure their full participation in required training to assure the mental health or special needs of the child are met, including but not limited to: Meeting the specific child's Developmental Needs, and/or Family Therapy.
- Ensure that the child has the opportunity to learn the child's inherent heritage, culture, traditions, and history so that they build understanding of their significance as a member of the Lummi Nation, knows who they are, and how they are related.

The Assurance Agreement will be reviewed with the foster parent at initial licensing, when a child is placed in their care, and at least annually thereafter. It may be updated to address the child's permanency plan if it is determined by the court that reunification with the birth parents is not in the child's best interest.

### Approval Process

When all the documents are complete and the LCW Licenser can certify that required pre-license training requirements are met, has concluded the assessment of each foster family license applicant, and can ensure compliance with the licensing safety requirements including criminal background checks, the safety of the home and property, as well as the physical capabilities and mental health of all members of the household. A full foster license will be issued.

The LCW Licenser will facilitate with the State to ensure a LCW licensed family foster home is eligible for maintenance payments.

### Phase Four: Maintenance of Foster Care License

#### Development of a Training Plan

To assure foster parents are adequately prepared to meet the needs of specific child(ren) placed in their home, all applicants will be required to comply with a training plan following placement to maintain the foster care license.

Topics may include: child development, behavior management and appropriate discipline; cultural sensitivity, attachment, separation and loss issues; home and child safety, impacts of fostering on the child and the biological family. Car seat training

An individualized family training plan of a minimum of six hours annually will be developed with an emphasis on equipping foster parents to meet the needs of the child(ren) in foster care. Modifications to the training plan, which may include an additional time commitment, may be made at any time to continue to meet the needs of the specific foster child in the home or address non-compliance findings. Support services may be provided as necessary to enable the foster parent's participation in identified training.

## Records and Reporting Process

The licensed foster parent is responsible for maintaining a reasonable set of records, relative to the care of the children placed in their home. These records ensure both the ability to meet the child's needs and to inform LCW of the nature of care the child requires.

To meet the immediate needs of the child, the foster parent must maintain a file of personal identification, as provided by LCW, including, but not limited to, name, date of birth, medical information and medical insurance.

## Required Reporting

The foster parent will participate in monthly health and safety checks with the assigned caseworker and provide verbally or in writing to LCW any new medical reports, updates, or referrals.

A licensed foster family must immediately report to the LCW Licensor if:

- There is an address or telephone number change, the structure of the home changes or there are plans to make changes to the structure.
- There are any changes regarding people in the home or property, including any one moving in or out, an arrest or any juvenile offenses committed by any member of the household, and any changes in medical condition that may interfere with the care of children.
- Changes in the home which may require the department to complete a new assessment of the home or which may result in a change in licensing, or
- Any changes to the information provided on the original licensing application

In order for foster children to travel out of State request to travel must be made two weeks prior to the scheduled trip for written approval to be granted by the child's case manager or the Court.

The following Incidents require immediate reporting to LCW staff, no later than 30 minutes after the incident:

- Any serious injury or illness that requires medical treatment by a medical professional or hospitalization of a child in care;
- Suspicion or disclosure of physical or sexual abuse;
- Suicidal or homicidal thoughts, gestures, or attempts that do not require professional medical treatment;
- Any treatment by a medical professional for emergency medical or emergency psychiatric care;
- Drug or alcohol use by a foster child;
- Any inappropriate sexual behavior by or toward a foster child; or



- Any other circumstance where the health and safety of the foster child has been impacted.

## 8.2 Missing Child Reports

Any time there is reason to believe a child is missing, has run away, or the whereabouts are otherwise unknown the case manager and the local law enforcement must be contacted within one hour, to file a report.

A report must be made immediately, at the time of discovery if:

The child is believed to have been taken, removed or detained by another person; has left placement under circumstances that indicate the child may be at risk of physical or sexual assault or exploitation; The child has one or more physical or mental health conditions that if not treated daily will place the child at severe risk; The child has an intellectual and developmental disability that impairs the child's ability to care for him/herself; or the child is at risk due to circumstances unique to that child.

The following information must be reported to law enforcement and to the child's case worker when making a missing child report:

- When, where, and with whom the child was last seen
- What the child was wearing when last seen
- Identifiable information (physical description and distinguishing features such as, tattoos, piercings, and birthmarks)
- Any special conditions that affect the child's safety.

The case worker will follow up on a missing child report with the Lummi Police and with the local tribal and non-tribal jurisdiction from which the child ran with a digital photo of the child and a written report with the details of the report, obtained from the caregiver.

## Renewal Process

The duration of an approved foster care license is three years. Prior to the license expiration, a Renewal Application must be completed. Notice to remind foster parent(s) of license renewal will be sent by LCW at least 60 days prior to the license expiration date, although, it is the responsibility of the Licensee to be observant of the imminent expiration of the term.

All applications for renewal of license shall be completed at least 30 days prior to the expiration date of the previously issued license. A license can be closed if renewal documents are not received prior to the license expiration date. Prior to renewing a license, the LCW Licensor will reassess the safety of the home and the quality of care needed by children placed in the home, as well as the fulfillment of the training

requirements. First Aid and age-appropriate CPR certification, HIV/AIDS and blood borne pathogens training, including infection control standards must be maintained.

Each license shall be issued only for the premises and persons named in the application and no license shall be transferable. Any changes to the residence, structural or occupants, must be approved by the Licensor to maintain license.

Approved licenses shall be maintained and available on the licensed premises. The LCW Licensor will conduct routine monitoring of 100% of licensed homes annually, or more frequently when a concern is identified, to assure compliance with established health and safety standards and conduct exit interviews when a license is not renewed.

### Process of Denial or Suspension

An applicant may be denied licensure or certification if: the health and safety of a foster child cannot be assured; the minimum training requirements are not met; it has been determined the applicants do not have the financial resources; the applicants physical or mental health would interfere with a child's care, or; if the applicant provides false or misleading information.

License or certification will be denied in any case of felony conviction for child abuse or neglect, spousal abuse, crimes against children, or crimes involving violence. A waiver may be granted for some crimes after passage of sufficient time and proof of rehabilitation efforts.

An applicant shall not be issued a license, or may have the license revoked, not renewed or suspended, if the applicant, co-applicant, or any other person living in the foster care residence, is awaiting trial for a felony crime or crime of violence. A license may be revoked, resulting in the removal of foster child(ren), for a new CPS case, criminal charge, or if someone in the home does not pass a background check (section 5.1).

A license may be suspended for non-compliance of any requirement of the Licensing policy, the signed agreements, or following investigation of any founded CPS report. At any time it is found that a licensed family does not meet training or licensing requirements and it is determined the child's safety is not compromised, a corrective action plan will be developed to maintain licensure. A corrective action plan is a written agreement to correct findings within a specific time frame and may require additional training time to ensure the needs of the child(ren) are met (section 5.3). During license suspension the foster child may remain in the home while the corrective actions are taken. Continued non-compliance with a corrective action plan will result in removal of foster child(ren) and consequences up to and including revocation.

A license may be suspended or revoked for non-compliance with licensing requirements which compromise a foster child's health, safety, and well-being. Non-compliance of safety standards may result in the removal of foster child(ren) until corrective action is taken.

The department considers the licensing of LCW employees as a family foster home a conflict of interest. If an applicant works for LCW, or if LCW determines there is a conflict of interest, a foster care license shall not be issued by LCW.

[Process when Denied, Suspended or Revoked Licensure](#)

Applicant can file an appeal with the LCW Director